By Mr. MORIN (by request): Petition of Star Encaustic Tile Co. and 17,000 members of the L. C. B. A. of western Pennsylvania, favoring passage of the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also (by request), petition of Jones & Laughlin Steel Co., relative to dams Nos. 1 and 2 on the Ohio River; to the Committee on Rivers and Harbors.

Also (by request), petition of Ferdinand Terno, favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

Also (by request), petition of M. T. Scully, Jane Wallace Scully, and H. R. Scully, of Pittsburgh, Pa., protesting against woman suffrage; to the Committee on the Judiciary.

Also (by request), memorial of the Pennsylvania Limited Equal Suffrage League and J. D. Thomas, of Philadelphia, Pa., favoring passage of the Mondell resolution; to the Committee on the Judiciary.

By Mr. SELLS: Evidence to accompany bill granting a pension to Benjamin Hammonds; to the Committee on Pensions.

By Mr. J. M. C. SMITH: Petitions of Hugo Mayer and 83 citizens of Battle Creek; Carl H. Zurrman, Kalamazoo; James Vreitag and 4 citizens of Marshall, all in the State of Michigan, favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Papers to accompany House bill for the relief of the Snare & Triest Co.; to the Committee on Claims.

By Mr. VOLLMER: Petition signed by Joseph Fuhrmann and 350 others of Johnson County, Iowa, protesting against the circulation through the United States mails of such publications, antisectarian in their nature, as may be open to objections; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *January 8, 1915.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that our approach into Thy presence is by the way of our loftiest thought, of our deepest emotion, and of our highest duty. To think upon Thy name is to elevate life and show its kinship with God. The measure of Thy blessing is not according to our merit but according to Thy great grace. In the unity of our thought concerning Thee we find the unity of our purpose and of our national life. Look Thou upon us from Thy throne and guide all Thy servants. Whatever may be the language in which they put Thy name and Thy revelation, yet do Thou, the great God of our fathers, guide us all in unity of spirit for the best interests of our national life and the happiness of all the people. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of the legislative day of Wednesday, January 6, 1915, was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes: Jonathan B. Carlile *v.* The United States (S. Doc. No. 710); Martha C. Cosgriff, widow of Thomas Cosgriff, *v.* The United States (S. Doc. No. 709); James W. Bigelow *v.* The United States (S. Doc. No. 708); Albert H. Campbell, son of William T. Campbell, deceased, *v.* The United States (S. Doc. No. 707); Stoughton A. Boatright *v.* The United States (S. Doc. No. 706); Malden E. Benton, son and one of the heirs of William Benton, deceased, *v.* The United States (S. Doc. No. 705); Curtis L. Carter, son, Hallie Taylor, daughter, sole heirs of Charles M. Carter, deceased, *v.* The United States (S. Doc. No. 704); Lafayette Chandler *v.* The United States (S. Doc. No. 703); Sarah M. Wood, widow (remarried) of Benjamin W. Cleaver, deceased, *v.* The United States (S. Doc. No. 702); Jane E. Chapel, widow of John L. Chapel, *v.* The United States (S. Doc. No. 701); George A. Bender *v.* The United States (S. Doc. No. 700); James Barr *v.* The United States (S. Doc. No. 699); Ronello A. Barrows *v.* The United States (S. Doc. No. 698); Beckwith Bealmear *v.* The United States (S. Doc. No. 697); Rosalbro B. Brazelton *v.* The United States (S. Doc. No. 696); Jacob Coller *v.* The United States (S. Doc. No. 695); Cullen E. Cline *v.* The United States (S. Doc. No. 694); Carrie M. Cleveland, widow of Albert C. Cleveland, *v.* The United States (S. Doc. No. 693); Valentine K. Boyer *v.* The United States (S. Doc. No. 692); John Breeding *v.* The United States (S. Doc. No. 691); Harriet B. Baird, widow (remarried) of Isaac L. Bowman, deceased, *v.* The United States (S. Doc. No. 690); William S. Boyd *v.* The United States (S. Doc. No. 689); Maria A. McCrillis, widow (remarried) of Allen J. Canfield, deceased, *v.* The United States (S. Doc. No. 688); Granville G. Davisson, son and heir of Josiah M. Davisson, deceased, *v.* The United States (S. Doc. No. 687); Richard T. Browning *v.* The United States (S. Doc. No. 686); Charles B. Hendren, administrator of Nathaniel C. Brown, deceased, *v.* The United States (S. Doc. No. 685); Jeanette D. Buckner, widow of Lewis Buckner, deceased, *v.* The United States (S. Doc. No. 684); George L. Cathey *v.* The United States (S. Doc. No. 683); George R. Clements *v.* The United States (S. Doc. No. 682); Richard H. Burke *v.* The United States (S. Doc. No. 681); Charles T. Chandonia *v.* The United States (S. Doc. No. 680); and Victory Champlin *v.* The United States (S. Doc. No. 679).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Smoot
Brady	Gronna	Perkins	Sterling
Bristow	Hardwick	Poindexter	Stone
Bryan	Hollis	Pomerene	Swanson
Burton	Jones	Ransdell	Thomas
Chamberlain	Kenyon	Reed	Thornton
Clapp	La Follette	Robinson	Tillman
Culberson	Lane	Saulsbury	Townsend
Cummins	Lodge	Sheppard	Vardaman
Dillingham	Martine, N. J.	Sherman	Walsh
du Pont	Nelson	Smith, Ga.	White
Fletcher	O'Gorman	Smith, Md.	Williams
Gallinger	Overman	Smith, S. C.	Works

Mr. GRONNA. My colleague [Mr. MCCUMBER] is necessarily absent from the city. He is paired with the junior Senator from Tennessee [Mr. SHIELDS]. I will let this announcement stand for the day.

Mr. TOWNSEND. I announce the absence of the senior Senator from Michigan [Mr. SMITH]. He is paired on all votes with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND] from the city. He is paired with the senior Senator from Arkansas [Mr. CLARKE].

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is unavoidably absent from the Senate. I will let this announcement stand for the day.

Mr. GALLINGER. I desire to announce that the Senator from Maine [Mr. BURLEIGH] is detained from the Senate on account of illness in his family.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. MARTINE of New Jersey. The Senator from West Virginia [Mr. CHILTON] is necessarily absent from the Senate. He is paired with the Senator from New Mexico [Mr. FALL].

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate numbered 9 and 10 to the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States, disagrees to the residue of the amendments of the Senate to the bill, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, and Mr. GARDNER managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 18851) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate numbered 35, relative to the celebration of the one hundredth anniversary of the Battle of New Orleans.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 6039. An act for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific Exposition, and for other purposes;

S. 6106. An act validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States; and

S. 7107. An act to authorize the construction of a bridge across the Ohio River at Metropolis, Ill.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the Municipal Council of Macrohon, Hinundayan, Leyte, P. I., favoring the passage of the so-called Jones bill for the self-government of the Philippine Islands, which were referred to the Committee on the Philippines.

Mr. BRISTOW presented petitions of sundry citizens of Russell, Belvue, Paxico, Altoona, Gypsum, Hanover, and Independence, all in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry citizens of Baltic, New Haven, West Haven, and Hartford, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a memorial of 111 employees of factories of Hartford, Conn., remonstrating against the enactment of legislation to place an embargo on the legitimate commerce of the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the establishment of a rural-credit system, which was referred to the Committee on Banking and Currency.

Mr. BRANDEGEE presented a petition of the German-American Alliance, New Haven, Conn., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the establishment of a rural-credit system, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. JOHNSON, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6109. A bill for the relief of Emmett W. Entriken (Rept. No. 872); and

H. R. 4630. An act for the relief of Fred A. Emerson (Rept. No. 873).

Mr. WHITE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 11394. An act for the relief of Joseph A. Powers (Rept. No. 875); and

H. R. 14931. An act for the relief of Arthur Brose (Rept. No. 876).

Mr. LANE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 4008. An act for the relief of Sandy Crawford (Rept. No. 877); and

H. R. 10172. An act for the relief of L. V. Thomas (Rept. No. 878).

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 7108) to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey, and providing for additional surveys by the Coast and Geodetic Survey, reported it with amendments and submitted a report (No. 879) thereon.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish*, reported it without amendment and submitted a report (No. 880) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 15414) for the relief of David Mowen, reported it without amendment and submitted a report (No. 881) thereon.

NIAGARA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 6121) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara and State of New York, and I submit a report (No. 870) thereon. I call the attention of the Senator from New York [Mr. O'GORMAN] to this report.

Mr. O'GORMAN. I ask for the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The amendments of the committee will be stated.

The SECRETARY. In line 8, before the word "point," strike out the words "or from some" and insert the letter "a," and after the word "point" insert "suitable to public interests," so as to read:

That the Ontario-Niagara Connecting Bridge Co., a corporation created by the laws of the State of New York, being chapter 420 of the laws of 1914, is hereby authorized to construct, maintain, and operate a bridge and necessary approaches thereto across the Niagara River at a point suitable to public interests in the town of Lewiston, in the county of Niagara, State of New York.

The amendment was agreed to.

The SECRETARY. After the word "river," in line 12, strike out the remainder of the bill, with the exception of the last section, and insert:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906: *Provided*, That the offices of the Fine Arts Commission shall be obtained in connection with the consideration of the plans of said bridge, and that all power cables shall be permitted to cross the said bridge under equal rates for the privilege: *And provided further*, That the Ontario-Niagara Connecting Bridge Co., or its successors or assigns, shall, at its own expense, make such changes and install such accessories as may be necessary to cross any navigation canal which the United States may construct in that vicinity and which may interfere with the approaches of the bridge.

The amendment was agreed to.

The next amendment was to change the number of section 7 to section 2, and at the end of the bill to insert as a new section the following:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF ADDITIONAL MESSENGER.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate resolution 491, and I ask for its consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read as follows:

Resolved, That Senate resolution 278, Sixty-third Congress, second session, authorizing and directing the Sergeant at Arms of the Senate to appoint an additional messenger at the rate of $1,050 per annum, is hereby extended until otherwise ordered or until otherwise provided for by law.

The amendment was to add at the end of the resolution the following proviso:

Provided, That the extension shall not go beyond June 30, 1915.

The amendment was agreed to.

The resolution as amended was agreed to.

PANAMA-CALIFORNIA EXPOSITION.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (S. J. Res. 218) to provide for the detail of an officer of the Army for duty with the Panama-California Exposition, San Diego, Cal., and I call the attention of the Senator from California to the report.

Mr. WORKS. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to detail an officer of the Army, active or retired, for duty with the Panama-California Exposition, to be held at San Diego, Cal., during the year 1915.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPLICATION FOR PATENT.

Mr. GORE. From the Committee on Patents I report back favorably without amendment the bill (H. R. 15220) to amend sections 4888 and 4889 of the Revised Statutes relating to patents, and I submit a report (No. 874) thereon.

I wish to say that it is a short bill and is intended to facilitate the dispatch of business in the Patent Office. It has been passed unanimously by the House of Representatives. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let the bill be read for information.

The VICE PRESIDENT. The Secretary will read the bill by title.

The SECRETARY. A bill (H. R. 15220) to amend sections 4888 and 4889 of the Revised Statutes, relating to patents.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. I object to the present consideration of the bill.

The VICE PRESIDENT. There being objection to its present consideration, the bill will go to the calendar.

PETER M'KAY.

Mr. NORRIS. From the Committee on Claims I report back favorably with an amendment the bill (S. 2589) for the relief of Peter McKay, and I submit a report (No. 871) thereon. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the report.

Mr. POINDEXTER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Claims was, in line 6, after the words "sum of," to strike out "$5,000" and insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of $2,500 as full compensation for permanent injuries received by him on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at Fort Worden under the direction and control of the United States Government.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COPIES OF PATENTS.

Mr. JAMES. From the Committee on Patents I report back favorably, without amendment, the joint resolution (H. J. Res. 257) authorizing the Commissioner of Patents to exchange printed copies of United States patents with the Dominion of Canada, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Commissioner of Patents of the United States be, and he is hereby, authorized to exchange with the Dominion of Canada, under such terms of contract as may by him be deemed practicable, printed copies of patents now in the United States Patent Office and hereafter issued by the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 7185) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes; to the Committee on Interstate Commerce.

By Mr. THOMAS:

A bill (S. 7186) granting a pension to Anna E. Newbury (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 7187) to authorize the Secretary of the Treasury to adjust the account of the St. Louis, Iron Mountain & Southern Railway Co., in accordance with the decision of the Court of Claims in case No. 24409; to the Committee on Claims.

By Mr. THOMPSON:

A bill (S. 7188) to increase the limit of cost of the United States post-office building at Garden City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of South Carolina:

A bill (S. 7189) for the relief of the heirs of George W. Croft (with accompanying paper); to the Committee on Claims.

By Mr. GORE:

A bill (S. 7190) to create an international trade and tariff board; to the Committee on Finance.

By Mr. WALSH:

A bill (S. 7191) granting an increase of pension to George Reed Davis (with accompanying papers);

A bill (S. 7192) granting an increase of pension to Margaret J. Howell; and

A bill (S. 7193) granting a pension to John Johnson, No. 2; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7194) to authorize the Secretary of War to furnish transportation to the Organized Militia of the State of Washington by United States transport to the Panama-Pacific International Exposition; to the Committee on Military Affairs.

A bill (S. 7195) granting an increase of pension to Ephraim D. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7196) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, St. Paul, Minneapolis & Omaha Railway Co. in accordance with the decision of the Court of Claims in case No. 29875 (with accompanying papers); to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 7197) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee & St. Paul Railway Co. for transporting the United States mails in accordance with certain decisions of the Court of Claims; and

A bill (S. 7198) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee & St. Paul Railway Co. in accordance with the decision of the Court of Claims in case No. 30159; to the Committee on Claims.

A bill (S. 7199) granting an increase of pension to Joseph Creed (with accompanying papers);

A bill (S. 7200) granting an increase of pension to Jacob Taylor; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 7201) granting a pension to Mary M. Beehrle (with accompanying papers);

A bill (S. 7202) granting an increase of pension to Nelson B. Tool (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7203) granting an increase of pension to John S. Junkins; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 7204) granting an increase of pension to Josiah Hasbrook (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7205) granting a pension to Mary Frazor (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7206) for the improvement of the Narrows of Lake Champlain, N. Y. and Vt.; to the Committee on Commerce.

By Mr. GORE:

A bill (S. 7207) granting a pension to Andrew J. Heatley (with accompanying papers); to the Committee on Pensions.

By Mr. SAULSBURY:

A joint resolution (S. J. Res. 222) concerning the connecting parkway between Rock Creek and Potomac Parks; to the Committee on Public Buildings and Grounds.

By Mr. OVERMAN:

A joint resolution (S. J. Res. 223) to provide for the expenses of the formal and official opening of the Panama Canal; to the Committee on Appropriations.

RURAL CREDITS.

Mr. FLETCHER. Mr. President, on the 20th of January, 1914, the United States Commission on Rural Credits presented a bill, through myself, on the subject of rural credits, being Senate bill 4246. The Federal reserve act was not operative at that time. Since then the joint committee of the Senate and House of Representatives have had hearings, and have perfected a bill on the subject. In order to meet the situation

as far as possible, and to present a measure which seems to provide the proper means of accomplishing the end desired, I introduce, on behalf of the United States Commission on Rural Credits, a new bill, being a modification of Senate bill 4246, and ask that it be referred to the Committee on Banking and Currency.

The bill (S. 7184) to provide for the establishment, operation, and supervision of a national farm-land bank system in the United States of America, for the creation of depositaries for postal savings and other public funds, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20189), which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BORAH (by request) submitted an amendment proposed to appropriate $5,000 for the payment of all expenses, including personal services of architects and others, and for prizes to be awarded in a competition for the best preliminary designs for a model 12-room sububan school to be erected on the site purchased north of Rhode Island Avenue for the Woodridge and Langdon neighborhood, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19422) which was ordered to lie on the table and be printed.

Mr. BRANDEGEE submitted an amendment providing that whenever the sender shall so request a receipt shall be taken on any registered mail matter showing to whom and when and the place where the same was delivered, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19906), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

BERNARD G. DINGLER AND OTHERS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 3701) for the relief of Bernard G. Dingler and others, lately laborers employed by the United States military authorities under the Quartermaster's Department at San Francisco, Cal., which was referred to the Committee on Claims and ordered to be printed.

DANIEL B. LUTEN.

Mr. BRISTOW. I send to the desk a resolution, which I ask may be read and, together with the accompanying exhibits, be printed and referred to the Committee on Patents.

The VICE PRESIDENT. The Senator from Kansas submits a resolution which will be read.

The resolution (S. Res. 513) was read, as follows:

Resolved, That the Committee on Patents or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report as to the issuing of patents to Daniel B. Luten from 1900 to the present time, and particularly to inquire, investigate, ascertain, and report as to the fraudulently obtaining of the patents and the illegality of their issuance.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid, and said committee or a subcommittee thereof is hereby authorized, for the purposes aforesaid, to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate at as early a date as is practicable, and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on Patents, and the accompanying exhibits will be referred to the Committee on Printing for action.

IMPORT DUTIES.

Mr. CUMMINS. I offer a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 514), as follows:

Resolved, That the President is requested to inform the Senate, if compatible with the public interest, with respect to the following matters to wit:

1. As to the amount of money collected by the United States at the port of Vera Cruz, Mexico, during the occupation of that city by our military forces as import duties or other taxes or imports laid under the laws of Mexico;

2. Whether the duties, imposts, or taxes so collected by the United States had been pledged in any form to secure or insure the payment of obligations issued by any government or alleged government of the Republic of Mexico or one of the States thereof;

3. As to the ownership of such obligations at the time the military forces of the United States occupied Vera Cruz, and such ownership at the present time;

4. As to any claims which have been made upon the United States for the payment or transfer of the moneys so collected, and the names of the persons making such demands;

5. As to the deposit of the money so collected in the Treasury of the United States, and the account to which it was deposited; and

6. Whether it is the intention of the Executive Department of the Government to pay out or otherwise dispose of the money so collected without action or authority on the part of Congress.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMITH of Georgia. Mr. President, I am not aware of any reason why the resolution should not be passed, but I prefer that it should go over for a day.

The VICE PRESIDENT. The resolution will go over under the rule.

THE MERCHANT MARINE.

Mr. FLETCHER. I ask to have printed in the RECORD two editorials, one from the Florida Times-Union and the other from the New York World, on the subject embraced in the pending shipping bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the Florida Times-Union, Jacksonville, Fla., January 6, 1915.]

FOR THE GENERAL WELFARE.

The people of the United States are confronted by a condition that is strong enough to upset theories. Theoretically speaking, the Times-Union is opposed to any interference by the Government in business. That business is obstructed to an extent that is hurting every State, county, town, precinct, or ward in the whole country is the condition that exists to-day, and nothing smaller than the United States Government can remove the obstruction.

The world wants American products and can't get them. Cotton is selling for 7 cents in the South and 20 cents in Germany. The phosphate, lumber, and naval-stores lines of business are dead, and as a result hundreds of thousands of people are suffering. The reason is not a lack of market, but a lack of means to get our products to it. We need ships, and private enterprise will not supply them. Under these circumstances a bill is before Congress for the purchase and temporary operation of ships by the Government, and we hope to see it speedily enacted.

The Times-Union has always favored a strict construction of the Constitution, and does not recede to the slightest extent now. In enumerating the powers of Congress the very first clause of the Constitution relating to the subject says: "To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and the general welfare of the United States."

The "general welfare" clause makes possible the claim by the Government of very broad powers, and we are not in favor of a broad construction of this clause or an unnecessary use of the powers conferred by it. But the clause is in the Constitution, and was put there intentionally, and he who would deny the Government the power to provide for the general welfare is not a strict constructionist. He is of his own will striking out of the Constitution what is in it—a thing he has no more right to do than to write into it what isn't there.

Congress has a right to provide for the general welfare of the United States. We do not construe this as meaning that it has a right to provide for the welfare of this or that State or section, or of this or that class, but when the time comes that the welfare of the whole people demands a piece of legislation Congress and Congress alone can pass it, for Congress and Congress alone can legislate for the whole people.

The world at war needs to eat and wear as much as the world at peace. We have foodstuffs and material for the manufacture of clothing for sale. We have both in abundance. And yet in a time of abundance the producers are impoverished. There was never a time—not during the worst panic this country ever saw—when as many men desiring work were unemployed as are now. There was never a time when universal bankruptcy was as threatening as now. Conditions could be vastly improved, even if they could not be made normal, by the passage of a bill that would provide transportation for American products to markets where they could be sold at good prices, and as Uncle Sam by meeting for a time a necessity that no one else will meet will benefit the people of every class and of every township in the United States he will be clearly providing for the public welfare.

[From the New York World, January 6, 1915.]

SUBSIDY'S DOG IN THE MANGER.

If Republican Senators opposed to the ship-purchase bill were altogether candid, they would admit at once that what they want is subsidies. They do not object to the expenditure of $30,000,000 for ships. Indeed, they would be glad to spend that amount every year if it was to go into the pockets of shipowners, who in that case would have the ships and the money also.

Frankness on the part of these Senators, furthermore, would compel them to support the measure if its single purpose were to add $30,000,000 worth of transports and colliers to the Navy, to be used only in time of war. In the event of hostilities such ships would be sorely needed, but from the viewpoint of a subsidy Senator there is a vast difference between Government ships in idleness and Government ships used in time of peace in some productive service.

We need these ships to-day for the promotion of our commerce, and we may need them to-morrow as naval auxiliaries for national defense. Both purposes are legitimate, but because such a policy would give the people something for their money and blast the hopes of those who never despair of getting their subsidy shovels at work in the Treasury, old-line Republicanism will fight it to the limit.

Five months of war have passed without a serious attempt by Americans to gain new markets in regions largely abandoned by the belligerents. If our manufacturers and merchants are waiting for subsidies, the delay is vain. There will be no subsidies. The ship-purchase bill contemplates commercial activity and naval preparedness. To fight it for the reason that it does not smother a favored interest with public money is as stupidly selfish as it is shockingly unpatriotic.

JOURNAL OF RECONSTRUCTION COMMITTEE (S. DOC. NO. 711).

Mr. LODGE. Mr. President, I wish to ask for a reprint of the Journal of the Joint Committee of Fifteen on Reconstruction. It was printed in 1884, 6,000 copies, but was not documented. It is now very rare. It is not to be found in the

Library of Congress or in the Senate or House library. There is only one copy known to be in existence, and that is in the public documents library. It consists of only 49 pages; it is a very small document.

I wish to say in addition that historically it is a very important document. It is the journal of the committee which framed the fourteenth amendment. Mr. Fessenden was chairman of the committee on the part of the Senate; Mr. Thaddeus Stevens on the part of the House. Reverdy Johnson was a member of the committee. Mr. Conkling was a member of the committee, and in the case of San Mateo County against The Southern Pacific Railroad Mr. Conkling introduced in his argument extracts from this journal, then unprinted, to show that the fourteenth amendment did not apply solely to negroes but applied to persons, real and artificial, of any kind. It was owing to this, undoubtedly, that the court extended it to corporations.

As I said, it consists of only 49 pages and it is a document that does not exist in our library or in the library of Congress or in the House library. I submit a statement in regard to it which I ask to have printed with my remarks.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The statement submitted by Mr. LODGE is as follows:

[CONGRESSIONAL RECORD, 48th Cong., 1st sess., vol. 15, pt. 1, p. 878, Feb. 5, 1884.]

"JOURNAL OF RECONSTRUCTION COMMITTEE.

"Mr. Morrill introduced a joint resolution (S. Res. 54) to authorize the printing of the journal of the joint committee of Congress of December, 1865.

"Mr. MORRILL. I will state, with the leave of the President and the Senate, that this is the journal of the Committee of Fifteen authorized in December, 1865, on reconstruction. It is a journal that never has been printed. All the results of the work of that committee were printed when presented to Congress, but this contains the various propositions that were from time to time offered and the votes of the committee. It will be found to be an interesting document on all sides of the Chamber. At the decease of Senator Fessenden, who was chairman of the committee on the part of the Senate, this book [exhibiting], containing a very well-kept, clear journal for a year, was transferred to Portland, Me., and not until recently has it been ascertained that it was in existence. It must be a document of too much importance to remain out of print.

"The PRESIDENT pro tempore. Does the Senator from Vermont ask that this joint resolution be now put on its passage?

"Mr. MORRILL. No; I merely ask that it be referred to the Committee on Printing.

"The joint resolution was read twice by its title and referred to the Committee on Printing."

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[CONGRESSIONAL RECORD, 48th Cong., 1st sess., vol. 15, pt. 2, p. 1338, Feb. 25, 1884.]

"JOURNAL OF RECONSTRUCTION COMMITTEE.

"Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. Res. 54) to authorize the printing of the journal of the joint committee of Congress of December, 1865, have instructed me to report the same back with a recommendation that it be indefinitely postponed, and to offer as a substitute a resolution of the Senate, as the amount of printing comes much within the limit of $500.

"The joint resolution was postponed indefinitely.

"The PRESIDENT pro tempore. The Senator from Rhode Island, from the Committee on Printing, reports an original Senate resolution, which will be read.

"The Chief Clerk read the resolution, as follows:

"'*Resolved*, That 6,000 copies of the journal of the Joint Committee of Fifteen, appointed in December, 1865, of which William Pitt Fessenden was chairman on the part of the Senate and Thaddeus Stevens on the part of the House, authorized "to inquire into the condition of the States which formed the so-called Confederate States of America and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time, by bill or otherwise," be printed; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.'

"The resolution was agreed to February 26, 1884, page 1378."

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[Check List of United States Public Documents, 1789-1909, vol. 1, p. 1631.]

"RECONSTRUCTION JOINT COMMITTEE.

"Journal (Dec. 4, 1865-Feb. 9, 1867, 39th Cong., 1st and 2d sess.). (1884.)

"(The joint committee was composed of very prominent men, and the details of its action, as shown by the journal of its proceedings, were thought by the Senate of the Forty-eighth Congress to be worth printing. An order was passed February 26, 1884, more than 17 years after the committee had dissolved, for printing 6,000 copies of its journal. As printed the journal makes a pamphlet of 49 pages, without cover, title-page, imprint date, or place of publication. It has a half title reading thus: 'Thirty-ninth Congress, first session, Joint Committee on Reconstruction Journal.' Another half title, like the first, except that second session is substituted for first session, is found at page 43. The only conclusion to be drawn from these half titles is that the document was printed during the Thirty-ninth Congress (1865-67) and not the slightest clue is given by the document itself to the fact that it was not printed till the Forty-eighth Congress, first session (1884). Why it was not also printed as a numbered document, as required by law (R. S., sec. 3792), is not now known. This journal, though the number of copies printed was comparatively large, has already become very rare. The only copy concerning which the Public Documents Library has any information is the one in its own file.)" (Statement of superintendent of documents.)

REGULATION OF IMMIGRATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate numbered 9 and 10 to the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States, and disagreeing to the residue of the amendments of the Senate and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of South Carolina. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of South Carolina, Mr. ROBINSON, and Mr. LODGE conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 18851. An act to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States was read twice by its title and referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. SMITH of Maryland. Mr. President, I ask that the consideration of the District of Columbia appropriation bill may be continued.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. SMITH of Maryland. I do.

SHIPMENTS OF COPPER ABROAD.

Mr. WALSH. I ask the indulgence of the Senator from Maryland for a moment. I have understood that before morning business was closed resolutions coming over from a preceding day would have the consideration of the Senate.

The VICE PRESIDENT. The Chair was not aware of the fact that there was such a resolution. There is nothing on the table.

Mr. WALSH. I ask consideration for a resolution submitted by me on December 29, requesting information from the President concerning seizures of copper.

The VICE PRESIDENT. That is not a resolution coming over from a preceding day. The RECORD discloses that on December 29 the resolution was ordered to lie on the table subject to call.

Mr. WALSH. Then I ask unanimous consent that the resolution may be taken up for consideration.

The VICE PRESIDENT. Does the Senator from Maryland yield for that purpose?

Mr. SMITH of Maryland. I yield.

Mr. SMITH of Georgia. Mr. President, what is the resolution? I did not hear it distinctly.

The VICE PRESIDENT. It is a resolution submitted by the Senator from Montana [Mr. WALSH] on December 29, 1914, requesting the President to transmit to the Senate copies of all communications from foreign Governments relative to the seizure or detention by any belligerent nation of shipments of copper from the United States to neutral countries of Europe, and so forth. The Senator from Montana asks unanimous consent for its consideration. Is there any objection? The Chair hears none.

The Senate, by unanimous consent, proceeded to consider the resolution (S. Res. 511), which is as follows:

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to cause to be transmitted to the Senate copies of all communications transmitted to or received from representatives of foreign Governments touching the seizure or detention by any belligerent nation of shipments of copper from the ports of the United States consigned to neutral countries of Europe;

Copies of any communications so transmitted or received touching the proclamation of certain of the belligerents declaring copper to be either conditional or absolute contraband;

Copies of any such communications touching the declaration made in proclamations of certain of the belligerents to the effect that articles scheduled by them as conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned to order, and the further declaration that such goods shall be subject to confiscation unless the owners prove an innocent destination; and

Copies of any communications touching the following recital of the so-called Declaration of London Order in Council, No. 2, 1914, to wit:

"2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette and shall operate until the same is withdrawn. So long as such direction is in force a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture."

Mr. WALSH. Mr. President, I do not desire to speak on the resolution, but to advert to a matter concerning which mention was made in the course of the discussion here yesterday.

Repeatedly reference has been made to clandestine efforts to introduce copper into the belligerent countries of Europe, and particularly into Germany. These statements have always been rather general in character, and without reference to any particular time or place at which such efforts were discovered; nor has any reference ever been given to the particular ship that was thus surreptitiously carrying copper. I asked the Senator from Utah, who made reference to the matter yesterday, if he had any more definite information upon the subject than I myself was able to obtain, and apparently he was equally ignorant, knowing nothing further about it than that general statements had been made that practices of the character indicated were said to prevail.

I have reached the conclusion, Mr. President, that these attempts are very largely apocryphal. Now, I entertain no doubt that dishonest people will endeavor clandestinely to introduce contraband goods into belligerent nations. It is to be expected that they will. Every effort that our Government can make to expose those attempts ought to be made. At the same time I am disposed to believe that an effort is being made, by charges of this character, to distract the public mind from the fact that seizures of copper in enormous quantities have been made where no effort at all was made secretly to transport it. Certain press notices to which attention is now invited tend strongly to confirm this view.

On January 3 there appeared in the New York Times a cable from Genoa to the London Daily News, recabled to the New York Times, as follows:

The Dutch steamer *Rotterdam*, just returned from New York, has been seized by the Genoa police.

It was discovered that under a cargo of grain an enormous quantity of copper had been hidden, besides boxes containing munitions, all destined for Germany.

Now, note; the editor proceeds:

The only steamship *Rotterdam* listed in the Maritime Register as sailing to Genoa from New York recently is the Holland-America liner of that name. She arrived in Genoa from this port on December 16 with a general cargo consisting largely of grain. She flies the neutral Dutch flag and usually runs to Rotterdam.

It will be borne in mind that this vessel reached the port of Genoa on the 16th day of December. This telegram, which said that she was seized by the Genoa police, bears date January 3. It brings out the following letter from one of the officers of the Holland-America Line:

W. Van Doorn, manager of the New York agency of the Holland-America Line, writes to the Times to deny that the alleged seizure by the Genoa police of the Dutch steamer *Rotterdam*, just returned from New York, for having copper and munitions of war concealed under her cargo, mentioned in a Genoa dispatch to the London Daily Chronicle, recabled to the Times yesterday, can apply to the Holland-America Line's steamer *Rotterdam*, now at Genoa.

"Our steamship," Mr. Van Doorn writes, "sailed from this side on December 3 to Naples and Genoa, arrived on the 14th at Naples, disembarked her passengers and proceeded to Genoa, where she arrived on the 16th, and where she discharged her cargo. The ship was loaded here, and no copper, no arms, no ammunition of war, nor any class of contraband has been taken forward on said bottom. The cargo consisted of grain, cotton, tobacco, and some other neutral general cargo addressed to named firms in Italy and Switzerland, and, therefore, the statement in your paper is absolutely incorrect."

I dare say, Mr. President, that most of the claims of this character have as little foundation as has the charge that the *Rotterdam* carried in her cargo copper concealed for the purpose of introducing it into Germany.

Mr. ROOT. Mr. President, this is the resolution submitted by the Senator from Montana [Mr. WALSH]?

The VICE PRESIDENT. It is.

Mr. ROOT. It has just been handed to me. I am in favor of the resolution, but I wish to ask the Senator from Montana whether there is not a little obscurity in one paragraph. I do not quite understand the paragraph contained in lines 4 to 7 on page 2:

Copies of any communications touching the following recital of the so-called Declaration of London Order in Council, No. 2, 1914.

Does not that include two different things?

Mr. WALSH. No, sir. The order to which it refers says that it—the order—may be referred to as "Declaration of London Order in Council No. 2." I dare say that a Roman numeral there would be a more appropriate way of putting it.

Mr. ROOT. It confused me, because what we ordinarily speak of as the declaration of London is the declaration which was signed by the conference of London in February, 1909.

Mr. WALSH. I think I can make the matter clear to the Senator from New York. An order in council was issued under date of October 29. It republished the lists of contraband. It declared, among other things, that the declaration of London would no longer be in force; and it recited that that order, made under date of October 29, might be referred to for convenience in the manner indicated in the resolution. The order itself says that it may be referred to, for convenience, as the declaration of London, order in council No. 2.

Mr. ROOT. I understand that now. I should think if quotation marks were put around those words they would be less apt to be misunderstood.

Mr. WALSH. It would be more appropriate.

The VICE PRESIDENT. The resolution will be so amended.

Mr. ROOT. I suggest putting quotation marks before the word "declaration" and after the word "two."

The VICE PRESIDENT. The resolution is so amended. The question is on agreeing to the resolution.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland. I renew my request that the Senate resume the consideration of the District of Columbia appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the first amendment of the Committee on Appropriations, beginning on page 1 of the bill. It is proposed to strike out all after the enacting clause down to and including line 5 on page 2.

Mr. SMITH of Georgia. Mr. President, before this amendment is submitted, I desire to suggest an amendment to the text which it is proposed to strike from the House bill. On page 2 of the bill, I move to strike from line 3 the last two words, and from line 4 the first two. At present the House provision reads:

But the amount to be paid from the Treasury of the United States shall in no event be as much as one-half of said expenses.

I propose to amend that by striking out the words "be as much as," and substituting the word "exceed," so as to read:

Shall in no event exceed one-half of said expenses.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. LODGE. May we have the amendment stated?

The SECRETARY. On page 2, in the portion proposed by the committee to be stricken out, lines 3 and 4, the Senator from Georgia proposes to strike out the words "be as much as" and to insert the word "exceed," so that, if amended, it will read:

But the amount to be paid from the Treasury of the United States shall in no event exceed one-half of said expenses.

Mr. KENYON. Mr. President, I should like to ask the Senator from Georgia a question. His amendment, it seems to me, is made to the House text which is stricken from the bill by the committee.

Mr. SMITH of Georgia. Yes. I expect to vote against the amendment of the Senate committee, but before doing so, I was perfecting the House text as I think it should be perfected.

I see no reason why we should put into the House text a provision that the appropriation from the Treasury shall not equal one-half. We have been appropriating upon the basis of half-and-half. I think it better to say that in no case shall it ex-

ceed one-half, and leave to Congress the discretion, whenever the occasion requires it, if Congress should think it does require it, to make an appropriation equal to half-and-half.

I shall not vote for the substitute of the Senate committee. I wish to vote for the provision in the House bill. I am in favor of doing away, as a hard and fast rule, with the half-and-half plan, but I think we should leave the discretion. I do not think we should insert the declaration that in no event will we allow the appropriation from the Treasury to reach one-half of the total.

Mr. JAMES. Mr. President, the reason why that provision was drawn as it now is in the House was that they had a rule there that such an amendment would not be in order unless upon its face it reduced expenses. That was the reason for wording it so that it shall not be as much as one-half.

Mr. SMITH of Georgia. We have no such embarrassment here, so it is easy for us to relieve the bill from what the friends of the measure in the House were forced to insert in it.

Mr. SMITH of Maryland. Mr. President, a parliamentary question. I wish to ask whether this amendment is in order. We are now considering the amendments of the committee.

The VICE PRESIDENT. The Chair rules that the amendment is in order, it being always in order to perfect the part to be stricken out before considering an amendment thereto.

The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment as proposed by the committee.

Mr. SMITH of Georgia obtained the floor.

Mr. KENYON. Mr. President, I will suggest that I yielded the floor last evening to the Senator from Missouri [Mr. STONE], and I had not completed my remarks, but I shall be very glad to have the Senator from Georgia proceed.

Mr. SMITH of Georgia. No; I prefer that the Senator from Iowa shall conclude his remarks.

Mr. JAMES. Mr. President, I desire to submit the amendment which I send to the desk, as a new section, and which I shall offer at the proper time. If the Senator from Iowa will yield to me, I desire to have it read for the information of the Senate.

Mr. KENYON. I yield.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The SECRETARY. It is proposed to add a new section, as follows:

That section 6 of the act of the Fifty-seventh Congress entitled "An act making appropriations to provide for the expenses of the general government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," be amended by striking out the word "tangible" wherever it occurs in section 6 of said act; and that the words "personal property" wherever occurring in said section shall be held to include, in addition to the specific property mentioned in said section, all moneys, credits, cash, notes, bonds, stocks, annuities, and all other kinds and forms of indebtedness."

Mr. KENYON. Mr. President, the Senator from Georgia, near the conclusion of the discussion on yesterday, asked me as to the value of the property owned by the Government in the District of Columbia and the area thereof. I am going to answer that question from the statements made in debate in the House. I have not verified those statements, but I assume they are substantially correct.

It was stated there that the report of the engineering department showed that there are 123½ acres in the old city of Washington used exclusively by the Federal Government in the transaction of its business. That report sets out what those buildings are and what those acres consist of.

There are 7,162 acres in the old city of Washington. The old city of Washington extends, as I understand it, from Florida Avenue to the Potomac. So the report of the engineering department shows that of the old city of Washington the Government occupies less than 2 per cent of the entire territory. Since that time there have been additions, I think some 45,000 acres, or thereabout, of extensions to the city of Washington, and a number of parks are included in that.

Now, as to the value. It is commonly stated that the Government owns so much property in the District of Columbia of such great value that it is a perfectly fair arrangement for it to contribute one-half. The figures as given in the House discussion—and that is as far as I can go in this matter—of the value of real estate in the District of Columbia show something over $1,300,000,000. The property held in private ownership, according to the report of the committee of the House which I cited yesterday, is $744,000,000. That does not include parks and things of that kind. So the parks are included, as I take it, in the $1,300,000,000. The Government does not own in value property equal to one-half of the value of the property in the District, and somewhat far from it. Now, Mr. President, when the question was raised yesterday——

Mr. SMITH of Georgia. Those figures would indicate that private citizens do not own much over one-half of the property of the District.

Mr. KENYON. Not much over half would be held in private ownership—$744,000,000 out of $1,300,000,000, over half, but in the one billion three hundred million the Senator must take into account that the parks are included.

Mr. SMITH of Georgia. Has the Senator any figures to show what part the parks constitute?

Mr. KENYON. I have not.

Mr. SMITH of Georgia. Then really the figures do not give us much help.

Mr. KENYON. Not very much, except to show that the private ownership amounts to over one-half of all the value of property in the District, including parks.

Mr. SMITH of Maryland. If the Senator will pardon me, I understand there is very little difference between the ownership of the Government and of individuals. Is that according to the Senator's statement?

Mr. KENYON. There is very little as we figure appropriations in Congress, but quite a good deal to the average citizen who is compelled to figure and pay the money.

Mr. SHAFROTH. I should like to ask the Senator whether his estimate of the amount in private and public ownership consists to any extent of the streets?

Mr. KENYON. As to the value of the streets?

Mr. SHAFROTH. Yes.

Mr. KENYON. Oh, no; it does not. The title to streets is not held in private ownership; it is held by the Government for the benefit of the public.

Mr. SHAFROTH. I do not mean anything held in private ownership. But are the streets reckoned as a part of the area that is recognized to be in the ownership of the Government?

Mr. KENYON. No; I think not. A statement was issued by the chamber of commerce here showing the amount of acreage owned by the Government and by the city, and that statement showed 6,110.94 acres taken for the city and 3,606 acres donated to the United States for avenues, streets, and alleys, and donated to the United States 10,136 building lots, 942 acres.

The chairman of the Committee on the District of Columbia, the Senator from Maryland [Mr. SMITH], yesterday raised the question of the funded debt. He said that this extra amount of money, which is not needed to conduct the business of the District, would go into the Treasury of the United States and in some way in the future by some action of Congress it would be used to pay the interest on the funded debt and to pay the debt.

Mr. NORRIS. Will the Senator yield for a question there?

Mr. KENYON. Yes.

Mr. NORRIS. Speaking of the debt of the District——

Mr. KENYON. I should like to finish just what I have to say on that point, and then I will yield.

Mr. SMITH of Maryland. If the Senator will pardon me, I should like to modify the statement he attributes to me. It could go, I said, to the funded debt. I did not say that it would go, because that is a matter for Congress to determine in the future.

Mr. KENYON. No; that was the excuse as to how this surplus amount of money that was not needed should be applied.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Yes.

Mr. POINDEXTER. I should like to ask the Senator in charge of the bill if he can state what is the amount of the funded debt of the District?

Mr. KENYON. Will the Senator just wait until I complete this point? I am going to cover that in a minute.

Mr. POINDEXTER. Very well.

Mr. KENYON. What is this funded debt? It is less than $7,000,000.

Mr. SMITH of Maryland. It is $7,015,430. It is over $7,000,000.

Mr. KENYON. The report of the auditor of the District of Columbia shows that it is a little less than $7,000,000, but it is not particularly material. It is around $7,000,000. I agree to that.

That seemed to be an explanation that was reasonable to some Senators upon this floor; but this bill itself carries an appropriation of $975,408 for this very purpose, and the Senator from Maryland did not enlighten us upon that proposition. This funded debt is a part of the $33,000,000 that the Government assumed at the time of the organization of the government of

the District of Columbia in 1874, or thereabouts, that it was under hardly any moral obligation to assume; but it has gone ahead and paid its part of it year by year, until it is reduced now to $7,000,000, and that debt is not due until 1930.

It seems to me that it is a pretty lame excuse for taking $2,000,000 more from the people than is needed to conduct the affairs of the District government—that it is done in order to put it into a sinking fund of this kind. Every District of Columbia appropriation bill, since 1906, at least, which I have before me carried this appropriation of $975,408 as a fixed appropriation. It is the only excuse that has been given for the proposition of collecting more money from the people of this country to run this District than the District needs or asks.

As I said yesterday, anyone who says a word about this taxation question is at once an enemy of this District. Mr. President, the time will come, if this unjust and iniquitous method of taxation goes on in this District, when the men who are making the fight now in the House of Representatives, Mr. JOHNSON of Kentucky, Mr. SISSON of Mississippi, Mr. PAGE of North Carolina, and Mr. PROUTY of my State, will be regarded as the real friends of this District, because there is not any use of our talking about it or trying to get behind any breastworks on the proposition. The people of the United States are willing to do everything that is fair and right for this District, but they are not going to stand for injustice. No man can prosper and no community can prosper and the District of Columbia can not prosper on a system of injustice. That is all we are asking, all they are asking, all that this great majority of the House desired in their vote. Why it is now that you can not get any consideration from more than a few of the Members of the majority of the Senate on this proposition is something I can not understand.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. GALLINGER. I rise to a question of order, Mr. President. The Senator from Iowa informed us yesterday that the House would never agree to the action of the Senate. The Senator now is quoting from debates in the House on this very question and commending those debates to the Senate. I think that is clearly in contravention of the rule.

Mr. KENYON. I do not want to violate the rule. I did not say that the House conferees would not agree to the elimination of this amendment, because I do not know what they will do or anything about it, but I hope that they will not agree.

Mr. BORAH. Mr. President, I do not understand that the mere quoting from the RECORD of the House debates is in violation of the rule. I had supposed that the rule related to something in the nature of a criticism or answer to an argument in debate, or something of that kind.

Mr. KENYON. I should like first to know——

The VICE PRESIDENT. What is the rule to which the Senator from New Hampshire refers?

Mr. GALLINGER. It may be found in Jefferson's Manual. I can not turn to it at this moment.

Mr. KENYON. I should like first to get the facts.

The VICE PRESIDENT. There is no rule adopted by the Senate of the United States upon the question, but there is a statement in Jefferson's Manual to the effect that there shall be no adverse criticism in either branch of Congress of the conduct of the other branch.

Mr. KENYON. I am praising the action of the House and asking the Senate to emulate it.

Mr. GALLINGER. I wish the Senator——

Mr. KENYON. I should like to ask the Senator from New Hampshire first, in a spirit of perfect candor, as to what quotation I made that he thinks is a violation of the rule? I do not want to transgress the rule.

Mr. GALLINGER. I am not going to press it.

Mr. KENYON. I will be very glad to have the Senator state the rule.

Mr. GALLINGER. I understood the Senator to say distinctly yesterday that the House would never agree to the action of the Senate if it adopted the amendment proposed by the committee. That is a mere matter of taste, of course, on the part of the Senator. I think it was unfortunate for him to say it. I think I quote him accurately. The Senator is now telling us what Mr. JOHNSON of Kentucky, Mr. PROUTY of Iowa, and other Members of the other House have said and what their position is on this question, and that a majority of the Senate will not give the matter any consideration.

Mr. President, I think it is unfortunate to array the opinions of the two bodies on a question of this kind in debate. The committee on the part of the Senate has tried to do its duty, and it will try to do its duty when the conferees are appointed, as they doubtless will be; but I think the least discussion as to the attitude of the two Houses in advance on a matter of this kind is unfortunate.

Mr. KENYON. Mr. President, far be it from me to say anything here that the Senator from New Hampshire would feel to be discourteous to anyone. I would not do it.

Mr. GALLINGER. I will venture to add that it has been an axiom—it is not a law or a rule—that the Senate will stand by its own conferees, and I do not think the Senate or any Member of the Senate ought in advance to minimize or antagonize the position the conferees on the part of the Senate may feel constrained to take because of the action of the body which they are serving.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. This is the statement of Jefferson's Manual:

> No person is to use indecent language against the proceedings of the House; no prior determination of which is to be reflected on by any Member, unless he means to conclude with a motion to rescind it. But while a proposition under consideration is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House.

Mr. ROOT. There is another provision.

Mr. GALLINGER. There is another provision which the Chair will find on page 96.

Mr. KENYON. My attention has been called by the Senator from New York——

Mr. GALLINGER. I should like to have the provision on page 96 read.

The VICE PRESIDENT. On page 96 it is further stated that—

> It is a breach of order in debate to notice what has been said on the same subject in the other House or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Mr. GALLINGER. That is the provision I had reference to, and it does not say that it shall be an adverse criticism at all. The Senator has been quoting from the debates on this subject during the present session of Congress.

Mr. KENYON. I confess in very deep humiliation that what I have said seems to be contrary to this statement, to which the Senator from New York [Mr. ROOT] calls my attention. It is a notation in Jefferson's Manual that has been broken in the Senate practically every day. I was not aware that we could not refer to the debates in the House of Representatives or that we could not quote what the Members of the House of Representatives said. I am not so convinced now. I think I can produce some speeches of my distinguished friend from New Hampshire in the river and harbor discussion where he quoted what had been said in debates in the House.

The VICE PRESIDENT. The Chair does not think that the Senate of the United States has adopted Jefferson's Manual as a part of the Rules of the Senate, but that is a better authority than the present presiding officer. Still, in the opinion of the present presiding officer, it certainly must be left to the discretion of Members of the Senate as to what they will or will not say, provided they do not speak disrespectfully of the proceedings of the other House.

Mr. KENYON. Mr. President, I shall try and confine myself to such limits as will not give offense to my good friend from New Hampshire, because he has been here for a great many years, and probably from the earnestness of his desire to have the dignity of the Senate preserved he might look at it a little differently than I would, and I shall be very careful in the balance of my discussion.

Mr. GALLINGER. If the Senator will yield to me, the Senator can not offend me. The Senator and I are too good friends for me to take offense at any matter of this kind. The Senator has been quoting from a report made to the House upon which no affirmative action was ever taken by the House, and it seemed to me that he was laying too much stress on one side of this question that had to do with another body rather than with the Senate. But I have no objection, if the Senator wishes to proceed along the line that he has been pursuing. I really think it is not doing exact justice to this body in a matter that is to be given consideration by the conference committee.

Mr. KENYON. Exact justice is what I am pleading for, and I will try to follow it.

Mr. President, under the present law property in the District of Columbia is taxable at the rate of $1.50 on each $100 worth of property, but real estate is taxed at not less than two-thirds of its real value. I have laid down the proposition that if property were reasonably assessed in the city of Washington sufficient revenue would be raised to conduct the affairs of the District, and now with a surplus of money on hand there is only one of

two things to do—one is to cut down the rate or the assessed valuation on the half-and-half plan in order that too much money need not be raised.

Up to 1874 the people of Washington paid their own local expenses just the same as other cities. This act which is referred to as the organic act—and there seems to be some sanctity which surrounds it—is nothing but a statutory enactment in which there can be no vested interest, and there is no reason why it should not be changed if it has ceased to carry out the purposes for which it was enacted.

I have shown in the discussion yesterday that the report of August 20, 1912, of the Committee on Assessment and Taxation in the House of Representatives, and I suppose it is not out of order to refer to it, showed at the time the real property of the District of Columbia was assessed it was $414,000,000 below its true value, and that its true value outside of Government property was $744,000,000.

That report also showed a great discrimination between the assessments upon the homes of the middle classes and the poor of this city and the homes of the rich.

It must be borne in mind that there is no inheritance tax in the District of Columbia. If there were a fair assessment in line with the assessment in other cities of this country on the $744,000,000 of real estate, an assessment of 15 mills, it would produce over $11,000,000. The amount raised from personal taxes alone last year, I think, was in the neighborhood of $2,000,000. Then there were some other revenues. If the moneys and credits were assessed in addition to that, we should have some fourteen or fifteen million dollars raised out of fair taxation with which to conduct the affairs of this District. Then, if we want to make this the great, beautiful city, with the wide sidewalks of which the Senator from New Jersey [Mr. MARTINE] speaks—I do not know why we need wider sidewalks in a city where Congress meets than in any other city, though there may be some reason of which the Senator from New Jersey knows—we could add to it whatever would be necessary to do that, and nobody in this country would have one particle of objection to our doing so.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. It may be that the Senator from Iowa has covered the particular point as to which I now desire to ask for some information, but if so I did not catch it. I do not understand that the Senator from Iowa is opposing the Government paying some part of the expenses of this District?

Mr. KENYON. Oh, no.

Mr. BORAH. But the Senator is of the opinion that the proportion which the Government pays is unfair?

Mr. KENYON. That is right.

Mr. BORAH. Under the contention which the Senator is making, how much of this appropriation would be paid by the Government?

Mr. KENYON. The Senator from Idaho was not here yesterday, I imagine, because I then went over that very fully. I will state briefly, however, to the Senator that there is approximately $11,000,000 carried in this bill, $5,500,000 to be paid by the District and $5,500,000 to be paid by the Government. The District Commissioners estimate the return from taxation in this District, which, as I have been contending, is a low rate of taxation, at approximately $8,000,000. The Johnson amendment does not change the assessment or the rate. It merely works this out so that the $8,000,000 raised upon this taxation upon the property of the District shall be used first to pay the District expenses. That would leave about $3,500,000 for the Government to pay, instead of $5,500,000. It then provides that the balance above what is raised by such taxation shall be paid by the Government.

The other proposition is that that money shall be turned back somewhere, to pay some bonded or funded indebtedness, though that has not been made clear at all to the Senate. Does the Senator from Idaho get the point?

Mr. BORAH. Yes; I understand it.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I yield.

Mr. SMITH of Georgia. Following up the question of the Senator from Idaho [Mr. BORAH], the Senator from Iowa has given the appropriation as made by the House of Representatives. If we accept the appropriation suggested by the Senate committee, it would amount to $12,341,624; or if we take the estimate of the commissioners—I suppose that is their estimate——

Mr. KENYON. Yes.

Mr. SMITH of Georgia. The appropriation would amount to $12,909,000. Then, if we take the highest appropriation suggested and accept the view that the amount which will be raised by taxation, even under the present system of taxation, which I do not think is equitable compared to other cities, because it fails to embrace elements of property that should be taxed and are taxed in other cities—but even under the present system of taxation it is estimated that the taxes raised will amount to considerably more than half of the most liberal estimate for next year's appropriation. As I understand the Senator from Iowa, his contention is that we should fix what is a proper appropriation, a proper figure for disbursement for the next year; that we should take what is raised by local taxation toward paying this disbursement from the Treasury of the United States, and that we should make up the deficit. Under the amendment that has been adopted to the House provision offered by myself we provide that in no event shall the appropriation by the Government exceed one-half of the disbursement. For the ensuing year, if we should appropriate as suggested by the Senate committee, the revenues from the District would be over $7,000,000 and the Government would appropriate something over $5,000,000.

The Senator from Iowa is contesting the hard and fast rule, as I understand him, of half-and-half. He concedes that the Government should make up any reasonable deficit, but contends that if reasonable taxes on the property holders of the District cover more than half of the required disbursement, there is no reason why the Government should arbitrarily appropriate just as much as the District pays.

Mr. BORAH. Mr. President, does not the Senator from Georgia think that the real injustice in this whole situation arises out of the system of taxation which we have here, in which I am informed that a very large amount of property, which is ordinarily embraced within a system of taxation, is entirely relieved from taxation?

Mr. SMITH of Georgia. Mr. President, I do agree with the Senator from Idaho that that system is wrong; and I believe one reason why that system exists is that we fix a hard and fast rule in paying out of the National Treasury half of all that is required. We have failed for that reason to levy the taxes upon property in the District as taxes are levied and paid in other cities. I wish to see liberal treatment out of the National Treasury for the city of Washington and the District of Columbia. I wish to see a fair system of taxation upon the property of the District without any effort to levy exorbitant or improper taxes. My own view—and I believe it is the view presented by the Senator from Iowa—is that we should change the system of taxation here and levy taxes upon all property which is usually subjected to taxation in other cities of the United States; that the assessment should be reasonable, not exorbitant; that the rate should be reasonable and not exorbitant; and then, recognizing the peculiar relationship of the city to the entire country, recognizing the fact that we do own a large amount of improved property—when I say "we," I mean the whole people, the Government—that the Government owns a large amount of property in the city of Washington, much more than in any other city; and recognizing the fact that there is a large part of the population whose citizenship is in other States and who pay part of their taxes in other States and not in the District, as they would ordinarily pay their taxes but for the governmental requirement which forces them to retain their citizenship elsewhere; and that we should be ready liberally to supplement the taxes paid by property holders of the District of Columbia and to provide for the improvement of Washington along lines that every American citizen would approve and feel a pride in. But even conceding what I have just said, with the Senator from Iowa, I believe that the hard and fast half-and-half rule is illogical and unreasonable.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. SHAFROTH. I agree with a good deal of what the Senator from Georgia [Mr. SMITH] has said, but it seems to me it would be inequitable to appropriate, as is proposed by the House provision, the surplus of two or three million dollars which have been raised by taxation on private property in the District of Columbia, and to say that we will now change the rule and apply that surplus to the payment of the expenses of the District of Columbia which would make the Government's payment that much less. It was raised under the impression that the half-and-half rule would prevail; in other words, the Commissioners of the District of Columbia have made a certain estimate with regard to the raising of revenue for the expenses

of the municipal government and have assessed the properties at certain values. That estimate contemplates the raising of about $8,000,000 of revenue upon the hypothesis that the District is going to pay one-half of the expenses of municipal government; but now when the matter comes to Congress, so that the appropriation may be made, Congress says: "Yes; you shall spend all of that money raised by taxes for the expenses of the District, but not in the proportion of one-half."

Mr. SMITH of Georgia. Mr. President, is not the Senator wrong about that? Did not the commissioners estimate that the entire expenditures would be less than $13,000,000? Did not their budget contemplate that the entire expenditures would not be twice the amount raised from local taxation?

Mr. SHAFROTH. No matter what their estimate has been, they have raised $8,000,000; and they have raised it under the old law which said that one-half should be paid by the District and one-half by the Government. Now to say that they shall pay more than one-half, as provided by the existing law, until we have enacted some other permanent law, it seems to me would practically be confiscation.

Mr. KENYON. Does the Senator feel that any of the citizens of Washington have paid excessive taxes?

Mr. SHAFROTH. No; but you must remember that the tax is now in the hands of the District of Columbia and belongs to it whether it is an excessive amount or too small a figure.

Mr. SMITH of Georgia. Is not the Senator mistaken? The amount has not been raised yet. The proposed new system would not apply until the ensuing fiscal year.

Mr. SHAFROTH. It is necessary to raise it according to the present statute, which provides——

Mr. KENYON. This bill makes appropriations for the fiscal year 1916.

Mr. SHAFROTH. Which provides a rate of a dollar and a half per hundred on two-third valuation, the Government to contribute one-half of the amount appropriated.

Mr. SMITH of Georgia. We are really making this change in anticipation of the future.

Mr. SHAFROTH. Does the Senator mean to say that the District assessors, or whatever machinery the District has in that respect, can raise only $5,000,000 to meet $5,000,000 which it will be necessary for the Government to contribute?

Mr. SMITH of Georgia. Not at all.

Mr. SHAFROTH. Then, it seems to me when you recognize that $8,000,000 ought to be raised, and as it has been estimated will be raised, and property assessed at values which will realize a tax of $8,000,000, and you take $2,000,000 of that and say that that amount practically shall be paid as part of what the Government of the United States would be required to pay under the half-and-half principle, you are not equitable in your treatment of the District.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. SMITH of Georgia. If the present system of requiring the taxpayers to pay a certain amount on their property is not burdensome—and certainly the assessment is not higher than that in the average city and probably, as a general thing, lower—if the rate, then, is reasonable and if the amount which would come from it would be sufficient under a reasonable system of taxation to pay more than half of the proper expenses of the District, then does the Senator think it right to require the Government to duplicate that entire tax levy?

Mr. SHAFROTH. No; but I believe the whole system is wrong.

Mr. SMITH of Georgia. Then, if the system is wrong and we ought to change it, why is not this the time and the place to make the change?

Mr. SHAFROTH. I do not believe that the $2,000,000 which has been raised by the people of the District, which belongs to the District and is lost to the individual ownership, should be used by the District of Columbia except in compliance with the half-and-half principle, until that principle is changed by law. I believe it ought to be changed.

Mr. SMITH of Georgia. We are proposing to change it before the 1st of next July. This bill provides for the expenses of the District from July 1 next to July 1, 1916, and we are proposing to change the law in advance.

Mr. SHAFROTH. If you can let the people of the District know what proportion they are to pay, and this is not an appropriation of money that is either in the Treasury or which is going to be raised and put into the Treasury, all right and good.

Mr. SMITH of Georgia. Is it not fair, instead of saying you will let them know what proportion they shall pay, to say that they shall pay reasonable and fair taxes on their property?

Mr. SHAFROTH. That is all right as to the individual.

Mr. SMITH of Georgia. I believe that we should levy on the property holders in the District a reasonable and fair tax; that whatever amount is thus raised should be used toward paying the expenses of the District, connected as those expenses largely are with the citizenship and the property of the District, and then that we should supplement the sum which they pay with whatever sum may be necessary to meet a reasonable budget for the District, provided we do not pay more than the amount raised by local taxation.

Mr. SHAFROTH. If the change is applied to the future and does not affect money which has been already raised, then I think the position the Senator takes is all right. I do not believe the existing arrangement is a sound division of the expenditures of the District. I believe that the logical and equitable way of solving the problem would be to subject the property of the United States Government in the District to the payment of taxes, just the same as the private individual pays taxes upon his property.

Mr. SMITH of Georgia. If we do that, Mr. President——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. KENYON. I yield first to the Senator from Georgia, and then I will yield to the Senator from Minnesota, who has been on his feet for some time.

Mr. SMITH of Georgia. If we do that, Mr. President, the United States will not pay certainly more than a third.

Mr. SHAFROTH. Oh, no; it is contended it will pay a half.

Mr. SMITH of Georgia. Not at all.

Mr. SHAFROTH. No matter whether it pays one-third or two-thirds, it seems to me fair, if we own two-thirds of the property, that we should pay on it, and if we own one-third of the property, then we should pay on that amount, subjecting, also, the public parks or the interest of the Government in the public parks to the payment of taxes. I would be willing to do that.

Mr. SMITH of Georgia. I think we should pay more than the mere proportion upon the value of the actual property of the Government in the city; but I think the idea that the parks as Government property should be taxed is ludicrous. They are property donated to the general public. I think on Government buildings, on the property we use for strictly governmental purposes here, if we should estimate the sum which would be raised by imposing taxes at the rate of one and a half on two-thirds their value we would find that we would not pay nearly so much as I am willing to see the Government pay.

I think there is another element which justifies payment on the part of the Government, and that is the fact that we have a system that keeps nearly one-third of the residents of Washington citizens of other sections, and they pay part of their taxes at home as an incident to that citizenship, and the District of Columbia does not get from them what it otherwise would receive. I do not believe the mere assessment of our property here would equal the amount we should pay.

Mr. SHAFROTH. That is the very reason why I would be willing that the parks of the District of Columbia should be subject to taxation.

Mr. JAMES. Mr. President——

Mr. KENYON. I make the point of order that the Senator having the floor can not farm it out.

The PRESIDING OFFICER. That is true.

Mr. KENYON. I yielded for an inquiry. I yield now to the Senator from Minnesota.

Mr. NELSON. I should like to make a brief statement.

The PRESIDING OFFICER. The Senator from Kentucky desired to ask a question.

Mr. JAMES. No; that is all right.

Mr. NELSON. I think both the Senator from Colorado and the Senator from Georgia are partly in error. The District Commissioners have nothing to do with the amount of taxes that shall be levied. If Senators will examine the law of 1902, they will find that it arbitrarily levies a fixed amount of tax. In the first place it prescribes the rate of assessment at not less than two-thirds, and in addition to that it absolutely prescribes that all the property shall be taxed 1½ per cent, and the same rule applies to such personal property as is taxed.

What is the result of that arbitrarily fixed statutory law? The result is that you are liable in the future, as you are now, to get this condition. The condition, as I understand it, is this: Say $12,000,000 is required to carry on the government of the District of Columbia. Half of that would be $6,000,000, adopting the half-and-half principle. That would leave a surplus of $2,000,000, because under this law, under this assessment and

under this statutory levy, you are bound to have that surplus condition every year.

In all other localities, as I understand, while there may be a uniform rule of assessment prescribed by statute, yet when that assessment is made the question is, How much money do you need to run the government? After you have established the amount of that money it is apportioned upon the assessment and constitutes the rate of taxation. Now, you have nothing of that kind in the District of Columbia. You are required absolutely to levy 1½ per cent, because the law says that the property shall be taxed "1½ per cent upon the assessed valuation thereof."

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I yield.

Mr. SMITH of Georgia. Because we know that this levy is not enough. We are not proposing to make the property holders in the District pay enough to meet the expenses of the District. The Senator said I was mistaken about the power of the District Commissioners. He misunderstood what I said. I said that the District Commissioners had made an estimate of what they desired to expend, and that estimate was under $13,000,000. The fixed rule of levy in the District is a limitation of levy on property in the District and is less than the tax usually placed upon property in cities of this size. We stop the assessment there so as to protect the people here from any really heavy levy, and the balance of the burden is carried by the Government.

Mr. NELSON. If the Senator from Iowa will allow me, in this connection, before I sit down, I should like to call his attention and the attention of the Senate to the fact that if in this District you adopt a system of taxation such as prevails in all other parts of the country and tax credits as you tax tangible property and as you tax real estate the result will be that if you raise no larger amount of taxes than you raise to-day the owners of real estate and owners of tangible property will pay much less taxes than they are paying to-day, because a large part of that burden will be levied upon the credits of the wealthy people, who now entirely escape taxation and are entirely immune.

In most parts of the country that I know anything about I think in one form or another credits are taxed. Here in the District of Columbia they are entirely immune, except in the case of the Federal income tax, which we have lately passed and which covers the whole country.

Why should a man in the District of Columbia who owns a million dollars in credits and has his home here be immune from taxation simply because his property consists of credits instead of tangible property?

Mr. KENYON. If the Senator will permit me, right there, as it is so apropos to what he has said, I should like to call his attention to an article in the Post of this morning. It is headed:

HUTCHINS HAD A BIG INCOME—TRUSTEE DANTE TESTIFIES COLLECTIONS WERE $35,000 A MONTH.

* * * * * * *

Before finishing with Mr. Dante, Attorney Perry had him tell the jury the amounts of his yearly collections on the estate while he was acting as collector. Mr. Dante said that, so far as he could recall, the collections were about $35,000 a month.

It would be very interesting to know how much taxes were paid on the moneys to the credit of this gentleman.

Mr. GALLINGER. That was largely real estate, as some of us know.

Mr. KENYON. If the Senator knows, I do not.

Mr. NELSON. It is inscrutable to me, but perhaps it is because I am so mentally obtuse, why Senators will object to changing the present system of taxation, and making intangible personal property—credits of all kinds, bonds, stocks, and mortgages—pay taxes as well as other property.

These millionaires who come here get the benefits of our streets, of our parks, of our public buildings. They come in here—and let me tell you that the greatest inducement for many of them to come here is not because we have magnificent buildings here, not because we have fine parks, not because we propose to make Washington a beautiful city; it is because by coming here they escape taxation and secure immunity from it if they have their property converted into credits and personal estate.

That is what makes this city so delightful for many wealthy men. It is not a mere matter of our parks and public buildings and schools, and all that. They can get those things in other localities; but I know of no locality where they can get such immunity from taxation as they do here in the city of Washington.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. I yield.

Mr. GALLINGER. The matter that the Senator from Minnesota complains about can be easily remedied by an amendment to the law. We have a tax law for the District of Columbia, as I recall, which was framed by the late Senator McMillan, who was chairman of the——

Mr. NELSON. Will the Senator permit me right there?

Mr. GALLINGER. The Senator never allows me to finish a sentence.

Mr. NELSON. Well, I want to say something right in this connection.

Mr. KENYON. I yield to both Senators at the same time. [Laughter.]

Mr. NELSON. Right in this connection, the Senator from Kentucky [Mr. JAMES] has offered an amendment to cure this defect in the bill to which I have called attention. Will the Senator, and those who agree with him, avoid making a point of order on that amendment?

Mr. GALLINGER. Mr. President, I will make no promise at all on that point. I do not think an appropriation bill is the place for general legislation. Our rules prohibit that, and we all agree to it.

Mr. JAMES. Mr. President——

Mr. GALLINGER. Mr. President, I was about to remark that we have a tax law. I will quote that tax law in my own time, if I may be permitted that opportunity between now and the 4th of March next, and it will be seen that the tax law is a little broader than some Senators imagine. But as to this matter of intangible property, it is taxed in my State. There is no reason why it should not be taxed in the District of Columbia, as I look at it, and I never have antagonized that proposition; but the law ought to be amended so as to cover that matter in some reasonable way. I do not think intangibles ought to be taxed to the full value that real estate is taxed. That is my personal view; because if a man has a bond carrying 4 per cent interest and the rate of taxation is, as it is in New Hampshire, in my city, 2 per cent or thereabouts, I think it is an excessive rate of taxation on that investment. For that reason, in my State we have entirely exempted from taxation mortgages carrying 5 per cent, and I think that is wise legislation. All of that ought to be very carefully considered before we change our system.

Concerning the matter that is under discussion, I do not wish to be put in a false attitude, and I know the Senator from Iowa would be the last man in the world to put me in a false position. I served on the District of Columbia Committee for a long while. I made a martyr of myself, for much longer than, I believe, any other Member of this body would care to make a martyr of himself, in trying to legislate wisely for the District of Columbia. We found that there was in existence a system that had been worked out by wise men—men like the late Senator Allison, from the Senator's own State; Senator Morrill, from Vermont; Congressman Poland, from Vermont; and various other men. They found that at that time the burden upon the people of the District of Columbia was inequitable; that is, that they were carrying burdens greater than they ought to carry. I am not going into the matter of the great burden that was imposed upon the people of the District of Columbia by virtue of what was done here by a man whose statue is now in front of the Municipal Building. It was an enormous burden. It practically bankrupted the District. That condition existing, however, this system was worked out by a joint committee of Congress and adopted, and has been in vogue ever since.

Now, my thought is—and I say this in entire sincerity—that instead of undertaking to upset that system on an appropriation bill by general legislation—of course, it comes here from the House, and they adopted a little sharp practice to get it on——

Mr. KENYON. The Senator must not criticize the House.

Mr. GALLINGER. I am not criticizing the House.

Mr. KENYON. The Senator has just called me to order, and I can not permit him to do that, Mr. President. [Laughter.]

Mr. GALLINGER. I was quoting what another Senator had said. All right, then; I withdraw the statement. I am glad, always, to accommodate the Senator. The proposal comes here on an appropriation bill. My judgment is that the proper way to do would be for us to appoint another joint committee to take this entire matter under consideration and to report before we have another appropriation bill relating to the District of Columbia.

Mr. JAMES. Mr. President, if the Senator will permit me, what proportion of the indebtedness or the expenses of this city did the commission of which Senator Allison was a member provide should be paid by the District and what proportion by the Federal Government?

Mr. GALLINGER. They recommended the existing law, the half-and-half principle.

Mr. JAMES. It was 60 and 40 per cent, was it not—60 per cent for the District and 40 per cent for the Government?

Mr. GALLINGER. I do not think so. I think not.

Mr. JAMES. I think the Senator will find, upon investigation, that that was the case.

Mr. GALLINGER. I think they recommended the proportion provided for by the so-called organic act. By the way, that term was created by the Supreme Court of the District of Columbia. They recognized this law as the organic act. It provides that the contribution shall be one-half by the District of Columbia and one-half by the Government, and I think that was what that commission recommended.

I think it would be wise for us to continue the present system for the next year and appoint a joint committee to take this entire matter into consideration—and I shall be very glad to have the Senator from Iowa on that committee—and work out the problem. Then, after having examined all the facts bearing on the question and taking testimony on the subject, let us create another organic act, if you please, different from the one that exists at the present time. I think, myself, that some changes might well be made in that respect, and I do not occupy a hard and fast position on this question at all. Personally I want to see justice done to the people of the country as well as to the people of the District of Columbia.

Mr. KENYON. Mr. President, I am sure the Senator must feel that way, and of course there is merit in his suggestion, though the general result of these investigations is that we never receive any report within the ordinary lifetime of those now existing.

I want to review very briefly, so that it may go in the RECORD, the acts that have been referred to.

The act of 1874 provided that there should be levied upon the real estate in the city of Washington $3 on each $100 of the assessed value. In the act of 1878 it was provided that the rate of taxation in any one year should not exceed $1.50 on each $100 of real estate not exempted by law, and on personal property not taxable elsewhere $1.50 on every $100, according to the cash valuation thereof. That seemingly fair provision, which provided for the taxation of personal property, raised too much money, so that in 1902 the law was changed, and it was provided, in section 5 thereof—

> That hereafter all real estate in the District of Columbia subject to taxation, including improvements thereon, shall be assessed at not less than two-thirds of the true value thereof.

That made a levy of 10 mills on the dollar. Then, in the same act, instead of leaving the law as it was, with a fair tax on personal property, in some way, which I wish somebody would explain, the word "tangible" was inserted in that act:

> That hereafter the assessor of the District of Columbia, or his successor in office, shall annually cause to be prepared a printed blank schedule of all tangible personal property.

Mr. GALLINGER. That is the law of 1902?

Mr. KENYON. That is the law of 1902.

Mr. GALLINGER. Of course the Senator can not get any information on the point he raises, because that antedates the service of all of us here. I do not know why it was inserted.

Mr. KENYON. I thought there might be somebody who would know as a matter of history or tradition, as those things are sometimes handed down.

Mr. GALLINGER. That was done by the fathers.

Mr. KENYON. The result of that was that in an instance such as the Senator from Utah cited, that of his household goods, they were taxed, but it relieved from taxation the gentleman with the bonds and the moneys and the credits. That word inserted in that act has resulted, as has been said, in making the city of Washington the delightful isle of refuge to which the tax dodger of the United States or the "tax dodgess" can come and escape the payment of taxes.

I should like to know why, in the Capital of this Nation, there is any reason why the people, I could name some of them, with their millions of stocks and bonds and moneys and credits, should be exempted from taxation and the people of my State and every other State compelled to contribute to them.

The Senator from New Hampshire says it is a matter of only 7 cents apiece, and that that is a small amount. Yes; and that is, as the Senator from Mississippi [Mr. VARDAMAN] suggests to me, true of every tax that is levied. It does not amount to much. It amounts to about 50 cents for every man with a reasonable number of children. That is not much. He is willing to give that to the Government. He is willing to give that for these broad streets and these wide sidewalks and these beautiful boulevards and parks. He is willing to do that, and no matter how they may try to drive the proponents of this Johnson amendment by false statements into a false position no one can claim with any truth that the taxpayers of this country are not willing to contribute liberally to the District of Columbia. Nobody advocates any other policy.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes.

Mr. FLETCHER. Mr. President, I ask unanimous consent to lay aside temporarily the unfinished business.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to lay aside temporarily the unfinished business. Is there any objection? The Chair hears none, and it is temporarily laid aside. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, while they are willing to do that, they are not willing to contribute 7 cents or 2 cents for the benefit of the tax-dodging high livers who move into the city of Washington. While that amount is small, it amounts to something in the various States. Take the State of the disinguished junior Senator from Mississippi [Mr. VARDAMAN]. They contribute $121,000 for the support of the city of Washington. They are willing to do that, I know, if it goes to the support of the Government, but I do not believe the men toiling in the State of Mississippi are willing to contribute that to enable people to get along without paying the taxes which they should pay.

The contributions of Colorado, the State of the distinguished Senator [Mr. SHAFROTH], who is one of the few who seems to be interested in this proposition, contributes $53,841.

The State of California contributes $160,206.

The State of Maryland, the home of the distinguished chairman of the Committee on the District of Columbia, $87,284. Massachusetts, $226,849; Minnesota, $139,867; New York, $614,103; Iowa, $149,912; and so it goes.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I wish to ask the Senator, who evidently has given a very exhaustive study to this question, what excuse or justification has ever been offered for a failure here in the District of Columbia to tax money, choses in action, evidences of debt, as they are taxed in the States of the Republic. Has the Senator ever heard of any?

Mr. KENYON. I have never heard of any. God only knows; I do not.

Mr. VARDAMAN. I have not heard of any myself. I can not understand why it is.

Mr. KENYON. I should like to find some good reason why the people of these States should make this contribution to the people of the city of Washington while at home they are paying a higher rate of taxation for the same benefits than the people of Washington are paying for the benefits they receive. I should like to know why the people of your State, Senator VARDAMAN, should pay for their own sidewalks, pavements, and sewers and then come down here to Washington and contribute and pay half for the sewers and the sidewalks and the paving of the people of Washington?

Mr. VARDAMAN. I can only answer that question by saying I do not think the people of Mississippi or Iowa would consent to such a discrimination; and I can account for it only upon the theory that the people here have not been represented in voting upon these questions.

Mr. KENYON. I assume the people of Mississippi are bearing all the burdens of taxation which they should.

Mr. VARDAMAN. They are bearing all the burden of taxation which ought to be put upon them, and since they are no more able to bear it than the people of the District of Columbia, I agree with the Senator from Iowa that there is very great injustice in imposing it upon them.

Mr. KENYON. I knew that this proposition would have the support of the Senator from Mississippi if it did not have the support of any other Senator.

Mr. VARDAMAN. If the Senator will permit me, I wish to say that no Senator on the floor takes greater pride or interest in the great Capital City of the Nation than I do, and I shall not do anything that will hinder or retard its growth, but I think that the opulence of the city, its own great wealth, is amply sufficient for it to draw upon for any expense that it may be necessary to carry out and make it a great city worthy of the great Nation of which it is the Capital.

Mr. LEE of Maryland. Mr. President——

Mr. KENYON. I yield to the Senator from Maryland.

Mr. LEE of Maryland. I wish to intrude upon the remarks of the Senator from Iowa long enough to call upon Senators, especially the Senator from Mississippi, not to settle this question until they have heard a little from the other side of it. There is a great constitutional proposition lying at the base of this half-and-half arrangement, which is really the only protection that the unrepresented citizens of the District of Columbia, the taxpayers of the District of Columbia, have.

Mr. VARDAMAN. Will the Senator pardon me? Is there any constitutional objection or hindrance in the way of taxing money that comes here as a city of refuge to avoid taxation? Is there anything in the Constitution of this Government which prevents the United States from taxing the enormous wealth owned by the idle rich who come here for the sole purpose of escaping taxation?

Mr. LEE of Maryland. Mr. President, there is not and ought not to be, but this is a place which is absolutely owned and controlled by the Federal Government. Everything, right or wrong, that is done here is done by the Congress of the United States and the executive agents appointed by the President. The people of the District of Columbia have no rights of a constitutional nature. When I speak of the constitutional reason in this half-and-half principle I speak with reference to the fundamental, liberty-loving instinct of the American people rather than as to a section of the Constitution of the United States.

I wish briefly to call the attention of the Senate to one fact. The money of these people is being spent by agents whom they do not select, which process is absolutely and essentially un-American and unconstitutional from the standpoint of American thought. They have no protection whatever except this one protection, that for every dollar of money Congress takes out of them and spends Congress must appropriate a dollar, and that last dollar comes from a represented community. The only protection of a fundamental sort that the taxpayers of the District of Columbia have is this arrangement for equal contribution from them and the national funds.

Mr. VARDAMAN. Mr. President, if the Senator from Iowa will yield to me for one moment——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I do not know of a Commonwealth or a municipality where the interests of the residents are quite so generously and kindly protected as the interests of the citizens of the District of Columbia are protected by the Congress of the United States. They enjoy privileges and immunities and exemptions which the people of no municipality in my State nor which the people of the Commonwealth enjoy.

I can not see where the taxpayers of the District of Columbia have any ground to complain of a wrong that is ever done them by Congress in the question of taxation, because, as was stated by the Senator from Iowa a few moments ago, enormous wealth is owned by residents of this city. They come here and build a little house or they take up their residence here in order to avoid the laws taxing them in the States where their property exists. There is no ground, I repeat, for the complaint on the part of the people of this city on account of any act of injustice done by Congress in the matter of taxation or the protection of their material interests.

Mr. KENYON. Mr. President, I wish to say, also, as to the suggestion of the Senator from Maryland as to the people of the District of Columbia being deprived of their representation in Congress, it is wrong. They ought to have representation in Congress. The Democratic Party is now engaged in an effort to give independence to the Philippine Islands. Are not the people of the District of Columbia as well calculated to carry on their own affairs as the people of the Philippine Islands? For my part, I am ready at any time to join in any kind of a well-considered movement to give to the people of the District representation in Congress, but I do deny that they are not represented at all in Congress now.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. CLAPP. I have no brief for the Democratic Party——

Mr. KENYON. That is conceded.

Mr. CLAPP. But you may insist upon repealing the half-and-half plan, you may interfere all you please with taxation in the District, but you will be forgiven so long as you do not insist that the District be given the right to govern itself. That is the one unpardonable crime in the District of Columbia.

Mr. KENYON. Why?

Mr. CLAPP. I could not say why.

Mr. KENYON. Do they not want to govern themselves?

Mr. CLAPP. No; that is what I was getting at. Neither the Republican Party nor the Democratic Party is to blame for the District not having the right to govern itself. The people of this District for some reason do not want that right. They will pardon every offense known to man except a suggestion that the people of the District ought to govern themselves.

Mr. KENYON. I am sorry, then, that I added to my burden by suggesting it.

Mr. CLAPP. Whenever they want it I do not believe there will be any trouble about Congress giving them the right.

Mr. KENYON. Now, Mr. President, I want to get through. I have had the floor too long. I wish to put in the RECORD a table showing the indebtedness of the cities of the United States as large or larger than Washington. It will show that the per capita indebtedness of Washington is about $4.75. The per capita indebtedness of Baltimore is $74. I am a little curious to know why the people of Baltimore, with that much heavier per capita indebtedness, should pay more than is fair to support the people of the District of Columbia. Boston has a per capita indebtedness of $106 and New York of $153.

I ask permission without reading to insert the table in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The table referred to is as follows:

Indebtedness of cities of the United States as large or larger than Washington.

City.	Population.	Indebtedness.	Per capita indebtedness.
Baltimore	572,000	$42,071,423.00	$74.00
Boston	720,100	76,010,187.00	106.00
Buffalo	446,000	29,369,432.00	65.00
Cincinnati	405,000	21,619,514.00	53.00
Cleveland	620,000	37,617,427.00	60.00
Detroit	567,944	8,689,659.00	15.00
Los Angeles	450,000	33,228,827.00	74.00
Milwaukee	392,181	9,868,350.00	25.00
Newark, N. J	375,000	20,714,062.00	55.00
New Orleans	375,000	42,893,610.00	114.00
New York	5,173,064	794,949,404.00	153.00
Philadelphia	1,625,000	99,540,950.00	61.00
San Francisco	455,000	27,500,000.00	60.00
St. Louis	730,000	25,806,690.00	35.00
Washington, D. C	350,000	5,194,988.00	14.75

Mr. KENYON. Now, I want to say just a word in closing. I have tried in a spirit of perfect fairness and candor to discuss this proposition. I propose to do anything I can to help bring about a fair situation between the people of the District and the people of the United States. I am ready to help in any movement for a larger scope of self-government in the District, for representation in Congress; they should have it; but I shall keep on fighting for justice between the District and the people of the United States.

We hear a good deal about the burdens that the people of the District are under in carrying this Capital. It is a burden that every city in the Union would like to carry. The people of nearly any State in the Union would be glad to pay for all these buildings and erect buildings in their own State just as good or better if the Capital would be removed there. It is all nonsense and buncombe to talk about the burden of carrying this Capital. Every new building erected here adds to the value of property in this District, which would be worth nothing, practically, if it was not for this Capital.

Again, there is a pay roll here of money in all times of distress or trouble, that is turned loose in this community, amounting to at least $6,000,000 a month. That is a steady outgo from the Government. People come to this city because it is the Capital and spend their money. Five hundred thousand are here at inauguration times, who it is safe to say spend $50 apiece, and probably more at the last inauguration. That amounts to

$25,000,000 left in this city. All those things, Mr. President, bear on the question at issue. It is merely restating a simple proposition whether at this low rate of taxation, as I have attempted to show, the raising of $8,000,000 should not be applied first to the payment of the expenses of this District before the Government contributes anything, and that the Government shall make up the balance.

I think that is all I care to say about the proposition at this time.

Mr. ROOT. Mr. President, I have not made any careful study of the subject of taxation in the District of Columbia, but I have lived here a long time in such a way that I have been thrown in contact with pretty much all kinds and conditions of people in the District in the different relations which I have borne to the Government and the community, and I have acquired a very warm interest in the District of Columbia and in the people who inhabit it; and I wish to express some conclusions—perhaps I am not justified in calling them more than very strong impressions—that have grown up in the course of the years I have been here.

I am forced to dissent from several of the propositions which the Senator from Iowa [Mr. KENYON], with his intense seriousness and earnestness, has stated, and which, to his mind, seem to be essential to the doing of justice in the District.

In the first place, I think that we are bound to take as our point of departure for considering what we do regarding the affairs of this District the constitutional provision which places us here. Why was it that the Constitution of the United States provided for the cession of a district 10 miles square for the seat of government? Why was it that the Capital of the United States was not placed in one of the cities which would have been so glad to have it? Why did it not go to New York or Philadelphia or to some other of the cities which existed and were prominent in 1787 and in the last years of the eighteenth century?

We all know that it was deemed, and I think wisely deemed, to be of importance to the Government of the United States that it should not be a mere tenant under another sovereignty; that it should be the sole sovereign in the limited territory necessary to carry on the operations of government. So, instead of putting the Capital in the State of Maryland or in the State of Virginia, it called for a cession of territory, and the States of Maryland and Virginia abandoned their sovereignty, leaving the Government of the United States the sole sovereign. The execution of that purpose precludes the erection of another State here in the District of Columbia with inhabitants directing the affairs of this 10 miles square, or what there is left of it that has not been retroceded. It precludes the erection of another sovereignty under which anybody but the whole people of the United States can exercise actual sovereignty upon the territory on which the operations of our Government are to be conducted.

If you give to the residents here the right to control their own affairs, the right to exercise that high prerogative of sovereignty, the imposition of taxes, and the expenditure of money raised, the right to control the police, the right to control the streets and public places, the right to do the lighting and the sewering and the supplying water, and all the multitude of things which government does, you may say that it would be but a weak sovereignty, but if it is created it must be respected. You have before you constantly the possibility, the probability—aye, the certainty—of conflicts of jurisdiction and conflicts of authority which as between self-respecting governments can not depend upon the brute power that results from one being great and another being small.

No, sir; we can not give to the people of the District of Columbia the right to control their own affairs. We can not do it, because it is inconsistent with the fundamental ideas of the Constitution, which makes the United States, the whole United States, and no one else, sovereign at the seat of government.

Sir, that may be debatable, but we are not going to debate it and settle it here. We are not going to change the fundamental idea which brought us here upon this amendment, and we ought not to. It ought not to be changed at all, unless after mature deliberation and with full consideration of all the reasons and all the results, which we can not give here. We must accept that as a postulate of any discussion upon this amendment.

We have not brought the Government of the United States to a city. There was no city here but a few scattered farmhouses when the Government was located here. Otherwise there would have been no city here. The location is not adapted to the building up of a great city. The people who inhabit the District of Columbia have come here in the main because the Government of the United States is here, and what are they? Are they a city? We speak of them as if they were a corporation. They are not. You can not make them a corporation by saying so in a statute or in debate. They exercise no powers. They have no corporate life. They have no control over their own affairs. They have come to the capital of the United States in reliance upon the beneficent Government in which they have no voice, in which they lose their voice by coming here. Our relation to it is a relation not to a corporation, but to individuals; individuals who have no voice in this body or in either House of Congress or in creating any membership in this body or in either House of Congress. They are our helpless wards. We have a higher duty to them than we have to any constituents of our own, because our constituents can protect themselves, while these people are helpless. They have no voice nor vote by which they can protect themselves.

The Senator has said, and several other Senators have indicated a feeling, that taxes are unduly low here. I do not know whether or not that is so; but my impression is the contrary. My impression is the taxes here are not unduly low, but that is not especially important to the observations that I have in mind. I think that the idea that the city of Washington has become a rendezvous or a resort for the rich who wish to escape taxation is all wrong; I think it a great mistake. I know something about the people of Washington; I have seen a large part of them come here. There are here a few compared with the size of the place—a very few—residences of wealthy people. You can count on your fingers people who have come here and who have not come because of some relation to the Government of the United States.

Old and honored servants of the Government have passed their lives here, and dying, have left their families to remain and live in Washington, not to escape taxation, but because this was the place where the husband or father was known and honored and where happy associations have grown up. That accounts for most of the houses which have stirred the animosity of some of the Senators who have spoken on this subject.

Nor is it true, it seems to me, that the people of wealth, the very small number of people of wealth, who have come here without that reason, have come to avoid taxation. I know that the change of the tax law which has been suggested here, providing for the taxation of stocks, bonds, and other intangible property, would penalize anyone who came from the city of New York to live here. If upon my going out of this body I should come to Washington to live, I should gain nothing whatever by way of escape from taxation; but if the amendment——

Mr. SMITH of Georgia. Mr. President——

Mr. ROOT. I shall yield to the Senator from Georgia in a moment. But if the amendment that has been proposed to tax stocks, and so forth, were to be adopted, I should be penalized if I came here.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. ROOT. I do.

Mr. SMITH of Georgia. I agree with the Senator from New York fully so far as stocks are concerned, because the corporation pays the tax on its stock for the stockholder. I do not accept at all the suggestion that the additional tax should be put on the stock. But are no taxes paid in New York upon bonds or upon bills receivable by individuals?

Mr. ROOT. On bills receivable; yes. I will speak of that in a moment. As to bonds, we have a provision in the law of New York under which the owner of bonds may take them to the office of the comptroller or of the secretary of state in Albany, register them, pay a registration fee, and thereafter they are not subject to taxation. That has been found wise, because the State gets more money with less cost of collection than it could in any other way.

Mr. President, I want to say—I am sorry the Senator from Iowa [Mr. KENYON] has gone, because I wanted to say to him——

Mr. SMITH of Georgia. Would the Senator from New York explain that matter a little further, because I should like to understand how the registration of the bonds operates?

Mr. ROOT. A tax is paid at the time of the registration, and that single tax, which covers the life of the bonds, has proven to be better for the State than the ordinary personal tax. With us whenever a mortgage is given, when a man sells a piece of property and takes a mortgage thereon, or loans money on a mortgage, at the time of the record of the mortgage that tax is taken out. That tax is easily collected; nothing escapes it; and it has proven most satisfactory.

When you take those two things out, you will see that anybody coming here under that amendment, if it were to be adopted, would be penalized; he could not come here without paying large additional taxation.

Then, as to bills receivable, Mr. President, one of the peculiarities about Washington, one of the charms of Washington, is that it has no manufactures; that it has no commerce; it has

none of the rush and nervous tension that characterizes all or most other American cities. It is a quiet, peaceful place of residence. There are mighty few bills receivable in Washington. It is a place of retail trade, not of wholesale trade. The people of Washington are the Government officers, the clerks, the tradesmen who serve them, the laborers who do the manual labor, and a few, a little, comparatively tiny group of Americans who have come here because it is a peaceful place to live and an interesting and delightful place. Your tax upon bills receivable or upon credits would not amount to anything; it would be negligible.

Then the law as to assessment provides for a levy of 1½ per cent upon the assessed value of the property, and provides that the assessment shall not be less than two-thirds. I apprehend—and the Senator from New Hampshire [Mr. GALLINGER] will doubtless be able to correct me if I am wrong in that supposition—that that was put in because the assessment was charged to have been less than that before; that it was put in to require a jacking up of the assessment.

Mr. GALLINGER. When that change was made, Mr. President, in 1902, the next year under that system the assessable value of the property in the District of Columbia was increased $32,000,000 over that of the previous year.

Mr. ROOT. That was my understanding.

Mr. GALLINGER. That is how it resulted.

Mr. ROOT. Let me say something about that assessment, which is to be not less than two-thirds. My observation has been——

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Certainly.

Mr. GRONNA. As I understand, that assessment applies only to real estate?

Mr. ROOT. It applies only to real estate.

Mr. GRONNA. And personal property is to be assessed at its full value?

Mr. ROOT. Yes. Now, my observation has been—and it has been a pretty long observation—that a two-thirds valuation on city property is all that the property will bring if it is put up at auction for sale.

Mr. SMITH of Georgia. It is about the usual rate of assessment in the cities of the United States.

Mr. ROOT. Yes; it is about the usual rate of assessment, I think, throughout the country. It is two-thirds upon the kind of valuation that is created by men's own hopes for their property and the speculative element in value.

In the city of Washington to-day I know of many pieces of property that have gone begging for purchasers for years for values not above that two-thirds valuation. That is peculiarly the case with large, fine houses. When a man builds a fine house according to his own ideas, to suit himself, if he is a prudent and experienced business man he will write off more than one-third of its cost, because he will know that its value for sale will exclude any value which it has for him in conforming to his own special and peculiar ideas. The Senator from Utah [Mr. SMOOT] has just called attention to one of the fine houses up on Massachusetts Avenue the owner of which was not able to get one-half the cost of it.

This business of levying taxes, Mr. President, of assessing values for the purposes of taxation, and of selecting objects of taxation, is a complicated and difficult one, and it calls for the application of the lessons of experience in a very high degree. It is not wise, it is not sensible, to go off on the mere fact that the course that is adopted seems to somebody or seems to you or to me to be not the best course. When you come to study the subject you find a great variety of facts which inevitably modify any first impression.

So, as I have said, while I do not know and have not studied the subject of the taxation in Washington, and never have been called upon to do so, yet I do know that it is a subject that can not properly be disposed of on general propositions and general assertions; nor can it properly be disposed of by us upon an amendment to an appropriation bill.

But, passing all that, Mr. President, I would rather pay four times the amount of tax and have a voice in governing myself, in saying what I shall be taxed, in saying how the money shall be expended, than to pay what the people of the city of Washington have to pay and have no voice at all. I would rather pay more and exercise my right to help myself than to stand an humble suppliant with people set over me by others, who are not my representatives, to say what I shall pay and what my money shall be expended for. There is no parallel that can justly be drawn between the situation of the people of Washington in respect to taxation and the people of Cincinnati, or of Cleveland, or of Buffalo, or of St. Louis, or of San Francisco, or of Des Moines. The people of Washington and their property are helpless in our hands; they have no voice about it; and that must be so, because we and not they must be sovereign in the city of Washington. The only way they can protest is through newspapers. The things that are to be done with their money may be the things that they most oppose, but they are helpless.

Now, sir, under those circumstances, after a long history of most distressful constroversy, after a futile attempt to give them some opportunity to take charge of their own affairs, after many years during which they were bitter over what they deemed to be injustice, after they had been for long years, year after year, subject to the exactions of people to whom they could say nothing, an arrangement was reached, after long discussion and consideration, which by its operation would accomplish two things: One, to give to the people who are here, and the people who might come in the future, some guaranty of certainty of continuous policy and of protection against unexpected, whimsical, arbitrary treatment in respect of the impositions upon their property and the expenditure of the money taken from them by taxation.

The other thing accomplished was that upon all expenditures in the District there should be the protection of responsibility by the Members of the two Houses. Although there is no responsibility to the property owner of Washington, this arrangement tied to every dollar to be exacted from them a dollar to be taken from the constituents of the men who voted the money. Thirty-seven years ago that arrangement was made, and under it the people of the District of Columbia have had the protection of fixed and settled law. They have had the protection that no property could be taken from them for public use without the taking of an equal amount from the constituents of the men who made the exaction. They have been treated with justice and they have reposed upon the security of that fundamental arrangement.

Sir, if taxes are too low, let us revise them and make them higher, but do not let us take away from these wards of the Nation, helpless and unrepresented, the protection of the time-honored, fundamental agreement between overwhelming power and the helplessness of citizens without votes. I stand, sir, for the old half-and-half arrangement, which is the sole protection of the people of Washington against our arbitrary rule.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. JAMES obtained the floor.

Mr. ROOT. Mr. President, if the Senator from Kentucky will allow me, I am going to ask if the Senator from New Hampshire [Mr. GALLINGER] will, before this debate closes, out of his full knowledge and long experience regarding the history of this arrangement between the Government and the people of Washington, make up for the paucity and the defectiveness of my own statement regarding it?

Mr. JAMES. I shall be very glad myself to yield to hear the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have been so employed in matters relating to appropriation bills as to have had but little time to refresh my memory on certain points that would be of interest in this discussion. I have, however, glanced at some documents relating to the relations between the District of Columbia and the Government of the United States, which are of interest, and which, I trust, other Senators will examine.

As far back, Mr. President, as 1835, Senator Southard, of New Jersey, a man who represented that State in the Senate for 11 years and also served as Secretary of War and Secretary of the Treasury, made a report to Congress as to the relations between the Government and the District of Columbia, and I will read a paragraph or two from that interesting report. It shows the broad view that men of that generation in public life took on this subject; and while changed conditions may put a different aspect upon the question, yet it is of interest and profit to us to see how those men felt when this matter was discussed at that time. Senator Southard said:

> The object of having a permanent seat of government is indicated in the Constitution itself, which provides that Congress shall "exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States." To accomplish this object the District was ceded to Congress by the States of Maryland and Virginia, possession taken by Congress, and the land to be occupied by the Government purchased by written contracts with the owners of the soil. The plan of the city was formed by the public authorities; the dimensions of the streets determined by them, without interference by the inhabitants or regard to their particular interest or convenience. It is a plan calculated for the magnificent capital of a great

nation, but oppressive, from its very dimensions and arrangements, to the inhabitants, if its execution to any considerable extent is to be thrown upon them. No people who anticipated the execution and subsequent support of it out of their own funds would ever have dreamed of forming such a plan. It would have been the most consummate folly.

Senator Southard continued:

At that period neither the Government nor the proprietors contemplated that the whole or even a large proportion of the burden should be thrown upon the inhabitants of the city. This assertion is amply sustained by two considerations. In the first place, the contract between the Government and the owners of the land gave to the former a large extent of public lots, sufficient for all the edifices and improvements which its convenience could require, and, in addition thereto, one-half of all the building lots within the limits of the city, thus making the Nation itself an equal owner of all the private property and equally interested for the benefit of this private property in all the improvements which might be made.

Mr. President, I dwell for a moment on that statement made by Senator Southard and repeat it:

In the first place, the contract between the Government and the owners of the land gave to the former—

That is, to the Government—

a large extent of public lots, sufficient for all the edifices and improvements which its convenience could require, and, in addition thereto, one-half of all the building lots within the limits of the city, thus making the Nation itself an equal owner of all the private property and equally interested for the benefit of this private property in all the improvements which might be made.

I have noticed, Mr. President, an assertion, a written or printed assertion, that, as a matter of fact, five-sevenths of the area of the District of Columbia was given to the Government as a free gift. I think probably that is an overstatement; but, according to the statement of Senator Southard, certainly more than one-half of it was given as a free gift.

In the next place—

Says this report—

the Government assumed, and from that day to the present has claimed and exercised, entire and absolute control over all the streets of the city, so that the inhabitants or the corporate authorities have no power either to enlarge or to diminish them nor to open or close them; but the authority in these respects has been exercised at all times by Congress.

Here is another interesting paragraph in the report, which I will read:

In the acts of incorporation, which give to the city a partial control and regulation over the streets, there is no exemption of the property of the Government from taxation, and it might perhaps be properly inferred that Congress did not intend that it should be exempted, but that it should be equally subject to those burdens which became necessary for the common benefit of the whole. But the corporate authorities have, with prudence and propriety, abstained from levying taxes upon it and have laid the whole weight upon that part of the property which belonged to individuals, while the Government has been equally participant in the benefits which have resulted from them. The assessments have been regularly made upon all, public and private alike, but the taxes have been collected only from the private holders of property. The committee are not willing to recommend that there should be any change in this respect, but they believe that provision ought to be made by which mutual benefits should be met by mutual burdens, and find in this state of facts an additional argument in favor of the appropriation they recommend.

There is very much more in this report, Mr. President, which would be of interest, but I will not take the time of the Senate to read it; but I commend it to the attention of the Members of this body, who can find in the document room this paper, which was printed two or three years ago at my request.

Mr. President, the matter drifted along. The District of Columbia for a long time was required to meet the obligations, so far as revenue was concerned, out of its own treasury, except as the Government chose to make contributions, and it is a fact that down to 1878, if I remember rightly, statistics show that the District had paid about nine times as much as the Government had paid for the support of the government of the District and the upbuilding of the Capital of the Nation. It was a burden that the District could not well carry always, and in 1871 it was particularly called to the attention of Congress. It was shown that while the Government had expended a million dollars or thereabouts on the District, the taxpayers of the District had contributed more than nine times that amount, and an appeal was made for relief from that great burden. The House Judiciary Committee made a report on June 1, 1874, in which this suggestion was made:

There is something revolting to a proper sense of justice in the idea that the United States should hold free from taxation more than one-half of the area of the Capital City, should require to be maintained a city upon an unusually expensive scale, from which the ordinary revenues derived from commerce and manufactures are excluded; and that in such a case the burden of maintaining the expenses for the Capital should fall upon the resident population.

The District at that time was very heavily in debt, and it is well to bear in mind what that report states—that at that time, as now, there was a disinclination to allow the people of this District to engage in manufacturing or in commerce on a large scale.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield to the Senator.

Mr. KENYON. I was necessarily out of the Chamber. I should like to inquire from what the Senator is reading?

Mr. GALLINGER. I was reading a moment ago from the report Senator Southard made in 1835.

Mr. KENYON. Mr. Southard, of the House of Representatives?

Mr. GALLINGER. No; Senator Southard, a Member of this body for 11 years.

Mr. KENYON. I understood that the Senator was reading something——

Mr. GALLINGER. Just now I was reading from a paper by Henry B. F. Macfarland, who was for several years a Commissioner of the District of Columbia.

Mr. KENYON. As a point of order was made on me for reading anything from the House, I thought——

Mr. GALLINGER. Oh, the Senator is oversensitive about that.

Mr. KENYON. Not at all.

Mr. GALLINGER. The Senator is very much oversensitive. I have not read anything from the proceedings of the House. I do not intend to do so.

Mr. KENYON. I was misinformed.

Mr. GALLINGER. Yes; the Senator was misinformed; but even if he had not been, I do not think he ought to have made a point of order against a matter that he did not hear. [Laughter.] That is a matter of judgment, however.

There is very much more along the same line that I might take time to read, but I do not propose to do so this afternoon. I will read an extract from the Washington Star, which newspaper believes in the half-and-half principle and always advocates it very strenuously, and for that reason perhaps the force of this argument will fall on unwilling ears to some extent; but it is in such complete agreement with the views I hold on this subject that I feel I ought to present it. Here it is:

If the half-and-half arrangement is at any time to be repealed or radically modified, this drastic action should not be taken through the medium of a rider on an appropriation bill but after the thorough and careful consideration which should characterize the alteration of fundamental law. The organic act, with its compromises, its balances, its offsetting of equities, is an integral whole; and when the time comes to change it radically the substitute for it should also be complete, rounded, and balanced in all its parts; and its framers in molding it should give to all the equities of all the parties concerned the same wise and fair consideration that was given by the statesmen of the last century in their four years' labor of framing the organic act and establishing the half-and-half principle.

Perhaps before reading that I ought to have said that this matter, discussed so ably by Senator Southard in 1835, was taken up by Senator Allison, of Iowa, in 1874, when a great burden was laid upon the District of Columbia by remarkable improvements that had been made, somewhat revolutionary in their nature, and the District was practically bankrupt, staggering under a heavy load of debt. Senator Allison made a report, which will be found in this same document, which is worthy of very careful reading and consideration. That report was signed by several of the Members of this body of great ability. It was practically the inception of the plan which was afterwards adopted, and resulted in an agreement that the matter should be compromised upon the basis of the Government paying one half of the expenses of the District and the District paying the other half. That report was signed not only by Senator Allison but by Senator Thurman, Senator Stewart, Senator Wilson, Senator Hubbell, Senator Bass, Senator Jewett, and Senator Hamilton.

Now, I am going to allude to a report made about that time to the House of Representatives; but as it is an old report, and the rule does not apply to it in any sense, I feel at liberty to do so. Mr. Poland, a very distinguished Representative from the State of Vermont, made an exhaustive report on the relations between the Federal Government and the District, in which he said:

Upon that branch of the resolution, with respect to the legal relations existing between the Federal Government and the local government of the District, the committee remark that the Constitution of the United States would seem to determine, as accurately as it is possible to do, the exact legal attitude of the District of Columbia toward the Federal Government. In clause 17, section 8, Article I, of the Constitution, among the enumerated powers of Congress is the following:

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

Your committee understand this clause of the Constitution to vest in the Congress of the United States absolute legislative authority over every rightful subject of legislation within the District, without any reservation whatever to any State or States or to the people within the District itself.

This absolute control by Congress is a question no longer admitting of doubt, if any ever existed.

It may be assumed, therefore, that the Congress has supreme legislative power over the District of Columbia, and that in the exercise of this power the citizens of the District have no right to participate, and can have no right except such as may be delegated to them by Congress itself. How far this power may be delegated is a question not necessary at this time to discuss.

The debates which occurred on the adoption of the Constitution, the public sentiment which found expression in various ways cotemporaneously, are full of interest and are suggestive of the reasons which impelled the States to provide for this exclusive control by Congress. But as they shed no light upon the question of power other than to corroborate the view here expressed and now no longer questioned, the committee have not thought it necessary to present a historical review of the adoption of this clause of the Constitution. That it was necessary to bestow dignity and independence upon the Government was not then and can not now be questioned.

Upon this question Mr. Madison wrote, in the Federalist:

"Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe, or influence equally dishonorable to the Government, and dissatisfactory to the other members of the Confederacy. This consideration has the more weight as the gradual accumulation of public improvements at the stationary residence of government would be too great a public pledge to be left in the hands of a single State and would create so many obstacles to a removal of the Government as still further to abridge its necessary independence."

In strict legal sense, there can be said to be no such thing as a local government of the District of Columbia, for there can be no government within the District independent of that of the Federal Government; and whatever local authority there may be now existing, or which may hereafter be set up within the District, it can only be regarded legally as an agency of the Federal Government; and whatever authority this local government may exercise, it must be regarded as the act of the United States through their delegated representative.

This report further says:

This brings us to the consideration of the question as to the extent and character of expenses contemplated in building the Federal city. It is perfectly manifest from a moment's examination of this plan that a city was laid off here for the use of the United States upon a scale hitherto unknown in this or any other country; upon a plan to carry out which would inevitably lead to an expenditure entirely beyond the requirements of a city for business purposes.

As a matter of fact, we do not allow this city to become a business city. We discourage all efforts to establish manufacturing establishments here; and many attempts to establish them have been withdrawn upon representations that some of us have very urgently made to those who were contemplating them. The Poland report continues:

It was a plan having reference peculiarly to the wants of the Government, and not to those of its inhabitants; its streets and avenues, in number, length, and width, are upon a scale that was appropriate for a national capital, but was entirely inappropriate to the demands of a sparse population not engaged in manufacturing or commerce, and when manufactures and commerce were not encouraged to come. Not only are the streets unusually wide and numerous, but throughout the city are large reservations, so that it may be estimated that the whole area thus set apart embraces much more than one-half of the whole city, the streets and avenues alone, of which there are 260 miles, varying in width from 90 to 160 feet, amounting to one-half of the entire area of the city.

Again:

The committee believe there can be no question, in laying out such a city as is here described, that it was fully contemplated by the Government that the extent of expenditures would keep pace with the magnificence of the plan to be ultimately carried out. The founders of the Capital City evidently did not believe that in their time this plan could be consummated, but they were establishing the permanent seat of government. It was as the Supreme Court said in Van Ness *v.* The City of Washington: "The grants were made for the foundation of a Federal city, and the public faith was necessarily pledged when the grants were accepted to found such a city." And again, in the same opinion, "that the city was designed to last in perpetuity—capitoli immobile saxum."

Viewing the Capital City in this national aspect, we may well understand the motives which governed its founders in imposing upon all who were to come after them such duties and responsibilities toward it as would be peculiar to the Capital City alone, and which would fully justify a liberal, if not a munificent, policy in expenditures.

As to the mutual obligations of the Federal Government and the citizens to defray these expenses, the committee find little difficulty. It is clear, if this National Capital was founded for the use of the United States, and was placed under its exclusive government and control, and upon a scale of magnificence appropriate only for a national capital, it never could have been contemplated that the burden of expenditures should fall upon those citizens of the United States who might temporarily or permanently take up a residence at the Capital. Originally, we know, there was no population here to which the Government could look for contributions toward these expenditures, and as the city was not to become one of trade and commerce and manufactures, the local population could not be looked to in the future as being sufficient, either in numbers or wealth, to carry out the magnificent intentions of the founders. Nor, indeed, would it have been just to impose this burden upon them; for, upon the theory upon which the Capital was founded, all these expenditures would ultimately be for the benefit of the whole people, and justice would dictate that the burden should fall upon the whole people.

Those were broad and statesmanlike views, uttered by a New England man. They contain the very essence of the contention that the General Government is under obligations to deal generously with the District of Columbia and that the existing order of things should not ruthlessly be overthrown.

Mr. President, as far back as 1800, when Congress first assembled, President Adams congratulated the people of the United States upon the assembling of Congress at the permanent seat of their Government and upon the prospect of a residence not to be changed. President Adams said:

It is for you, gentlemen, to consider whether the local powers of the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you can not fail, while performing it, to take into view the probable situation of the territory, for the happiness of which you are about to provide. You will consider it as the capital of a great Nation, advancing with inexhaustible rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

Mr. President, it is somewhat unusual, it is true, but the Senate and the House of Representatives both made a reply to that suggestion from President Adams—a reply of congratulation. I will read what the Senate said:

We meet you, sir, and the other branch of the National Legislature, in the city which is honored by the name of our late hero and sage, the illustrious Washington, with sensations and emotions which exceed our power of description. * * * Great, indeed, would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place. * * * The question whether the legal powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised is of great importance, and in deliberating upon it we shall naturally be led to weigh the attending circumstances and every probable consequence of the measures which may be proposed.

The House of Representatives likewise made a reply.

Mr. President, that President Adams and the two Houses of Congress in those early days regarded the Capital City as the child of the Union, as exclusively under the Federal Government, is so clearly shown that I do not think I need make a further observation on that point.

This is not an entirely new controversy, Mr. President. It appears biennially, if not annually, and I join with others in the belief that it ought in some way to be settled. One year ago we were met by a proposition in an appropriation bill to take the surplus that the taxpayers of the District of Columbia had raised over what had been appropriated and turn it back into the Treasury of the United States. That was a most extraordinary proposition—to take from the people of the District money that they had raised by taxation and give it to the Federal Treasury; but, nevertheless, we were met with that proposition, which fortunately did not prevail.

We are now met by another proposition, indefinite, and not, as I look upon it, founded upon either justice or equity; and we are asked, on an appropriation bill, to destroy the work that wise men 30 years ago worked out after very laborious and careful consideration. Four long years they were engaged in that work. In view of the fact that this was the Nation's Capital; in view of the fact that the District of Columbia had given the Nation one-half of the area of this District as a free gift; in view of the fact that the people of this District were the wards of the Nation, and had very few rights except those of living here, paying taxes on their property, and enjoying the benefits of this great Capital—and they are great benefits, which ought not to be minimized—all things considered, those wise men concluded that the Government of the United States could well afford to pay one-half the expenses of supporting the Capital of the Nation; and the law was enacted, and has been on the statute books for about 30 years.

I said a moment ago, Mr. President, that for myself I think it might be well for a joint committee of Congress to be appointed to take this entire matter under consideration, and as the extract which I read from the Washington Star very wisely says, consider all the equities and all the balances as the men did who recommended the law under which we now live, and have a readjustment of this matter, if it is thought wise to have it; but I do in all seriousness urge that we shall not, on an appropriation bill, adopt the measure that has come to us from the other House. It is not well worked out. The Senator from Georgia [Mr. SMITH] has offered an amendment which I think improves it, but after all it is crude, and in my judgment not equitable as between the two interests that are concerned.

I was surprised yesterday at some utterances that were made in the debate. I observe that the Senator from Kentucky [Mr. JAMES] suggested that the Government ought not to pay any taxes on its property here, but all of it ought to be exempt from taxation; and he cited the fact that the capitol in his State—and he might have said, likewise, the Federal building in the town of Marion, where he lives—is exempt from taxation. That is true. The State capitols in every State, I apprehend, are ex-

empt from taxation. The Federal buildings, scattered here and there throughout the country, are exempt from taxation. That, however, is a very different proposition from the hundreds of millions of dollars' worth of property that the Government owns in the District of Columbia, probably an amount almost equal to the taxable property of the District. To say that that shall be exempt from taxation is going altogether too far.

We will take the addition to the Capitol grounds. Hundreds of families were dispossessed of their homes by the action of the Government. True, they were paid for their property; but that property disappears from the taxable property of the District, and those people go to some other part of the District and establish new homes. To say that the Government can go on, in its authority, and keep adding to its possessions, on the ground that it is for public purposes, and acquiring the property of the people of the District without let or hindrance, and pay no taxes on that property, is, of course, abhorrent to the sense of justice and propriety. If the Senator from Kentucky gives the matter a little more consideration, I think he will agree that he was a little rash when he made that observation.

The Senator from Iowa [Mr. KENYON], who is always fair in his discussion and who is very tenacious in the views he holds—and that is to his credit—suggested that he thought he would remedy this evil somewhat by proposing an income tax for the District of Columbia. Mr. President, that is going rather far. The people of the District of Columbia pay the Federal income tax as well as do the people of the States. I apprehend that the State of Iowa probably has not a State income tax. I do not know how that may be. Two or three States have, but those laws have fallen into innocuous desuetude, and are not workable at the present time. So I do not think the Senator from Iowa, after he considers the matter very carefully, will introduce a bill of that kind.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. KENYON. I had in mind the income-tax law of the State of Wisconsin, which has worked very successfully in raising revenue upon those things that are generally hard to find; and it seemed to me that if we can not reach it in any other way a tax law of that character might do the business.

Mr. GALLINGER. I am not familiar with the terms of that law. I am familiar with the fact that the State of Massachusetts has a State income-tax law which is not observed at all; but the Federal income-tax law, of course, is observed there, as elsewhere, I hope, honestly.

I want to call attention to the tax law of the District of Columbia. Aside from its not taxing intangibles, I think it is about as strenuous a tax law as can be found anywhere on earth; and that word "intangible" is somewhat intangible to me. I do not know why the word "tangible" would not properly reach a good deal of so-called intangible property, but I may be mistaken on that.

Mr. President, the various things that are taxed and the various classes of people that are taxed in this District will be of interest to the Senate. In the first place the taxation on all tangible personal property is to be "assessed at a fair cash value, * * * including vessels, ships, boats, tools, implements, horses and other animals, carriages, wagons, and other vehicles." They are required to pay 1½ per cent tax upon their fair cash value. I presume that the States, as a rule, and the municipalities, as a rule, have a personal-property tax. It does not prevail universally in the State which I in part represent, but it would seem to be a fair tax. Hotel companies are taxed on their furniture and other appointments. Each national bank pays on its gross income 6 per cent, and incorporated banks pay on their gross incomes 6 per cent. In addition to that they pay the usual tax on real estate. Each trust company, electric-lighting, and telephone company is taxed on real estate as other owners are. In addition to that the street railways pay 4 per cent on their gross receipts. Insurance companies pay 1½ per cent on their premium receipts and gas companies pay 5 per cent on their gross earnings.

All companies that guarantee the fidelity of any individual as well as bonding companies pay a tax of 1½ per cent on their gross receipts. Savings banks having no capital stock and paying interest to their depositors pay a tax equal to 1½ per cent. The capital stock of all corporations other than those that have been provided for are taxed at their fair cash value at a rate of 1½ per cent. The building associations pay a tax of 4 per cent on their gross earnings. Private banks or banks not incorporated pay a tax of $500 a year. General brokers pay a tax of $250 a year. Note brokers pay a tax of $100 a year. And so down the list, Mr. President. Then there is an imposing list of license taxes. I doubt very much whether there is any community, State or municipal, that has as sweeping a tax law as we have in the District of Columbia.

About the only real objection which could be made to our tax laws is that they do not tax intangibles, so called. That is a matter which has been debated a great deal in all the States of the Union, and while some States have adopted laws on that subject, some, I think, taxing them at their full value, others at a reduced value, and others exempting mortgages, for instance, where the loan is made at a rate of 5 per cent, there is no uniformity about it. My suggestion is that if the tax laws are to be changed in the District of Columbia this schedule, which can be well understood, should be taken and a proper revision made of it, and if it is desirable to put some kind of a tax upon so-called intangibles, let it be added to the list. But it is my impression that when that is done they will not get any more revenue than they do now, because there are methods of evading taxes. Even some of the taxes in existence are being evaded at the present time, and we might find that we were no better off after we had revised our tax list.

That leads me to the suggestion I made in response to an interrogatory by the Senator from New York [Mr. ROOT]. The Senator from Iowa complained that the tax law was changed in 1902, so far as the assessed valuation was concerned, from a full valuation to a two-thirds valuation. Everyone knows that where the law says that real estate shall be taxed at its full valuation it is not so taxed. There probably is not an exception to that rule. It is not so taxed, and, as a matter of fact, that change in the law brought an assessed valuation the first year after the change had been made of $32,000,000 in excess of what the assessed valuation was the year before. So it certainly did good rather than harm. Probably that fact escaped the attention of the Senator from Iowa.

I have had very little experience, Mr. President, in paying taxes in the District of Columbia, but what little experience I have had justifies me in saying that if anybody is escaping taxation in the District of Columbia he must be a fortunate man. All sorts of taxes are levied upon the people of the District of Columbia. A street is opened half a mile from your house, and under the law they can exact benefits from you because of the opening of that street. That is being done constantly. Other burdens are placed upon the people here that are not placed upon the people in any other community that I have knowledge of.

I really feel, Mr. President, that, as far as this matter of taxation is concerned, Congress acted wisely when the system was inaugurated, but the time may have arrived when it should be revised; but if so, it ought to be done calmly, considerately, and justly to all parties in interest.

There are a few rich people in Washington. Possibly some have come here to evade taxation. They do that in other places. It is done everywhere. One instance was cited yesterday of a citizen of Michigan who undertook to establish his residence in the city of Washington, presumably, I suppose, for the purpose of avoiding an inheritance tax. I do not know how that may be, but the fact is that Michigan did not regard the claim that was made in behalf of that distinguished gentleman as to his residence being in Washington, and every dollar of tax that belonged to the State has been collected, I understand.

Mr. President, as I said, Washington is not in many respects as desirable a place to live in, so far as the matter of taxes is concerned, as some people think. There are 6,000 empty houses in Washington to-day, according to a census recently taken. The great private buildings of Washington are not paying an adequate return, such as apartment houses, office buildings, and so forth. They are not paying a return that is alluring to anybody who wants to get a proper dividend for his investment. I am honestly of the belief that while a few men are making a good deal of money, and while there are a few very rich men in the city of Washington, we ought not to be turned from our desire to do equal and exact justice by that fact. Perhaps, instead of a benefit, we would do a harm to the people of this District.

Mr. GRONNA. Mr. President——

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. GRONNA. I have been inclined to be in sympathy with the argument made by the Senator from Iowa [Mr. KENYON], but I wish to know from the Senator from New Hampshire if the evil would be reached by the change proposed in the bill by the House? If the discrimination to which attention has been called is made in assessments, it seems to me that that is the fault of the administrative officers. The law is certainly very comprehensive. It provides that real estate shall be assessed at two-thirds of its value. It does not exempt the

rich any more than it exempts the poor, and I can hardly see that we would remedy that evil by changing the law. I am, however, very desirous of remedying one evil, and that is to assess bonds. Stocks are, of course, assessed at the place where the corporation does business; but could we not assess bonds? Are not bonds tangible property just as well as a stock of goods? I should like to have the Senator from New Hampshire explain that.

Mr. GALLINGER. I presume the difficulty would be in finding the bonds, unless they are registered. The Senator could tax tangibles if he could get at them; but if he could not get at them, I think they would be very intangible. All bonds escape taxation in the District at present, and I think if we taxed them a good many of them would disappear from the District of Columbia, as they do from every place where the tax is placed upon them. But I am not contending against that proposition at all. On the contrary, I have said that I think it ought to be taken into consideration; and if it proves desirable to make a change in that regard, it ought to be made.

I suggested yesterday that there is in some of our jurisdictions an injustice in taxing a 4 per cent bond at the full rate of taxation that is imposed upon other property which amounts to 2 per cent tax. For that reason it is being discussed in my own State, and probably a law will be passed at the present session of the legislature imposing a less rate of taxation upon property of that kind, which I think would be an entirely equitable thing to do.

As to the matter of assessing property it is a difficult matter, I take it. What is the value of a great house? The Senator from North Dakota has in mind now, I have no doubt, two or three houses on Massachusetts Avenue, perhaps a dozen. What is the value of them? What is the value of the two most conspicuous houses on Massachusetts Avenue? What is the value of either one of those houses?

Mr. GRONNA. In my judgment it would be whatever they would sell for.

Mr. GALLINGER. Who is going to find out what they would sell for? We all know that they would not sell for one-half what they cost.

Mr. GRONNA. May I ask the Senator another question? There has been a complaint from the general taxpayers in this city that those who own expensive buildings are assessed lower than those who own smaller buildings.

Mr. GALLINGER. I will say frankly to the Senator that I have not heard it, and if it exists, it certainly would have come to my attention. In fact, this matter of taxation has not been discussed, so far as I know, on the part of the taxpayers of the District of Columbia. It has been discussed elsewhere, and the great desire for a change comes from elsewhere.

Mr. President, I think I have said all I care to say upon this matter. I served for a long time upon the Committee on the District of Columbia—22 long years. The first request I made when I became a Member of this body was that I should not be placed on that committee, but I suppose to punish me for being a new recruit I was put upon that committee and upon the Committee on Claims, and I thought I had been imposed upon. But I took up the work. I became interested in it. I became deeply interested in the prosperity and the upbuilding and the beautification of the city of Washington. I made a martyr of myself in the work I did. I have been criticized here and elsewhere for not having done more, but I did all that my strength permitted; and my own people justly complained that I gave too much time to affairs of the District of Columbia. For about 10 years I was chairman of that committee, and in every possible way, the committee cooperating with the chairman, we tried to enact just laws for the District. We did not do all we could in that direction. We had not the time or the strength to do all that was desirable, but we did a great deal. The senior Senator from Minnesota yesterday rather chided me for not having passed laws taxing intangible property. Perhaps we ought to have done it, but that was no more my duty than it was the duty of each member of the committee and of each Member of the Senate of the United States and of each Member of the other House. No duty can be loaded on any one individual in the matter of enacting good laws.

Mr. President, with these observations, feeling that I have done my duty to the District of Columbia, giving of my strength and my time to the limit, my only anxiety is that for the future the District shall be governed properly and wisely, I leave the matter to the Senate. But I can not for the life of me lose sight of the fact that this is the great National Capital. The Government has jurisdiction over this territory. The people of this District are vassals in a sense, and in dealing with the affairs which concern them so intimately a great Government, rich and powerful, ought not to be oppressive or niggardly.

I said yesterday that the people of my State do not begrudge the 7 cents per capita that is to be paid to support the government of the District of Columbia. Other States may begrudge it, but our people do not. The people of New England have a just pride in the Capital of the Nation. They come here by hundreds and hundreds every year. The school children come here during their vacations, and they go back and tell their families and the scholars with whom they associate of the beauty and the magnificence of the capital of the great country of which they are all so proud. I hope nothing will be done to halt this development. I plead with Senators to do nothing that will halt it; and my final plea is, Mr. President, that this amendment which the committee has offered shall be allowed to remain in the bill and go to conference, believing that if it prevails and the existing condition continues one year more no harm will come to anybody, and that in the meantime it will give us all time to consider the best procedure for correcting any irregularities or wrongs that may exist in the present laws relating to the government of this "reservation," in reality belonging not to the people of the District of Columbia but to the people of this great country. Let us act deliberately, conservatively, and wisely.

Mr. JAMES. Mr. President, I listened very patiently and carefully to the Senator from New Hampshire [Mr. GALLINGER] and to the Senator from New York [Mr. ROOT], and to my mind I have not heard a good reason given yet why the people of my State or of the other States of this Union should pay half of the expenses of the municipality of Washington.

The Senator says that this is under the old organic law, and therefore it is sacred.

Mr. GALLINGER. The Senator is too fair a man to say that I said it was sacred. I said over and over again that I think it may be well to have it considered again by a committee that will take into consideration all the facts bearing on the case.

Mr. JAMES. I was merely putting my construction on the language of the Senator. Of course he did not use those words.

Mr. GALLINGER. No; the Senator's construction was unfortunate.

Mr. JAMES. I think it was in reality the gist of what the Senator urged.

The organic law, of course, is sacred—that is, it is sacred so far as taxing the property of the small home owner is concerned—but it was not sacred when those who owned bonds and stocks and moneys and fortunes in 1902 put the hand of privilege upon it and exempted their holdings from taxation. They relieved their fortunes from the burden of taxation and left it resting upon the small home owner of Washington and half of it resting back yonder upon the people in my State and the other States of this Union. To my mind there is not in existence a more unjust system of taxation than that, which ought to be the model one in the Capital of this Nation.

Gentlemen can not justify the unfair system that is in force here by saying you want an ideal city for your Capital. So do I, but better yet than an ideal city is an ideal system of taxation among the people who constitute a great nation.

The Senator tells us that if a man owns a piece of property in the city of Washington and a street is opened there he has to pay for it. So they do in Marion, Ky., where I live.

Mr. GALLINGER. The Senator again misunderstood me. I said there was a system of taxation here whereby the benefits were levied upon property holders of one street for the opening of a street some distance from where the property owner lived.

Mr. JAMES. I shall be courageous enough to venture the assertion that they have never laid a burden upon a single property owner in the District of Columbia for a street opened that has been in any way commensurate with the benefit that has accrued to the property by reason of the improvement.

But why should the property of a millionaire such as Mr. Post not be taxed, who came to Washington, bought a little home of $6,700 value, and owned $20,000,000 in stocks and bonds and interest-bearing securities? Why should his fortune have gone on untaxed while the humble little cottage that was the home of a thousand-dollar clerk in this District had to pay its burden of taxation?

Gentlemen, it is not enough to say that we do not want to legislate upon an appropriation bill. It is not enough to say that you want a committee to investigate. It is not enough to say that this has been the law since 1902. It is unjust, and no technical point of order ought to be invoked between justice and the people who are escaping taxation here.

Gentlemen talk about the District of Columbia as though all the property of the District was under the control of the Government. There are 45,000 acres of land in the District of Columbia, and yet the Federal Government does not own quite 5,000 acres of it, and of the 5,000 acres that the Government

does own 2,500 acres of it are in a beautiful park known as the Rock Creek Park for the benefit of the citizenship of the city of Washington. There are other parks here—many of them—used entirely by the people here, that were paid for by the people of the United States.

My friend, the Senator from Colorado, Mr. SHAFROTH, suggested that he would be willing to tax the people of the United States in order to keep up the parks of the city of Washington. The parks here are beautiful, but why should the people in other parts of this Nation who get no benefit from them be taxed in order to keep up these pleasure resorts that are never seen, much less used, by the people of the United States.

Mr. LIPPITT. Will the Senator yield to me?

Mr. JAMES. Certainly.

Mr. LIPPITT. I am not very familiar with the system of taxation in Washington, and for my information I ask the Senator does he mean that some gentleman bought a home here and that $20,000,000 of his property went untaxed?

Mr. JAMES. I refer to the case of Mr. C. W. Post, who came here from Michigan, changed his residence from Michigan to Washington, in order to escape the taxation of the State of Michigan. He bought a home here and claimed his residence here and paid no taxes either here or in Michigan upon the $20,000,000 that he owned.

Mr. GALLINGER. The Senator is wrong. The tax was assessed in Michigan upon Mr. Post's property. They ignored the fact that he obtained residence here.

Mr. JAMES. I know, but that question is still in litigation. Because Michigan has tried to exercise through a long line of trials and court procedures to wring from this man this money is no reason why we should continue this as a haven for him.

Mr. LIPPITT. I am simply asking for information on this subject. I am not familiar with it.

Mr. JAMES. Certainly.

Mr. LIPPITT. Does the Senator mean to state that personal property in Washington is not taxed at all?

Mr. JAMES. I mean to say that intangible property—money, bonds, notes, mortgages—are not taxed at all in Washington.

Mr. LIPPITT. Do you mean to say that only real estate and tangible personal property is taxed?

Mr. JAMES. That is true.

Mr. LIPPITT. Is that the law?

Mr. JAMES. That is the law.

Mr. CLAPP. The law expressly refers to tangible personal property.

Mr. LIPPITT. So that real estate and tangible property are taxed and other personal property is not taxed under the law?

Mr. JAMES. That is correct.

Mr. LIPPITT. I merely asked for my own information.

Mr. GALLINGER. Mr. President, I assume the Senator from Kentucky does not mean to say that Mr. Post had $20,000,000 in intangibles?

Mr. JAMES. He had it in stocks and bonds and money.

Mr. GALLINGER. Stocks are not taxable, of course.

Mr. JAMES. Certainly they were not taxable here, and he evidently came here for the purpose of escaping taxation in the State of Michigan, and the question whether he was a resident of the State of Michigan or a resident of the District of Columbia is still a question that has not been decided in the court of final resort.

The Senator from New York [Mr. ROOT] stated that the property taxes in the District were not unduly low and, as he thought, upon an average of the taxes in other great cities. The Senator is in great error about that. The tax in Washington on real estate here is $1 on a hundred; in Philadelphia it is $1.50 on a hundred; in St. Louis it is $1.51 on a hundred; in Pittsburgh, $1.53 on a hundred; in Boston it is $1.72 on a hundred; in New York, the home of the Senator from New York [Mr. ROOT], it is $1.82 on the hundred. So the people of the city of New York are paying practically twice as much tax as the people in Washington pay upon their real estate.

Mr. SMITH of Georgia. Will the Senator yield to me just for a question?

Mr. JAMES. Certainly.

Mr. SMITH of Georgia. Is not the Senator in error about that? Is not the tax here $1.50 and the tax there $1.85, and is it not true that the assessed value at all these places is about 66⅔ of the actual value.

Mr. JAMES. The assessed value here is $1, because they assess only two-thirds of the value of the property. My understanding is that they assess upon the real value of the property in these other cities.

Mr. SMITH of Georgia. Is it not practically the same in these other cities?

Mr. JAMES. I do not think so.

Mr. SMITH of Georgia. You have not looked into that?

Mr. JAMES. I have not looked into it, but I am using this statement here that has been referred to time and time again and never denied.

Mr. GALLINGER. I denied it. I said that, in my judgment, there was not a municipality in the country that assessed property above two-thirds, and I believe that to be a fact.

Mr. JAMES. But what would be the tax, let me ask the Senator, if they levied a tax upon the fortunes of the rich, upon the stocks and bonds, and upon money in the city of Washington as they levy it in the city of Louisville?

Mr. GALLINGER. They could not levy upon the stocks, to begin with, if they tried.

Mr. JAMES. On bonds and credits and evidences of debt.

Mr. GALLINGER. As far as bonds are concerned, I know nothing about them. I think the Senator knows that when they come to levy upon bonds——

Mr. JAMES. It is owing to the kind of bonds.

Mr. GALLINGER. It is not Government bonds.

Mr. JAMES. There are other bonds besides United States bonds, as the Senator knows.

Mr. GALLINGER. I was going to say when you come to levy upon bonds you will not get as large returns as the Senator thinks. Of course there are bonds here that they might have taxed.

Mr. JAMES. Of course bonds of corporations and bonds of municipalities or bonds of States would be subject to taxation.

Mr. LIPPITT. Since I asked a question of the Senator from Kentucky a moment or two ago about the tax on personal property my attention has been called to the language of the tax laws of the District of Columbia and to the source from which they sprung. I understand that the laws which tax tangible property and real estate are laws that have been passed by Congress for the purpose of assessing what Congress thought was a fair tax upon the citizens of the District of Columbia. So far as Mr. Post's coming here, if he had wanted to pay a tax on his personal property he would have been forbidden to pay that tax by the law that this very body passed. If anyone is to blame, if there is any unfairness in the situation that exists, it is due to the action of Congress.

Mr. JAMES. I am not criticizing Mr. Post. I am merely calling attention to the fact.

Mr. LIPPITT. The Senator's language did not sound like praise.

Mr. JAMES. I am calling attention to the situation that existed by reason of the law of this District which offered a haven not only to Mr. Post but to the Senator or anybody else who wanted to come here. I am not criticizing Mr. Post. I do not think his action was that of a patriot in the highest degree, but he came here. He was obeying the law, of course, but that does not justify the law.

Mr. LIPPITT. I know nothing about Mr. Post. I am neither praising him nor defending him. I was simply trying to find out why the situation which the Senator has quoted has anything to do with the justice or injustice of the amendment which is under discussion.

Mr. JAMES. I was merely pointing out that as to the law, which, of course, is not sacred, we can repeal it, and that is what I am trying to do. A situation existed which offered an absolute haven to all people who wanted to escape taxation.

Mr. SMITH of Georgia. The relevancy, then, is this——

Mr. LIPPITT. I am trying to find out what is the relevancy of the argument, anyway.

Mr. SMITH of Georgia. If all the property was subject to tax that would be subject in other cities there would be no necessity for the Government to contribute an amount equal to the amount raised from local taxation. I think that is the legitimate line of argument.

Mr. JAMES. I am only showing that it is necessary to levy a certain amount only upon real estate in order to get a sufficient amount of money to defray half the expenses of the government; and that if you exempt the millions of stocks and bonds and evidences of indebtedness, you of necessity put the taxes higher upon the poor man who has to bear the burden. That is all.

Mr. LIPPITT. Of course, Mr. President, this whole subject of the taxation of personal property in its various forms is one of the most intricate and difficult questions that arise in connection with taxation. There are almost as many different theories as to what is the most just form to adopt in that connection as there are municipalities. I should like to say that, so far as my own community is concerned, they have within three or four years back, through the form of a commission, given that subject very careful consideration. As a result of that consideration, they have passed a law by which, while the

tax on real estate in the city of Providence is 1¾ per cent, as a rule, or in that neighborhood, the tax on personal property has been reduced to four-tenths of 1 per cent on the ground that it was unjust and undesirable to tax personal property in the municipality at the same rate at which real estate was taxed.

Mr. JAMES. But they do tax personal property; they tax the poor man's furniture here.

Mr. LIPPITT. I am talking about the city of Providence.

Mr. JAMES. I am talking about Washington. They tax those things that are termed tangible; but, of course, bonds, money, evidences of debt, and credits are all intangible.

Mr. LIPPITT. I understand now exactly what is taxed in Washington. What I was starting to say was that there is a great variety of opinion upon the propriety of taxing personal property and upon the method of taxing personal property. It is evident to me, from what I understand about this situation, that the Congress of the United States, in 1902, evidently studied this subject, and it decided, for reasons which were satisfactory to itself, that it was not advisable for some reasons which I do not know to tax intangible personal property in the city of Washington.

Mr. JAMES. Has the Senator looked that matter up?

Mr. LIPPITT. I understand that the situation is that the law was passed by Congress.

Mr. JAMES. My information is—I have not looked it up and I may be in error about it—that when the word "tangible" was put into the law it was done in conference. I have not been able to find any debate to elucidate the reasons why it should have been done. If the Senator from Rhode Island knows of any, I should be glad to hear them.

Mr. LIPPITT. If the Senator will allow me, I will say that I said that Congress had done so for reasons satisfactory to itself. I supposed that when Congress passed a law and put the word "tangible" or "intangible" into the law, it knew what it was doing and knew why it did it, and that it had some reason for doing it. So I think I am perfectly justified in saying that when that law was passed Congress, for reasons satisfactory to itself, thought that that was the proper way to levy taxes in the city of Washington.

Mr. JAMES. I have known of many laws being passed which would not have been satisfactory to Congress if Congress had entirely understood them.

Mr. LIPPITT. I know of many laws that have passed which are not satisfactory to some Members of Congress; but I assume that a law which is passed is satisfactory to a majority of Congress.

Mr. JAMES. Most of such legislation, or a great deal of it, comes from committees of conference.

Mr. LIPPITT. What I am coming to is this: It seems to me that if there is a situation which exists here which ought to be remedied and which appeals to a majority of this body that it should be remedied, the proper proceeding is to pass a different law on the particular subject.

Mr. JAMES. I have an amendment here for that purpose.

Mr. LIPPITT. I do not see why we should consider that that is any reason at all for our changing the relation between the tax-bearing element of the District of Columbia and the Government.

Mr. JAMES. I was merely presenting that question to show that the original act of 1878 was not sacred, that was all.

Mr. LIPPITT. I concur with the Senator from Kentucky that it is not sacred; but it occurred to me that the argument which the Senator was advancing might or might not apply to something that could wisely be changed, but that the reason for changing this particular thing did not appeal to me.

Mr. JAMES. I was urging it for the additional purpose, in the first place, that it would reduce the taxes upon what I call the under dog; and, in the next place, if property was justly taxed in the District of Columbia as it is taxed not only in my State but in practically every other State in the Union, the Federal Government would not have to contribute anything like one-half, but I venture the assertion that one-fourth would be ample from the Federal Government to pay the expenses for the government of the city of Washington.

Mr. LIPPITT. Of course I do not know about that. I have never seen a community in which a tax on intangible personal property amounted to any such figure as the Senator's statement would indicate. It does occur to me, however, in regard to this question that, even if this tax were first put upon intangibles, and in that way more money were raised, instead of reducing the amount which the National Government shall expend it might very well simply be used to increase the amount that the District of Columbia would have at its disposal, for I think there are a very considerable number of things that might be done to still further improve this District with the additional sum that would be so raised. So, if the law were passed and it were left to me to decide, instead of reducing the amount which the National Government should pay, I should be in favor of the National Government still contributing on a half-and-half basis, and going ahead and doing the additional things that the money thus raised would allow to be done.

Mr. JAMES. Can the Senator give me a good reason why the people of Kentucky or of Rhode Island ought to be taxed not only to run their own municipalities and their own States and the Federal Government, not only to educate their own children and build schoolhouses and buy books for them, but why should our people be taxed to buy schoolbooks for the children of Washington?

Mr. LIPPITT. I do not understand, Mr. President, that that is at all a fair statement of the condition which exists here. The Senator from Kentucky knows that affairs in the city of Washington are different from those of any city in any State in the Union. If I may be permitted to answer what is at the bottom of his question, why the citizens of Rhode Island, why I personally should be called upon to contribute anything to the municipal development of the city of Washington, I will say that I think the reason is because Washington is the National Capital of the United States; because it is a city in which I as a citizen of the United States take a great deal of pride, because I think that in order to properly represent the cultivation and the enterprise and the civilization of the United States it is wise and necessary that the Capital should be a different sort of a place from a mere commercial city. The Senator from Kentucky should remember that the city of Washington is not, and from its very nature never can be, a commercial city.

Mr. JAMES. I understand that, but the Senator would tax his people not only to run the municipality, to light it, to police it, and to create all these great parks, greater than those of any other city——

Mr. LIPPITT. I do not understand we have to do that.

Mr. JAMES. I am just simply stating what is the system as the law exists, and I understand the Senator is supporting that law.

Mr. LIPPITT. Mr. President——

Mr. JAMES. Just a moment.

Mr. LIPPITT. I am not agreeing with the Senator's statement.

Mr. JAMES. All right. Then, why should your people in Rhode Island be taxed to pay for the schoolbooks for the children of Washington, when in the capital of your own State you do not buy books for the children there by taxing the other parts of the State?

Mr. LIPPITT. I will tell the Senator, Mr. President. I thought I had already answered that. I do not understand that the money which I contribute or which my State contributes is used to pay for schoolbooks for the city of Washington.

Mr. JAMES. Unquestionably that is true.

Mr. LIPPITT. I do not think it is true.

Mr. JAMES. There is no doubt of it. The Senator in charge of the bill will not deny that.

Mr. LIPPITT. If the Senator will allow me to finish my statement, perhaps I can make the matter clear; at least to myself.

Mr. JAMES. Very well.

Mr. LIPPITT. I do not understand that the money which I contribute is used to buy schoolbooks here. What I do understand is that Washington is a city with an extraordinary number of parks that it has to light and care for; with an extraordinary width of streets; with an extraordinary number of buildings untaxable, which it has to police, for which it has to provide water, lights, and all those things; for which it has to provide a fire department; and that the part which I contribute is the part that goes to help provide for those things. I am perfectly aware that it all goes into one fund.

Mr. JAMES. The Senator is in error in the statement that the District polices the Capitol Building; they do not do that at all.

Mr. LIPPITT. The Senator is mistaken. The whole city of Washington is policed by the municipal police.

Mr. JAMES. Not at all; this Capitol is policed by the Government, at the Government's expense.

Mr. LIPPITT. Well, let me ask the Senator if the grounds on which the Capitol Building stands do not adjoin the grounds of the other part of the District of Columbia?

Mr. JAMES. Oh, yes. The District of Columbia adjoins Maryland; but we do not police Maryland by reason of that fact.

Mr. LIPPITT. Let me ask the Senator whether the policeman who walks up and down that boundary line does not also

help to police the ground on which this Capitol stands, and if it were not for the public buildings and grounds in Washington would it be necessary to have the number of policemen which now have to be provided for?

Mr. JAMES. I think the Senator's reasoning is absurd. The fact is the Senator stated that they policed the Capitol Building. The Senator is in error; they do not. The Government itself does that at Government expense.

Mr. LIPPITT. I did not suggest, Mr. President, that they policed the Capitol Building. What I said was that they policed—perhaps I should have said they help to police—property that is owned by the National Government in the District of Columbia. Further than that, to take probably a better illustration, they certainly provide the fire department for the public buildings which are owned by the National Government.

Mr. JAMES. Oh, yes.

Mr. LIPPITT. Then, I would say that, in my judgment, to make my position more clear to the Senator, the part that I have to contribute is for that additional fire protection that an ordinary city would not have to provide.

Mr. JAMES. So far as I am concerned, I am perfectly willing for the Government to contribute what would be reasonable and fair to this city for such work as this city would do for the Government, and am even willing to be more than generous along that line; but I can not find any reason why the people of the State of Kentucky and of other States of the Union ought to be taxed for the benefit of the people of the city of Washington.

Mr. GALLINGER. Mr. President, does not the Senator find a reason in the fact that the property of the Government here is not taxed?

Mr. JAMES. The property of the Government in the States is not taxed in any State in the Union.

Mr. GALLINGER. Then, I should like the Senator——

Mr. JAMES. I suppose the Senator has as much pride in his State as he has in the Union?

Mr. GALLINGER. Yes.

Mr. JAMES. And I should like to know why he should set up one standard for the Federal Government, in which his State is one forty-eighth, and set up another standard for his State itself?

Mr. GALLINGER. The Senator from Kentucky, then, is in favor of exempting from taxation the property of the Government in the District of Columbia?

Mr. JAMES. I am, absolutely. I think it would be out of the question to say that the Government ought to pay a tax upon its own property to anybody.

Mr. GALLINGER. I think in the history of the Government the Senator is the only man who has ever taken that position.

Mr. JAMES. That may be true; but you will find plenty of them when this vote is taken.

Mr. GALLINGER. Mr. President, now if I may correct the Senator in another matter, the Senator has been speaking for the poor people of the District of Columbia. I belong to that class myself, and I have sympathy for them. The Senator says that these great exemptions apply to the rich. Does the Senator know that there is an exemption in the tax laws of the District of Columbia to the amount of $1,000 as to the household goods of the poor?

Mr. JAMES. Yes; I understand that perfectly.

Mr. GALLINGER. I thought probably the Senator had overlooked that.

Mr. JAMES. But there is an exemption in every State in the Union of certain household goods. There is an exemption in my State; that is nothing new at all.

Mr. SMOOT. But not of a thousand dollars.

Mr. JAMES. Not of a thousand dollars; but that only goes to show that the half-and-half principle is wrong even upon that basis, because you are taxing people in the other parts of the country who have no such exemption as they have here to help them defray the expense of a government here, where they have an exemption to the extent of a thousand dollars.

Mr. GALLINGER. As a friend of the poor man, the Senator from Kentucky ought to have the laws of his State changed so as to make the exemption a thousand dollars.

Mr. JAMES. If you will help us in getting a just system of taxation, we will not have so many poor people in the country. It is simply the position the Senator undertakes to maintain upon this floor that drives many to poverty; it is the unjust hand of taxation that is laid upon the people.

Mr. GALLINGER. What has the Senator from New Hampshire stated that justifies that remark?

Mr. JAMES. Well, the Senator from New Hampshire stated that the country as a whole was only called upon to pay a tax of 7 cents per capita to provide for its part of the expenditures of the District of Columbia.

Mr. GALLINGER. Yes.

Mr. JAMES. You can not urge that a tax ought to be levied because it is small. The question is, Is it right?

Mr. GALLINGER. That was a passing remark that I made. I thought it would appeal to the Senator.

Mr. JAMES. And what I have said was merely a passing remark.

Mr. GALLINGER. I thought it might relieve the Senator's distress to know that they pay only 7 cents per year.

Mr. JAMES. The Senator need not fear about distress. I am contending for the rule of justice to be applied by the Government in its system of taxation.

Mr. SMOOT. Mr. President——

Mr. JAMES. And you can not flout that sort of a contention out of court or out of the Senate, either.

Mr. SMOOT. Mr. President, I think the Senator is hardly fair in comparing statehouses in the different States with the Government property at Washington. Of course, the statehouses of the different States are not taxed, but the people who are taxed upon the balance of the property in the State or city in which the statehouse is located have a say as to how much taxes they shall pay and how those taxes shall be spent; but the people of the District of Columbia have no say as to how their taxes shall be spent.

Mr. JAMES. Well, let us change that. Do not let us keep up a false system of taxation because something else ought to be done. Let us correct that.

Mr. SMOOT. I have not the time in an interruption to go into that question, but I will say that there is quite a difference. The Senator asks why the people of Kentucky should be taxed to buy school books for the school children of the District of Columbia. The people of Kentucky have more to say as to how the money shall be spent here which is collected in taxes than have the people of the District of Columbia.

Mr. JAMES. Yes; and you are asking the people of Kentucky to be more generous to the children of Washington than they are to the children of their own State. Because the State does not buy school books for the children in Kentucky unless the parent or guardian comes forward and makes a statement to the county judge that he is too poor to buy them himself, and then the State supplies them; but here you tax our people in that State and the people all over the Union to buy and supply school books for children in the city of Washington.

Mr. SMOOT. Of course I do not know what the rule is in Kentucky, but I know that the rule in most of the States is to buy school books for the children, irrespective of whether or not their parents are poor——

Mr. JAMES. I am making a statement about my own State.

Mr. SMOOT. And they do not require the father and mother to come up and swear that they are paupers before they can be relieved of buying school books for their children.

Mr. JAMES. Well, you have many good laws out in Utah; I am not going to undertake to criticize any of your laws in enlightened Utah; I am simply stating what Kentucky has done. That is our law; and I say that while I had nothing to do with making it, it is the law, and we can not change it.

Senators talk about the city of Washington and about the Capital being here as if it were a distinctive burden to the people to have the Capital here. Look at the immense pay roll that it supplies to the business people of Washington and to others who live here. I understand it amounts to $7,000,000 a month; one of the largest pay rolls, indeed, I suppose the largest pay roll of any city at all approaching it in size in all the world.

Some Senators think and urge that the streets belong to the Government. The Supreme Court has held that the streets are merely held by the Federal Government in trust for the people of Washington. I say that this system of half and half is unjust; and if you had a just system of taxation in the city of Washington, such as they have in other cities of the States of this Union, there would be derived almost a sufficient amount of revenue to run this city in all its greatness and in all its splendor as the ideal city of the Nation.

Mr. SMOOT. Mr. President, in reference to the streets, I want to call the Senator's attention to the fact that when a street is opened in Washington assessments are made upon property that is not benefited in any way.

Mr. JAMES. Oh, my dear sir, you will have to prove that to me.

Mr. SMOOT. I can very easily prove it to the Senator.

Mr. JAMES. If you will prove to me where they are opening streets and charging property owners for the opening of streets

where they derive no benefit from it, you had better have them go into court and enjoin it.

Mr. SMOOT. I can very easily prove it to the Senator, because I have had the experience. I live——

Mr. JAMES. I will say to the Senator that I have some information about streets, too, and about parks and about monuments that have been erected here; and if you will make an investigation you will find that more fortunes have been made through them than there have been men driven to poverty or pinched by reason of them.

Mr. SMOOT. The Senator is begging the question.

Mr. JAMES. Not at all; I am stating the issue.

Mr. SMOOT. The Senator made the statement that there was no one assessed for the opening of a street who was not benefited by the opening of the street. I say that has been done. There have been many such cases.

Mr. JAMES. Well, let us have the name of one.

Mr. SMOOT. I will give the Senator my own name.

Mr. JAMES. All right. I will admit it. Will the Senator tell me now where is that street which they have opened?

Mr. SMOOT. I will tell the Senator what the street is. I live at the corner of Connecticut Avenue and Calvert Street. I was assessed for the opening of Nineteenth Street. The opening was not 5 cents' worth of benefit to me or to my property from it.

Mr. JAMES. If they had been taxing the fortunes here, as they ought to do, the Senator perhaps would not have been taxed for that purpose.

Mr. SMOOT. That is begging the question again, Mr. President.

Mr. JAMES. It is the unjust system of taxation that caused that wrong to be done to the Senator.

Mr. SMOOT. In other words, people are assessed in Washington as they are not assessed in any other city that I know of in the United States. A couple of years ago we passed a law authorizing the purchase of a piece of land adjoining the Zoological Park on the north side. I received notice the other day that I was assessed a hundred and fifty dollars to pay in part for that land, because it was claimed that it was a benefit to my property.

Mr. SMITH of Georgia. Where is your property located with reference to that improvement?

Mr. SMOOT. About three-quarters of a mile from it; and I want to say that this is how such assessments are made——

Mr. JAMES. Let me say to the Senator, before he gets to that, that while in that particular instance the improvement may not have been of benefit to the Senator, the same practice has brought in front of his door hundreds of acres of beautiful park——

Mr. SMOOT. No; that is not the case.

Mr. JAMES. And a million-dollar bridge. Is not that right? The Senator is going to be in debt to the Government if he keeps this argument up. [Laughter.]

Mr. SMOOT. Of course, if I allow the Senator from Kentucky to put his construction on it, that would be the case. If I am to be charged for the building of the Capitol, I would come out in debt; or if I am to be charged for the building of the Treasury Department, I would come out in debt; but——

Mr. SMITH of Georgia. What relation did the last street mentioned by the Senator bear to his property? Did it adjoin it?

Mr. SMOOT. No, sir. It is not even for a street. They wanted to extend, I think, the buffalo run in the Zoological Park farther to the north. They then proceed to assess the property, and this is the way they do it: They take a pencil and mark out the property to be purchased; then they describe a circle around it; and if your property happens to fall in that circle you are one of the property owners whose property they claim is benefited.

Mr. SMITH of Georgia. The Senator spoke of a street. The Senator said his house was on a corner and that he was charged on account of the opening up of a street.

Mr. SMOOT. The opening of Nineteenth Street, which is to cut through into Calvert Street, on the east side of the old bridge.

Mr. SMITH of Georgia. Did it go by the Senator's property?

Mr. SMOOT. Not at all; it is nearly half a mile away.

Mr. VARDAMAN. Under what authority of law did they levy that tax upon you?

Mr. SMOOT. I have asked that question several times. There is a law, to which I will call the Senator's attention, entitled "Condemnation of land for streets," subchapter 1, sections 4491 a, b, c, d, e, f, and g. Under that law they claim they can make these assessments. That is one kind of assessment the people of the country in no State of the Union have to pay. No State imposes a tax of that kind upon property.

Mr. JAMES. That does not justify the wrongs I have called the attention of the Senate to. That is only adding to them if the Senator is correct.

Mr. SMOOT. I am only calling the Senator's attention——

Mr. JAMES. While the Senator is being taxed as being in the circle of those benefited by reason of this improvement, he must remember that other people have been taxed who were not in the circle of that vast improvement that so beautifies and enriches the price of his home.

Mr. SMOOT. Nobody was taxed for this improvement outside of that circle.

Mr. JAMES. But the whole people, the people in my part of the country and all over the Union, were taxed to buy that beautiful park that spreads its hundreds of rolling acres, with its thousands of shade trees, with its springing fountains and flowing streams in front of the home of the Senator.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. JAMES. Certainly.

Mr. KENYON. I should like to ask the Senator from Utah, with reference to the opening of Nineteenth Street, to which he referred, if it has not been paved without the abutting property owner paying any part of the cost?

Mr. SMOOT. Under the law which has heretofore existed in regard to the paving of streets the District would pay one-half and the Government one-half, but as to the sidewalks and the curbs the abutting property owners pay half the cost.

Mr. KENYON. But the abutting property owners paid nothing toward the paving of Nineteenth Street?

Mr. SMOOT. As to the paving of the street they pay their share of the taxes that go toward making improvements in the District.

Mr. KENYON. Does the Senator know of any other city in the United States the streets of which are paved under a system where the abutting property owners pay no part of the cost?

Mr. SMOOT. No, I do not; and I know of no other city in the United States which is so extravagant in the matter of paving as the District of Columbia.

Mr. KENYON. That is because some one else pays for it.

Mr. SMOOT. No; the taxpayer pays for one-half of it.

I want to say to the Senator from Kentucky that the only reason I spoke of this matter was that from his remarks I judged that he wanted to impress upon the Senate the fact that the taxes are so extremely low in the District of Columbia that the man who owns property in this District does not pay what he ought to pay in taxes in comparison with the citizens of the States of the Union. I simply call attention to this one mode of taxation that is not exercised by any State in the Union.

Mr. JAMES. Mr. President, the system of taxation in Washington is altogether wrong. In the first place, in this argument I am not only appearing as the advocate of the people of all the States, but I am appearing as the advocate of the small-home owners in this city. The Senate, I hope, is perfectly familiar with the report that was made by the George committee in the House of Representatives, in which they said:

> In respect to homes there is great discrimination between classes, the 40,000 small-home owners, the small homes of Government clerks and workingmen generally, standing assessed at an average of 90 per cent of their true value, while the fine residences in the northwest show an average of but 50 per cent.

Mr. CLARK of Wyoming. Mr. President, would not the Senator attribute that to the lack of proper administration rather than to the law itself?

Mr. JAMES. Certainly I do; and I am saying that under the system we have here now, which taxes only tangible property, you not only put half of the burden upon the States but you put the other half of it upon those least able to bear it. That is the position I take.

I know this is a great capital city, that it has wide streets, beautifully lighted, with more parks than any other city in the world of its size; but who is benefited by those parks? Not the people of Kentucky or North Carolina or other States. They come here occasionally and take a delightful ride through them, but those parks are at the very door of the people of the city of Washington. I am utterly opposed to the suggestion that because a capital is here that is the greatest benefit that could possibly exist for the people of the District, you ought, in addition, to relieve them of the burden of taxation and place it upon the people of the States.

Mr. SMOOT. Mr. President, will the Senator yield in order that I may make a correction?

Mr. JAMES. Yes.

Mr. SMOOT. Mr. President, for correction only, I wish to call attention to a statement that I made a few moments ago and make a correction after further investigation.

In the appropriation bill for the fiscal year ending June 30, 1915, I find this provision:

The assessments hereinbefore provided for shall be levied in the following proportions, namely, one-half of the total cost upon the abutting property owners and the remaining one-half, and all of the expenses of maintenance and repairs, to be paid from the revenues of the District of Columbia and from the Treasury of the United States in equal parts.

Mr. SHAFROTH. When was that passed?

Mr. SMOOT. It is the last District appropriation bill. I will tell the Senator the date in just a moment.

Mr. JAMES. A year ago.

Mr. SHAFROTH. Prior to a year ago, then, the amount that was paid for the condemnation of property and the opening of streets was paid half by the District and half by the Government?

Mr. SMOOT. Yes.

Mr. SHAFROTH. And the abutting property owner did not pay anything?

Mr. SMOOT. Yes; but this has reference to the paving. Before that the abutting property did not pay anything, but from now on it will pay one-half in the District of Columbia.

Mr. JAMES. That is done everywhere throughout the States. That is merely delayed justice.

Mr. SMOOT. I told the Senator that I simply wanted him to yield so that my former statement should be correct and in conformity to the present law.

Mr. GALLINGER. Prior to that time the abutting property holder paid one-half the cost of the sidewalk.

Mr. SMOOT. Yes.

Mr. GALLINGER. But not the street pavement.

Mr. SMOOT. The sidewalk and the curbing.

Mr. JAMES. Of course, I have as much pride in the city of Washington as any Senator upon this floor, but I do not see any reason why the great interests of the city of Washington and the fortunes that are here should escape taxation because we are proud of the city. There is no reason why the people throughout the other States in this Union should be taxed in order that these interests may be relieved of the burden of taxation because we are proud of Washington. You will find, when this question is thrashed out fairly and wholly understood by the people, that they are not going to be entirely proud of those who seek to lay upon them a burden that ought to be borne by other people.

Some of the Senators make a great distinction between the capital of a State and the capital of a nation. Of course I am loyal to my State and have a great pride in it; I am loyal to the Government and have a great pride in that. But we have a beautiful capitol in Frankfort; we have many public buildings there. The municipality of Frankfort does not require the State to pay taxes upon the property of the State there. It looks upon the capitol as a benefit to the city. Why, at one time there was great rivalry between Lexington and Frankfort as to which one should have the capital. Hundreds and thousands of petitions were sent to the legislature petitioning for the capital. Now the capital is situated there. It pays no taxes to the municipality. The municipality is not browbeaten, as some would suggest here, by reason of the sovereignty of the State over the city—not at all. The people of Frankfort pay taxes as they do in other cities.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. JAMES. Certainly.

Mr. CLARK of Wyoming. Does the Senator think the fact that the people of the city of Frankfort determine what taxes shall be levied, while the people of the city of Washington have no voice in such determination, ought to have any place in this discussion?

Mr. JAMES. Not the slightest, in my judgment; and I will tell the Senator why. You may talk about Washington having no representation, but I have too much respect for my colleagues here, and for those with whom I served for many years in the House, to believe that they would treat the people of the District of Columbia in any other than a perfectly fair and generous way, even more so than they do the people of their own States.

Mr. CLARK of Wyoming. Mr. President, that was not the point to which my query was directed.

Mr. JAMES. I understood the Senator's query, which was whether or not I thought that the fact that Washington was without representation and had nothing to say——

Mr. CLARK of Wyoming. Oh, no; not that they are without representation, but that the city of Frankfort lays taxes upon itself, while the city of Washington has no voice as to what taxes may be laid upon itself, without reference to representation in Congress or elsewhere.

The city of Frankfort levies its own taxes, determines what public improvements shall be made, and determines what the tax budget of the city shall be for any given year, while the people of the city of Washington have no voice in determining either how much shall be expended or what improvements shall be made; but, on the contrary, if the burden of taxation were imposed upon them, they would be compelled to raise upon their property the taxes to pay for whatever improvements Congress might see fit to authorize. That is the point.

Mr. JAMES. I understand. I think the people of the city of Washington can confidently rely upon the Senators sent by the various States and the Members of the House of Representatives sent by the various districts, who are making laws for a whole Nation. I do not believe the city of Washington has anything to fear as to unjust treatment at the hands of a legislative body of that character.

Mr. CLARK of Wyoming. Along the line of my former interrogatory, Mr. President, would the Senator think the people of the city of Frankfort were justly dealt with if, without their consent, without their having any voice at all in the matter, the Legislature of the State of Kentucky should determine as to the improvements that should be made in that city and the cost of the improvements and what taxes should be laid to cover them? It seems to me that is nearer a parallel case.

Mr. JAMES. So far as I am individually concerned, I do not think the question the Senator raises strikes the issue at all.

Mr. CLARK of Wyoming. That was my first inquiry—as to whether the Senator thought that fact ought to be taken into consideration.

Mr. JAMES. I do not think there is a suggestion on any hand that the people in Washington are oppressed by Congress.

Mr. KENYON. Mr. President, may I offer a suggestion to the Senator from Kentucky, which seems to me a complete answer to the question of the Senator from Wyoming? The cities of the country have fixed a higher rate of taxation, in nearly every instance where they have the right to fix it, than Congress has fixed for the city of Washington, which shows pretty conclusively that the city of Washington has nothing to fear from Congress.

Mr. JAMES. That is undoubtedly true, and that is in accord with the argument I urged.

Mr. CLARK of Wyoming. It is not a question of fear, and it is not a question of the exact rate of taxation, but whether the Government, taking entire responsibility and authority over the affairs of the city, should not contribute in some way toward its expenditures.

Mr. JAMES. After the taxes are fairly levied in this District, just as they are levied in other States and other cities of the States; whenever that is done, whatever amount is needed to defray the expenses of the Government I am perfectly willing to have appropriated out of the Treasury of the people of the United States. But in view of the fact that the people of the country are already overburdened with taxation, that they not only pay city taxes but pay county taxes and school taxes and railroad taxes and State taxes and Government taxes, I can not find it in my heart to say that it is fair or just to levy an additional tax upon those people in order to allow to escape from taxation the immense fortunes and holdings of very rich men in the city of Washington.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. JAMES. I yield to the Senator from Mississippi.

Mr. VARDAMAN. If the Senator will pardon me, a great many suggestions have been made in this debate about the injustice of levying taxes upon the citizens of the District of Columbia when they are denied representation in the law-making body. I wish to ask the Senator if he has found in his investigations, or if there has come out in this discussion, a single fact or scintilla of evidence which shows that an injustice has been done the people of Washington in the matter of levying taxes?

Mr. JAMES. None whatever.

Mr. VARDAMAN. I think it is admitted that they really pay a lower tax than is paid in almost any city of the size of this one; and I have never yet heard of a tax being levied upon the people of Washington to pay for any of these great public improvements which the General Government is making, every one of which adds to the value of property owned by private individuals in the District of Columbia.

I can not see the point of emphasizing or dwelling upon our duty to the citizens of the District of Columbia because they are not permitted to participate in the election of the men who write the laws. Until some one act of injustice is pointed out, it seems to me that suggestion has no place in this debate.

Mr. JAMES. Take this park which stretches from here to the Union Station: That was purchased and paid for by the Government without any aid from the District of Columbia. All of these parks are not only kept up at the expense of the Government and the District jointly, but they were purchased by the Government and the District jointly.

In the city of Louisville they have nothing like as many parks as there are in the city of Washington. I do not suppose they have one-fifteenth as many parks as there are here. The children there go out to the parks that are purchased and kept up by the taxation that rests upon the people there. Why should those people in that city be taxed to keep up all of the many splendid parks here, where they never go, and the delightful breezes of which they never enjoy?

I can not see that that is justice, even if you do attempt to answer it all by saying that you want an ideal city.

Mr. VARDAMAN. I would suggest to the Senator that every improvement of that character adds to the value of the land owned by the citizens of this city.

Mr. JAMES. Take this bridge that they are going to build down here, across the river, costing hundreds of thousands of dollars, for the enjoyment and use of the District of Columbia, and yet the District does not pay a penny of it.

Mr. GALLINGER. Mr. President, to which bridge does the Senator refer?

Mr. JAMES. The memorial bridge they are going to build.

Mr. GALLINGER. I think the bills that have been introduced heretofore have provided that both the Government and the District of Columbia shall contribute. The District has contributed one-half to all the other bridges.

Mr. JAMES. I understand that; but the Government is building this bridge itself.

Mr. GALLINGER. If the Government does, it simply builds a bridge from its own land on this side of the river to its own land on the other side of the river.

Mr. JAMES. Why, certainly. I never raised that issue at all. I have no doubt of that, although I have not investigated it; but whom is the bridge built for; who is to be most benefited by it—the people in New Hampshire, the people in Kentucky, or the people here in the District of Columbia?

Mr. GALLINGER. I dare say thousands of people from New Hampshire will go across that bridge to Arlington, and will be glad of an opportunity to do so, and will be glad to contribute their 7 cents per capita to the expenses of the District government.

Mr. JAMES. I will venture the assertion that if the Senator had had to rely for his reelection to the Senate upon the people from New Hampshire who will cross that bridge, he could prepare to vacate, because there will not be a sufficient number to send him to the Senate.

Mr. GALLINGER. That is very probable. Those people, however, are inspired by the same feeling that the rest of the people of the State are. They have a pride in the National Capital, and they are not going to be parsimonious in regard to the contributions of the Government.

Mr. JAMES. Oh, it is very easy to talk about parsimony and to talk about pride, but the question of taxation is a question that rises above pride. It is a question of justice between men. I have as much pride in Washington as the Senator has.

Mr. GALLINGER. Mr. President, the Senator ought to join me in the proposition I have heretofore made—that we ought to have an inquiry into this whole matter, and if it is necessary to have the law changed, let us change it in a deliberate and careful manner.

Mr. JAMES. Mr. President, that only means to continue this wrong. It only means to put off the change of this unjust and oppressive system of taxation. I have no doubt that if a committee did investigate it they would report that under no condition should the Government pay more than would supply the needs of this city after a just system of taxation had been levied and paid by its own people.

Mr. GALLINGER. The Senator does not hesitate for a moment to agree with me that Congress would pass such a law if it was so reported by a joint committee of the two Houses, does he?

Mr. JAMES. Why, certainly I believe Congress would pass such a law if we could get it considered; but here is this wrong that has existed upon the people of the United States since 1878, and the wrong of taxation that has existed in this city since 1902 by the insertion of the words "tangible property." I should like to have somebody explain to me who did that and why it was done. This debate has gone poverty stricken of explanation as to the cause of that.

Whenever it comes to the Government meeting any of those expenses that are legitimately a part of the duty of the Government, I am willing not only to pay half of that, but to pay all of it. I am perfectly willing to do it. This is a great Government. It is able to do right. But this Government is not great enough to do wrong.

Let all property in Washington be taxed justly, the rich man's millions as well as the poor man's home. I can not agree that the system that exists here now is at all just. How can it be called fair when the taxgatherer collects upon the sewing machine of the seamstress who lives by the work of her hands and allows to go untaxed the millions of the bond owner, the mortgage holder, the stockholder. All this has been exempt by writing—I will not say slipping into the law the word "tangible." With what delight the tax dodger, with his millions of interest-drawing securities, must repeat this word "tangible"; what a meaning it has, what a refuge it offers to the rich tax dodger, and yet what a burden it imposes upon the modest holdings of the plain citizen. I deny that this city should be made ideal by such an outrageous and discriminatory and unjust tax system. If we would have the Capital City beautiful, the Capital City ideal, the Capital City the pride of all Americans, let it be made so by a plan of taxation as fair as the city is beautiful, by a tax system as just as the city is ideal. Let the system of taxation be as much a pride to us because it is equitable, as the Capital City is a pride to us because it is beautiful. The argument advanced for the exemption of intangible property—the money, the stocks, the bonds, the interest-bearing securities—is not a new one. It is as old as privilege. It was first advanced by Shylock, and from that day until this no new reasons have been advanced for it. I know there are some who believe that the farmer should not only feed the world but that he should bear the tax burden of the world. To this I can not agree. I think it is manifestly unjust, the very essence of special privilege, the very acme of class legislation, as brutal as it is unfair, as un-American as it is unjust. No man can give me a good reason why the people in this city should enjoy the delights of this great Capital, with its well-lighted streets, almost as smooth as a floor, without meeting to any considerable degree the burden of taxation, while my people, who have to climb up rugged mountains and walk over rough roads, should be taxed in order to pay part of the expenses of this District; or why this Capital, which ought to have been the model of all the cities of the world when it comes to the question of taxation, should, by the insertion of the words "tangible property," have remained through all these years the haven and rendezvous of every tax dodger in this Nation who sought to leave the State where he had accumulated his millions, leave those from whom he had wrung his hundreds of thousands to defray the burdens of taxation in that State, sneak into the Capital, and, within the hearing of the debates in the Capitol of the Nation, escape taxation.

I am opposed to putting off that sort of an issue. I am opposed to submitting that character of question to a commission, however great and however learned and however patriotic it may be. We are able to deal with that matter now. Let us do it as becomes and befits men who are ambassadors from great States in this Senate.

Mr. LEE of Maryland. Mr. President, I have listened with a great deal of interest to the statements and the logic that have been advanced in connection with this interesting proposition of taxation in the National Capital. We listened just now to the logic of the Senator from Kentucky. He cited Louisville as a properly parked town.

Mr. JAMES. I did not do that at all. The Senator is mistaken about that.

Mr. SMOOT. Yes; the Senator distinctly used the word "Louisville."

Mr. JAMES. I said Louisville had hardly one-fifteenth as many parks as Washington. I did not say it was properly parked. I should like to see more parks in Louisville, so far as that is concerned.

Mr. LEE of Maryland. Well, it is a practical business town; it is getting along in a prosperous way, and is governing itself. That is the milk in the coconut. There is a town that is governing itself; and the Senator cites it as an evidence of the wisdom of good government in Kentucky.

Mr. JAMES. Not at all, Mr. President. While I think, of course, that the government in Louisville is a splendid one, I made that citation for the purpose of showing that the people there, who had not enough parks for the benefit of their chil-

dren, should not be taxed in order to pay for an abundance of parks that were never used by their children, but were used by the children here in Washington.

Mr. LEE of Maryland. I want to go a little further with the illustration, because it got the Senator into a rather awkward situation from a logical standpoint. He said that for the people of Washington there have been created fourteen times as many parks as for the people of Louisville, and they have paid for half of those fourteen times as many parks. Therefore, the people of Washington have paid for seven times as many parks as Louisville has paid for, and have had these parks forced upon them whether they wanted them or not. They had not the slightest capacity to resist being made to pay for seven times as many parks as they needed, compared with the businesslike and prosperous town of Louisville, Ky.

So the Senator's logic falls down upon the very instance that he advances. I think every American who hears this debate will disagree with him on the general principle that there is any power to make a Member of Congress or any other human being respect those people who can not resist a tyranny, if it is put upon them.

I shall not mention names, but I heard a very eminent Representative from Kentucky once say, speaking of a citizens' association of the District of Columbia, that the average Congressman cared as much for the protests of a citizens' association against taxation put upon them as he did for the howling of a dog in his back yard; both were nuisances.

Mr. JAMES. I do not believe the Senator himself would indorse that extravagant statement.

Mr. LEE of Maryland. I certainly do not.

Mr. JAMES. I want to disavow myself as responsible for that sort of a statement.

Mr. LEE of Maryland. I certainly do not indorse it. I think it is all wrong; and I, therefore, believe that every dollar that is appropriated by Congress and put as a burden upon the people of the District of Columbia should have, as a Siamese twin, another dollar of the money that bites—that is, from our own constituents—attached to the unrepresented dollar we appropriate, as some protection to "these howling dogs in the back yard."

Mr. President, that is about a fair summary of the situation.

At one place in the course of his remarks the Senator from Kentucky said that the system of taxation here is altogether wrong. In answer to a question from the Senator from Mississippi [Mr. VARDAMAN] he said that no wrong whatever is being done here.

Mr. JAMES. Oh, the Senator surely will not undertake to put together the statement I made about the system of taxation here being wrong, and the statement I made that the people of the District were not being wronged by Congress. I hope the Senator sees some distinction between those two statements. He could not have been listening to my argument at all.

Mr. LEE of Maryland. Why, I was listening very much closer than the Senator himself was listening.

Mr. JAMES. Does the Senator say that he sees no difference between a statement made by a Senator that the system of taxation in the District of Columbia was wrong, and the other statement that the people of the District were not being wronged—that is, oppressed—by Congress? I hope the Senator sees some difference.

Mr. LEE of Maryland. I think they are absolutely inconsistent statements, because you can not enforce upon a people a system that is clearly wrong without doing them some harm.

Mr. JAMES. You might relieve them entirely of taxation, and that would be a wrong system of taxation, and yet you would not be wronging them.

Mr. LEE of Maryland. I agree with the first statement made by the Senator from Kentucky. The system of taxation here is wrong. When the Senator quoted, or somebody quoted, a statement to the effect that 90 per cent of the full value is assessed upon the poor man's house in the District of Columbia, he showed that the system here is wrong. Now, Mr. President, the system here is very wrong.

Mr. GALLINGER. Mr. President, surely the Senator from Maryland does not agree to that proposition—that the poor man's house is taxed 90 per cent of its value?

Mr. LEE of Maryland. I regret to advise the Senator from New Hampshire that I do, because I had information given me very recently by a practical man who has been trying to sell some small houses in the District, that he could not sell them for the amount of the assessment.

Mr. GALLINGER. He probably could not sell some of them for anything.

Mr. LEE of Maryland. That may be. I did not look at the houses and do not know their environment; but, as a matter of fact, he said he could not sell them for the amount of the assessment. Now, when you come to the system of taxation in the District, it is a system of high taxation on land and substantially no taxation on personal property. I sympathize very deeply with the Senator from Kentucky in the general position he assumes, that there should be some taxation here on intangible assets; but I must say that I have not the slightest sympathy with what appears to be the whimsical procedure he suggests for correcting that evil.

Permit me to illustrate for a moment. He proposes, as was proposed by Mr. JOHNSON, from his State, in the House the other day—and the Senator has proposed an amendment to the same effect—that there shall be the same taxes put upon intangible assets here in the District as upon realty. That means that intangibles shall be taxed $1.50 on the hundred.

Mr. President, I have had some experience in connection with our Maryland system of taxation and in connection with this District system. We in Maryland, after considerable investigation, concluded to reduce the high rate of taxation on intangibles and go down to a 30 per cent rate on intangibles.

Mr. JAMES. I should like to ask the Senator, then, if he believes it is a just system of taxation to tax the home owner a dollar and a half on a hundred and to tax the bondholder less? Just what would the Senator make the bondholder's tax?

Mr. LEE of Maryland. I would try to tax him something, and your proposition is going to tax him nothing. That is the difference.

Mr. JAMES. Why?

Mr. LEE of Maryland. Because your taxation is whimsical and inoperative. It will not work.

Mr. JAMES. Why so?

Mr. LEE of Maryland. If the Senator will give me time, I will show him why. You can not catch him on your basis.

Mr. JAMES. If that were true, he would not be fighting it so hard.

Mr. LEE of Maryland. He is not fighting this proposition.

Mr. JAMES. I think you will find out that those people are quite interested in seeing the amendment defeated.

Mr. LEE of Maryland. They may be concerned, but they are not fighting this question.

Mr. JAMES. I do not think it is a very good argument to say that the bondholder will perjure himself and hide his money if you undertake to tax him what he ought to pay, but if you will tax him only a little, then to clear his conscience he will come up and pay.

Mr. LEE of Maryland. Mr. President, I want to go on with this proposition as a practical one. In Maryland we have a 30 per cent tax on intangibles. We found in my immediate neighborhood that people who had those intangibles moved into the District of Columbia.

Mr. JAMES. That is the old argument that was used against the income tax. It was said that if you would levy an income tax in one State they would move into another State, and then it was urged that if you would levy a United States income tax they would go to Canada. That is the old argument always urged by the rich people to escape taxation.

Mr. LEE of Maryland. Mr. President, that is the argument advanced against an income tax by the State, but it was not advanced against the income tax by the United States. There are some forms of taxation absolutely inoperative. An income tax by a State is an absurdity unless it is based upon the Federal ascertainment of incomes. A State can now tax incomes moderately if it chooses, because it has something to go upon, but under the old circumstances it could not touch that question. If the Senator will not interrupt me any more, I may convert him to the proper view of this question.

Mr. JAMES. I thought I might convert you by interrupting you.

Mr. LEE of Maryland. Of course, in one sense, it is hard to convert a man against his will; but here is the simple proposition: With a tax at a certain figure in Virginia and a tax at a certain figure in Maryland, how on earth can the District of Columbia expect to collect five times that rate of taxation on intangible assets of the same kind in the District? We have had the experience.

I may not get this thought through the feelings of the Senator from Kentucky, because he has so much feeling about the matter that he is not practical. On the other hand, I want to do something to relieve the 90 per cent assessment on the poor man's house; I want to do something practical. I do not want to sit here and theorize with the Senator from Kentucky about what men should do or what they ought to do. I want to reach these gentlemen of the Post type about whom he was talking when they come here.

Mr. GALLINGER. I will tell the Senator that he is dead. He will not be able to catch him.

Mr. JAMES. There are many here who are not dead, but a great many of them will almost drop dead when they have to pay taxes justly.

Mr. LEE of Maryland. Mr. President, they will not drop dead; they will just move on into Maryland or Virginia. I am arguing against the interests of my State and locality, because we would like to tax these people. We will tax them 30 cents on the dollar when they come back; but being here as a representative, so to speak, or as a trustee for this unfortunate disfranchised District of Columbia, I have got to exercise the justice a trustee or representative should exercise.

Mr. President, you can not make these people submit themselves to a high tax on intangibles. The Senator will not get anything out of his amendment by imposing a tax of $1.50. I have some illustrations here, and unless the Senator from Iowa calls me down on a point of order I should like to produce one from the RECORD in the House. Here is an interesting illustration: The State of Kentucky passed, by a very large majority, an amendment to the constitution differentiating between classes of property for taxation purposes. Undoubtedly they did that in order to get at the intangibles which would otherwise escape taxation. I can not say.

Mr. JAMES. When that question comes up before the legislature they will need some of the logic of the Senator in order to get all the taxes put on the landowners before it will be done.

Mr. LEE of Maryland. The Senator keeps on failing to appreciate the practical result of this matter. If you get no taxes from intangibles, necessarily all your taxes are on the land. That is what is bothering me.

Mr. JAMES. If you will go to Kentucky, you will find lots of taxes collected on money, stocks, and bonds. There is plenty of it. Our people like Kentucky perhaps so well that even taxation will not drive them out of it; but up to this time our State has levied and collected the same rate of taxation upon moneys, stocks, and bonds and things of that sort that it has collected upon land.

Mr. LEE of Maryland. There are so many attractive things in Kentucky, I take it they would not want to leave the State. I admit that.

Mr. JAMES. I was just assuming that they would not leave that State, even to go to the delightful State of Maryland.

Mr. LEE of Maryland. I know a good many who did do it. In fact, my mother was born in Frankfort, to which the Senator refers as the capital of his State. I have probably more kinsfolk in Frankfort than the Senator himself has. While upon this subject I may say that she voluntarily came to Maryland.

But in this connection it is proper to say, as the Senator referred to the delightful town of Frankfort as an illustration of how glad they were to have a Government building erected, that this question of Government buildings is a matter of quantity. It need not always give joy and gladness to a local community to have Government buildings when they are bigger than half the town, and as the result of habit and quantity, a community may come to look upon government as any other business. As a matter of fact, that is really what the situation is here. This is a place where the Government of the United States is carried on as a business and where a certain type of town is required to be consistent with this governing business.

I suppose the Senator from Kentucky was in this body or in the other House of Congress when these office buildings were appropriated for, these magnificent marble halls in which we have our commodious offices.

Mr. JAMES. In order that the Senator may be entirely correct, I will state that I was not in Congress at that time. I got here two years after those appropriations were made.

Mr. LEE of Maryland. Well, they have been recently built. There is an illustration of the class of buildings and the type of architecture that is imposed upon this locality as proper for a given set of business offices. This very Capitol Building itself, old as it is, a solid and magnificent structure, illustrates the class of improvement that was required in connection with the National Capital and what was thought commensurate with the dignity of the United States.

Mr. President, this type of improvement is a demonstration of the magnificent municipal plan more or less forced upon the inhabitants of this city, without the slightest capacity on their part to modify it, but which they had to pay for. It is a fair argument—and it is so fair that I hardly see how a big-hearted man like the Senator from Kentucky can be unwilling to see it—that it is only a proper protection to the local taxpayer in carrying out so great a plan to tie one Government dollar to every local dollar that is voted out of the pockets of this limited and restricted locality, whose various industries are compelled to be of a kind consistent with the dignity or alleged dignity of the Capital of the country.

I was interrupted just now, possibly by the Senator from Kentucky, when referring to the impracticability of his thought in connection with reaching the Post type, and so reducing the tax on the under dog by fairly taxing the escaping millionaire. Mr. President, not only has Kentucky passed a constitutional amendment differentiating between classes of property, but Minnesota has done the same thing. The result in Minnesota was very remarkable. In one year, changing from the 3-mill rate on certain intangibles, the amount reached the next year showed an increase of 730 per cent. The relief to the poor man's house by the taxation put upon the Post class will be practically nothing under the plan the Senator from Kentucky has in mind, but when you come down to a practicable and collectible rate, then you will get something from the intangibles that will reduce the amount of taxation upon real estate. Therefore, the Senator's attitude is merely an expression of sympathy in words and by way of alleged amendment, but the practical result will be nothing by way of benefit to the overtaxed poor man's house.

A moderate and collectible tax on intangibles has been passed in Maryland with greatly increased tax receipts. The same has been done in Pennsylvania. I have here a quotation from a professor in the University of Wisconsin citing the Maryland and Pennsylvania tax rate on intangibles as the practical way in which to reduce taxation upon real property and upon the houses of those who are of moderate means.

Therefore, Mr. President, I think it is proper to differ with the Senator from Kentucky, and also to point out as to every such unpractical proposition, no matter how whimsical it may be, the people of the District of Columbia are compelled to submit, and have no power whatever to check any flight of fancy which may be immaturely imposed upon them in the name of relief, but which in reality will work increasing hardship where there is too much burden now.

Mr. JAMES. The Senator has been familiar with Washington for many years. Does he know of any of those great outrages that have been perpetrated on the people of the District of Columbia by Congress?

Mr. LEE of Maryland. I am just taking your word as true that the system of taxation here is the worst that could be imposed upon anybody and that it is all wrong.

Mr. JAMES. But I want to know whether the Senator knows of any of those outrages perpetrated on the District of Columbia.

Mr. LEE of Maryland. I know of so many of them that I really would not like to commence to tell the Senate about them.

Mr. JAMES. I would be glad to hear some of them.

Mr. LEE of Maryland. It would not have the slightest effect upon the Senator. I want to suggest that the attitude in which both the Senator from Iowa [Mr. KENYON] and the Senator from Kentucky [Mr. JAMES] have approached this question is fundamentally wrong. They do not effectively sympathize with the under dog at all. The under dog in the District of Columbia is the unrepresented taxpayer. The government of the District of Columbia in the past has been quite analogous to the government of a South American Republic, namely, a government run exclusively by the steamboat companies, banks, and railroads, but for the modifying intelligence and kindly sympathy the taxpayers here sometimes, not always, got from the House and the Senate.

I once had occasion some years ago to appear as attorney for certain taxpayers before one of the House committees. I was there in opposition to what was a palpable piece of real estate wrong. The Member of the House presiding as the chairman of the committee asked me if I represented anyone. I told him that I did represent parties in interest. Said he: "If you represent anybody who has an interest in this matter, we will not hear you, because we only want to listen to disinterested citizens."

Mr. President, that is the kind of injustice that on many occasions has been meted out to the taxpayers of the District of Columbia. The head of a committee of Congress took the position that he would not listen to anybody who had an interest at stake. He excluded the parties that a court of justice would have required to be parties. I am happy to say that such experiences were unique, and that an appeal from that attitude on the part of the chairman of the House committee to the broad-minded Senator from Iowa, Senator Allison, corrected the difficulty. So it is reasonable, looking at the treatment of the District of Columbia by and large through a number of years, to quote the language of Senator Blackburn, of Kentucky, who refers to this half-and-half proposition as the organic act and says that otherwise the taxpayers of the District of Columbia would have

to depend upon the "whim and caprice"—the words are quoted—of each recurring session.

It is not, Mr. President, that there is any ill will toward the people of the District on the part of Congress. Far from it; but there is a lack of time; there is a failure to understand and sympathize with the unrepresented. That is perfectly natural in any set of men burdened with the labors and responsibilities that Congress necessarily and always finds upon its shoulders.

This limitation of dollar for dollar is in effect a constitutional limitation, and it does prevent overtaxation in the District. Before it is repealed there ought to be some general reform here. Congress ought to go about removing the practical evils that exist right under their noses before they proceed with a great change that will take down the only barrier and protection that exists around the rights of the local taxpaying classes.

There should be, possibly, local control over taxation by a local tribunal of some kind. The present system is absolutely un-American. It is absolutely unjust, because it is un-American. There should be a practical law for the taxation of intangible property, not the type of amendment that has been suggested by the Senator from Kentucky, because that is impracticable and would do no good to anybody. It would not take a cent off the burden of the poor man's house. But some practical amendment, on the basis of the Maryland, Virginia, Minnesota, or Wisconsin view, should be adopted for the relief of the taxpayers on real estate in the District, and if you repeal the half-and-half proposition there should be some definite basis of contribution by the National Government.

I do not believe, Mr. President, that the Senate has time in this short session to give the investigation to this subject and the relief that it should give. Therefore, it is a good matter to permit to go over to some other time, when Congress will have more opportunity to sit as the common council of the District of Columbia. But I do protest against the attitude into which unconsciously the junior Senator from Iowa drifted in the beginning of his speech. My sympathies are with the District of Columbia citizens' associations, because those are the only form of representation and protection that the local people have; and if they caricature a Member of the House from the State of Iowa or if they run down or ridicule in the press a Member from Kentucky, that is the only way in which they can express their sentiments. They are absolutely bottled up. They have no political right or relief whatsoever. They are, as the Senator from Kentucky has very properly described them, unquestionably the under dog in this tax situation.

The Senator from Iowa made this statement:

> No man can prosper, no community can prosper, on a system of injustice.

I believe that he was absolutely correct in making that statement, and I believe it expresses the elevated sentiment of his nature; yet we have a system here, where the people have no representation whatever, a system that is unjust in every aspect of its being, a system under which a large mass of taxpayers have no power whatever over the distribution of the money which they contribute, and yet there is a proposition made now in the Senate to strike down the only barrier and protection that they have, namely, that a Federal dollar shall be tied to every dollar of tax that Congress imposes upon this subject province.

The Senator from Kentucky [Mr. JAMES] says that it is ideal to tax a people who have no representation. He did not put it in that way. He said "the present situation in the District is ideal." From the standpoint of taxing and spending other people's money without political accountability it may be ideal, but it is absolutely un-American and unideal from every other standpoint. I am sure that the Senator from Kentucky has not the slightest sympathy with any system where in the final analysis the taxpayer is unrepresented. It is inconsistent with the broad democracy of his nature to have any such system. He has got into this debate because he more represents the Member from Kentucky who has already gotten into the debate than he does the people of the District of Columbia.

Therefore, Mr. President, noting the trend of criticism here in the Senate, and feeling an interest in this situation by reason of having long observed that the people of this District have no rights whatever, having long observed that much of their money has been spent for national objects and without any regard whatever to the local good or interest, I am opposed to any change that will break down a single one of the barriers that now exist for their protection as taxpayers of great sums without at the same time giving them some other protection or barrier essential for the safety of the unrepresented.

Mr. SHEPPARD. Mr. President, on yesterday I alluded to the fact that under the half-and-half plan in the District of Columbia the Federal Government was contributing an amount equal to the amount collected by the District for each saloon license within its borders. I alluded to the fact that the District was now charging fifteen hundred dollars as a yearly license for each saloon; that the Federal Government was contributing fifteen hundred dollars in addition for each saloon so licensed; that the Federal Government charged a saloon-license fee of $25; and that, therefore, we were practically subsidizing the District of Columbia for each saloon organized within its limits to the extent of $1,475.

I made the further statement that a bill stopping that practice had passed the House of Representatives and was now pending in the Committee on the District of Columbia of the Senate. I asked the chairman of the committee if such a bill was not pending, and he said he did not think there was such a bill before his committee.

Mr. SMITH of Maryland. Mr. President, I will say to the Senator from Texas that I remember very well the bill to which he refers, but when the question was asked me, inasmuch as the appropriation bill was pending, I was of the impression that the Senator referred to some amendment or proposal in connection with that bill. Therefore I told him that I did not know of any, but I will now say that the bill to which he refers is before the committee, having been referred to a subcommittee. I have discharged my duty in that particular. The subcommittee have not yet reported on the bill.

Mr. SHEPPARD. Will the Senator from Maryland tell us who are the members of the subcommittee?

Mr. SMITH of Maryland. I really do not now remember who they are.

Mr. SHEPPARD. The bill passed the House of Representatives on December 9, 1913, and has been pending in the Senate Committee on the District of Columbia now for more than a year. The report on the bill in the House has the following to say. I will, however, first state that at the time this bill passed the House of Representatives the license fee was a thousand dollars for each saloon in the District. It has since been increased to $1,500. I now quote from the report:

> For many years the Federal Government has been subsidizing the liquor traffic in the District of Columbia to the extent of nearly a half million dollars annually. Congress has power over the granting of all licenses relative to the sale of liquors in the District. For each license to sell liquor in the District of Columbia the District receives the sum of $1,000, while the Federal Government receives the sum of $25. The $1,000 received by the District of Columbia is treated by the District as a revenue, against which the Federal Government is compelled, under existing law, to put up an additional $1,000. Therefore the Federal Government is penalized to the extent of $975 annually on every liquor license granted in the District of Columbia.
>
> During the last 10 years the District of Columbia has collected from liquor licenses the sum of $4,604,862.70, which has been treated by the District as a revenue, to match which the Federal Government has put up an equal sum.
>
> The $4,604,862.70 which the Federal Government during the last 10 years has paid out of the Public Treasury belonged to all the people of the United States, millions of whom are opposed to having a tax placed upon what they eat and wear in order to lend inducement to the District of Columbia to increase the number of barrooms in the Nation's Capital.

I repeat that the license for each saloon has been increased to $1,500 per annum since this bill passed the House of Representatives. It is also true that the number of saloons has been decreased, but that the total revenues are about the same as before.

Furthermore, Mr. President, in 1871 Congress licensed the Washington Market Co. and allowed the company to use lands owned by the United States. Instead of itself taking the rental of the land this Government allowed the Washington Market Co. to pay the rental to the District of Columbia—$7,500 per annum, as it finally turned out to be. The District of Columbia has treated that gift on the part of the Federal Government as a revenue under the half-and-half plan, and the Federal Government has been giving from its own funds another $7,500 a year, thereby doubling the gift, matching not the District's dollars but its own. That has been going on since 1871 and amounts to something like $315,000. At first the rental was $25,000 per annum, and the money was to go to the poor of the District.

The bill to which I have heretofore referred as having passed the House provided also that the division of revenues on account of this market rental should be stopped. Let me read what the report on that bill says as to this phase of the subject:

> When Congress passed this act making this donation to the District of Columbia, it is reasonably certain that Congress did not then think the District of Columbia would so handle her financial accounts as to extract from the Treasury of the United States double that amount.
>
> The act of Congress which granted a charter to the Washington Market Co. provided that said company should pay to the District of Columbia as rental for the above-mentioned property the sum of

$25,000 per annum, and further provided that this amount should go to the poor of the District of Columbia. Shortly after the passage of the congressional act of May 20, 1870, which fixed the rental at $25,000, the market company, by a piece of legerdemain, succeeded in having the authorities of the District of Columbia (not Congress) reduce this rental to $7,500 per annum. This will be more fully gone into in a report which will be made by the Committee on the District of Columbia in a few days relative to H. R. No. 7148.

The $7,500 annual rental since 1871—42 years—amounts to $315,000, all of which should have gone to the poor people of the District of Columbia, but not a single dollar of which has gone to them. The District of Columbia has treated this $315,000 as a revenue of the District which the Federal Government since 1878 has matched by putting up another $7,500 annually, thereby making the total amount approximately $577,500, which is simply a gift by the United States to the District of Columbia over and above the half-and-half contribution annually made.

Such are some of the inconsistencies, or, rather, some of the lengths to which we are driven by the half-and-half plan as it is now practiced in the District of Columbia.

I do not know how much money is raised by the District from other sources than taxation, but from whatever source its own revenues come, whether from donations like this market rental, from liquor licenses, or otherwise, every dollar must be matched by another dollar from the Federal Government. Surely it was never intended that the half-and-half plan should be carried to such lengths.

I have cited some of the abuses that have developed out of the system in the hope of showing that it now merits a thorough overhauling and investigation.

DEATH OF MRS. THOMAS S. MARTIN.

Mr. GALLINGER. Mr. President, at the solicitation of many Senators on both sides of the Chamber, I ask unanimous consent to submit at this time a resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. I submit the resolution which I send to the desk and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 515), as follows:

Resolved, That the Senate has heard with much sorrow of the death of Mrs. Thomas S. Martin, the wife of our friend and associate, the senior Senator from Virginia, to whom the Senate extends assurances of sincere and heartfelt sympathy.

Mr. GALLINGER. Mr. President, this resolution is somewhat unusual, but to my mind notice may well be taken of the loss of the wife of a Senator who has served so long and with such distinction as has the senior Senator from Virginia [Mr. MARTIN].

It was my privilege to know this beautiful woman, to whom our associate, the Senator from Virginia, was so devoted throughout her lifetime, and particularly through the years of her invalidism. I feel sure that the Senate will join with me in sending to the Senator this message, in the hope that it may be of some comfort to him in his hours of great sorrow.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from New Hampshire.

The resolution was unanimously agreed to.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive business the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 9, 1915, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1915.

REGISTER OF THE LAND OFFICE.

Alonzo L. Beavers, of Lamar, Colo., to be register of the land office at Lamar, Colo., vice Eugene M. Whitaker, whose term will expire January 10, 1915.

Edward J. Hoefnagels, of Twin Lakes, Colo., to be register of the land office at Leadville, Colo., vice George S. Curtis, whose term will expire January 10, 1915.

RECEIVER OF PUBLIC MONEYS.

Robert J. McGrath, of Towner, Colo., to be receiver of public moneys at Lamar, Colo., vice John W. Bent, whose term will expire January 10, 1915.

POSTMASTERS.

ALABAMA.

Adrienne G. Wilson to be postmaster at Russellville, Ala., in place of J. A. Wilson, deceased.

ARIZONA.

Lawrence S. Williams to be postmaster at Williams, Ariz., in place of J. S. Campbell, resigned.

ARKANSAS.

Lawrence D. Ballew to be postmaster at Des Arc, Ark., in place of W. E. Witter. Incumbent's commission expires January 16, 1915.

Benjamin C. Milhoan to be postmaster at Hartford, Ark., in place of Oliver A. Hill. Incumbent's commission expires January 16, 1915.

CALIFORNIA.

W. A. Dickey to be postmaster at Chino, Cal., in place of M. E. Simmons. Incumbent's commission expires February 1, 1915.

George R. Frampton to be postmaster at Artesia, Cal. Office became presidential October 1, 1914.

S. J. Hindman to be postmaster at Inglewood, Cal., in place of J. T. Leftwich, resigned.

Harry Hines to be postmaster at Santa Monica, Cal., in place of W. S. Vowter. Incumbent's commission expired December 13, 1914.

W. B. King to be postmaster at Atwater, Cal. Office became presidential October 1, 1914.

L. F. Kuhn to be postmaster at Stockton, Cal., in place of Frank E. Ellis. Incumbent's commission expired December 13, 1914.

John Mitchell to be postmaster at Ontario, Cal., in place of Sheridan G. Berger, resigned.

C. D. Overshiner to be postmaster at Santa Ana, Cal., in place of Linn L. Shaw. Incumbent's commission expires February 14, 1915.

Lewis C. Poor to be postmaster at Sherman, Cal., in place of Francis M. Bitts. Incumbent's commission expired December 13, 1914.

Nathan L. Rannels to be postmaster at La Jolla, Cal., in place of Conrad Solem. Incumbent's commission expired December 19, 1914.

Alfred W. Rozier to be postmaster at Tuolumne, Cal., in place of W. T. Gurney. Incumbent's commission expired December 13, 1914.

Leota M. Stewart to be postmaster at Rialto, Cal., in place of Samuel S. Wood. Incumbent's commission expires February 17, 1915.

COLORADO.

James M. Brown to be postmaster at Mancos, Colo., in place of Newton W. Samson. Incumbent's commission expires January 10, 1915.

Joseph W. Burkhard to be postmaster at Florence, Colo., in place of Moses E. Lewis. Incumbent's commission expires January 11, 1915.

Walstien N. Haas to be postmaster at Silverton, Colo., in place of W. Z. Kinney. Incumbent's commission expires January 10, 1915.

Virgil C. Ledford to be postmaster at Craig, Colo., in place of Walter Spencer. Incumbent's commission expires January 11, 1915.

Thomas Mowatt to be postmaster at Ouray, Colo., in place of L. E. Bradley. Incumbent's commission expires January 11, 1915.

J. W. C. Shepherd to be postmaster at Meeker, Colo., in place of William S. Fisk. Incumbent's commission expires January 10, 1915.

D. Lee Staley to be postmaster at Telluride, Colo., in place of Lewis C. Lomax. Incumbent's commission expires January 10, 1915.

John Uglow to be postmaster at Olathe, Colo., in place of Thomas Burns. Incumbent's commission expires January 10, 1915.

CONNECTICUT.

George H. Foley to be postmaster at Mystic, Conn., in place of C. C. Potter. Incumbent's commission expires February 6, 1915.

William E. Hanley to be postmaster at Stafford Springs, Conn., in place of Harvey S. Abel. Incumbent's commission expires February 1, 1915.

Everett I. Pardee to be postmaster at Cheshire, Conn., in place of Daniel J. Driscoll, resigned.

DELAWARE.

George R. Mears to be postmaster at Georgetown, Del., in place of W. S. Walls. Incumbent's commission expired December 14, 1914.

FLORIDA.

R. E. L. McFarlin to be postmaster at Quincy, Fla., in place of John Stoker. Incumbent's commission expired December 19, 1914.

GEORGIA.

William T. Adkins to be postmaster at Edison, Ga., in place of William T. Adkins. Incumbent's commission expired December 14, 1914.

T. B. Perry to be postmaster at Camilla, Ga., in place of Lena Brimberry. Incumbent's commission expired January 11, 1914.

Wilbur S. Freeman to be postmaster at Claxton, Ga., in place of Wilbur S. Freeman. Incumbent's commission expires January 26, 1915.

R. P. Hicks to be postmaster at Wrightsville, Ga., in place of Jewell F. Renfroe. Incumbent's commission expired December 19, 1914.

Fannie Lou Smith to be postmaster at Reidsville, Ga., in place of St. J. B. Alexander. Incumbent's commission expires January 19, 1915.

HAWAII.

Edward B. Friel to be postmaster at Lahaina, Hawaii, in place of Moses D. K. Keokokalole, not commissioned.

IDAHO.

James Campbell to be postmaster at Hope, Idaho. Office became presidential October 1, 1914.

Kenneth G. Phelps to be postmaster at Richfield, Idaho, in place of Burton W. Reeves. Incumbent's commission expired December 13, 1914.

ILLINOIS.

Robert C. Baird to be postmaster at Coulterville, Ill., in place of John C. Beever. Incumbent's commission expires February 16, 1915.

William F. Filbert to be postmaster at Watertown, Ill. Office became presidential October 1, 1914.

L. A. Kennedy to be postmaster at Chester, Ill., in place of Henry E. Burns. Incumbent's commission expires January 27, 1915.

Joseph C. Lampert to be postmaster at Lena, Ill., in place of Jessie Roush. Incumbent's commission expired December 16, 1914.

T. W. Medlin to be postmaster at Anna, Ill., in place of Andrew J. Pickrell. Incumbent's commission expires February 1, 1915.

John R. Paskell to be postmaster at Henry, Ill., in place of Theodore Disosway. Incumbent's commission expires January 16, 1915.

Glen Petefish to be postmaster at Virginia, Ill., in place of Elijah Needham. Incumbent's commission expired December 13, 1914.

Samuel M. Stewart to be postmaster at Metropolis, Ill., in place of Ulysses E. Smith, resigned.

Mahala E. Trainer to be postmaster at Blue Mound, Ill., in place of Anna M. Spooner, resigned.

INDIANA.

John L. Rohde to be postmaster at Hammond, Ind., in place of F. Richard Schaaf. Incumbent's commission expired December 13, 1914.

Frank E. Campbell to be postmaster at Red Key, Ind., in place of William C. Porter. Incumbent's commission expires February 17, 1915.

Edward E. Cox to be postmaster at Hartford City, Ind., in place of Lewis C. Johnson. Incumbent's commission expires January 31, 1915.

George W. Doyle to be postmaster at Vanburen, Ind., in place of Walter F. Jordan, deceased.

Alfred M. Hiatt to be postmaster at Pennville, Ind., in place of John L. Sharp. Incumbent's commission expires February 6, 1915.

B. F. Houseman to be postmaster at Dunkirk, Ind., in place of Harvey H. Harshman. Incumbent's commission expires February 16, 1915.

John Postma to be postmaster at Milford, Ind., in place of William H. Burris. Incumbent's commission expired December 19, 1914.

Charles W. Reed to be postmaster at Upland, Ind., in place of Samuel A. Connelly. Incumbent's commission expires February 6, 1915.

Ellis S. Rees to be postmaster at Winamac, Ind., in place of William E. Netherton. Incumbent's commission expires February 6, 1915.

Don C. Ward to be postmaster at Union City, Ind., in place of William H. Mote. Incumbent's commission expires February 16, 1915.

IOWA.

Thomas J. Capper to be postmaster at Elgin, Iowa, in place of Hans Keiser. Incumbent's commission expires January 13, 1915.

Harry H. Cate to be postmaster at Anita, Iowa, in place of E. L. Newton. Incumbent's commission expired December 14, 1914.

William Cohrt to be postmaster at Gladbrook, Iowa, in place of Alanson T. King. Incumbent's commission expired December 13, 1914.

Patrick H. Donlon to be postmaster at Emmetsburg, Iowa, in place of P. O. Refsell. Incumbent's commission expires January 13, 1915.

H. E. Eiel to be postmaster at Buffalo Center, Iowa, in place of M. McDermott. Incumbent's commission expired December 13, 1914.

John Hickey to be postmaster at Vail, Iowa, in place of Thomas J. Hoffman, deceased.

Edward J. Kooreman to be postmaster at Alton, Iowa, in place of John Meyer. Incumbent's commission expires January 18, 1915.

Frank McShane to be postmaster at Springfield, Iowa, in place of William A. Keithley, deceased.

F. D. Mead to be postmaster at Cresco, Iowa, in place of Charles C. Burgess. Incumbent's commission expires January 18, 1915.

Stanley Miller to be postmaster at Mount Pleasant, Iowa, in place of William F. Kopp. Incumbent's commission expired March 30, 1914.

William J. Nelson to be postmaster at Grinnell, Iowa, in place of Arthur C. Norris. Incumbent's commission expires January 13, 1915.

Ella C. Nolan to be postmaster at Ruthven, Iowa, in place of Minnie A. Phoenix. Incumbent's commission expires January 18, 1915.

Lemuel O'Bryant to be postmaster at Batavia, Iowa, in place of Walter S. Campbell. Incumbent's commission expired December 13, 1914.

Jesse A. Winger to be postmaster at Newton, Iowa, in place of George Clark, jr. Incumbent's commission expired December 13, 1914.

KANSAS.

James W. Adams to be postmaster at Lebanon, Kans., in place of Mary G. Dykes. Incumbent's commission expired December 14, 1914.

Claud Alley to be postmaster at Oxford, Kans., in place of Birdsey Earhart. Incumbent's commission expired December 13, 1914.

Roscoe R. Beam to be postmaster at Anthony, Kans., in place of William P. Olmstead. Incumbent's commission expires January 13, 1915.

John T. Brothers to be postmaster at National Military Home, Kans., in place of James M. Hallett. Incumbent's commission expired December 14, 1914.

W. L. D. Hagan to be postmaster at Newton, Kans., in place of John C. Mack. Incumbent's commission expired December 13, 1914.

George S. Hartley to be postmaster at Arkansas City, Kans., in place of Charles N. Hunt. Incumbent's commission expires January 13, 1915.

Virginia H. Kinyon to be postmaster at Fall River, Kans., in place of Sherman C. Cunningham. Incumbent's commission expires February 1, 1915.

John W. Lapham to be postmaster at Chanute, Kans., in place of Herbert Cavaness. Incumbent's commission expired December 13, 1914.

John A. Lindahl to be postmaster at Enterprise, Kans., in place of James Frey. Incumbent's commission expires January 20, 1915.

W. A. McClure to be postmaster at Baldwin City, Kans., in place of William C. Markham, removed.

George A. Milliman to be postmaster at Oakley, Kans., in place of James R. Young. Incumbent's commission expired December 14, 1914.

Edwin F. Moody to be postmaster at Onaga, Kans., in place of L. L. O'Meara, resigned.

Ferdinand Scharping to be postmaster at Hillsboro, Kans., in place of Jacob D. Hirschler. Incumbent's commission expires January 27, 1915.

E. E. Scott to be postmaster at Council Grove, Kans., in place of Robert M. Armstrong. Incumbent's commission expires February 23, 1915.

Thomas Torgeson to be postmaster at White City, Kans., in place of John A. Davidson. Incumbent's commission expires January 19, 1915.

KENTUCKY.

L. C. Adams to be postmaster at Berea, Ky., in place of D. N. Welch. Incumbent's commission expired December 15, 1914.

William H. Atteberry to be postmaster at Munfordville, Ky. Office became presidential October 1, 1914.

Charles Hadden to be postmaster at Jackson, Ky., in place of J. B. McLin, resigned.

MAINE.

Alvin E. Dresser to be postmaster at Millbridge, Me., in place of Abraham L. Wallace. Incumbent's commission expired December 13, 1914.

MASSACHUSETTS.

John T. Dolan to be postmaster at Avon, Mass., in place of Godfrey Knight. Incumbent's commission expired December 14, 1914.

George P. Sheldon to be postmaster at Hopedale, Mass., in place of Edwin M. Wheelock. Incumbent's commission expired February 21, 1914.

W. S. Smith to be postmaster at Onset, Mass., in place of Marcus M. Copeland. Incumbent's commission expired December 13, 1914.

Maurice Williams to be postmaster at South Easton, Mass., in place of J. Henry Hurst. Incumbent's commission expired June 24, 1914.

MICHIGAN.

William A. Atyeo to be postmaster at Belleville, Mich., in place of James H. Codey, resigned.

John D. Burgess to be postmaster at West Branch, Mich., in place of Arthur R. Babcock. Incumbent's commission expires January 16, 1915.

William Grant Howard to be postmaster at Marion, Mich., in place of E. Jefferson Hall. Incumbent's commission expires January 11, 1915.

MINNESOTA.

J. E. Bauvette to be postmaster at Hallock, Minn., in place of E. P. Le Masurier. Incumbent's commission expires January 11, 1915.

George E. Crow to be postmaster at Walker, Minn., in place of Arthur McBride. Incumbent's commission expired December 13, 1914.

J. J. Daly to be postmaster at Frazee, Minn., in place of Edward F. Gummer. Incumbent's commission expires January 11, 1915.

Jacob Gish to be postmaster at Le Sueur, Minn., in place of Jacob Gish. Incumbent's commission expired April 1, 1914.

Edwin L. Gove to be postmaster at Madelia, Minn., in place of Julia M. Holley. Incumbent's commission expired December 13, 1914.

Henry F. Hopfenspirger to be postmaster at Morgan, Minn., in place of F. S. Pollard. Incumbent's commission expires January 20, 1915.

M. W. Jensen to be postmaster at McIntosh, Minn., in place of O. A. Wilson. Incumbent's commission expires January 11, 1915.

Charles E. McAllen to be postmaster at Chokio, Minn. Office became presidential October 1, 1914.

Charles W. Mobeck to be postmaster at Center City, Minn. Office became presidential October 1, 1914.

William H. Nevin to be postmaster at Ivanhoe, Minn. Office became presidential October 1, 1914.

E. T. Vigen to be postmaster at Lake Park, Minn., in place of Peter H. Hanson. Incumbent's commission expires January 16, 1915.

Frank E. Wilder to be postmaster at Spring Valley, Minn., in place of S. J. Huntley. Incumbent's commission expires January 11, 1915.

MISSISSIPPI.

Richard H. Coke to be postmaster at Mendenhall, Miss., in place of Richard H. Coke. Incumbent's commission expired December 13, 1914.

MISSOURI.

Frank D. Ball to be postmaster at Holden, Mo., in place of James H. Nay. Incumbent's commission expired December 14, 1914.

Arthur L. Carter to be postmaster at Fairfax, Mo., in place of Max V. Robinson. Incumbent's commission expires January 18, 1915.

Robert L. Hamilton to be postmaster at Salisbury, Mo., in place of William R. Sweeney. Incumbent's commission expires January 11, 1915.

A. E. Michie to be postmaster at Webb City, Mo., in place of Simeon W. Ragland, resigned.

J. B. Smith to be postmaster at Farmington, Mo., in place of Ulysses G. Evans. Incumbent's commission expires January 16, 1915.

Bennett Wardlow to be postmaster at Lancaster, Mo., in place of Reuben W. Graves. Incumbent's commission expired December 13, 1914.

Peter J. Weber to be postmaster at Tipton, Mo., in place of Judson M. Boyd, deceased.

D. F. Willm to be postmaster at Crystal City, Mo., in place of George H. Bond, resigned.

M. B. Yates to be postmaster at Pattonsburg, Mo., in place of George N. Gromer. Incumbent's commission expired December 16, 1914.

Will H. Zorn to be postmaster at Westplains, Mo., in place of A. T. Hollenbeck. Incumbent's commission expires January 19, 1915.

MONTANA.

J. H. Hines to be postmaster at Valier, Mont., in place of James N. Starbuck, resigned.

David J. Kane to be postmaster at East Helena, Mont., in place of Max Jacobs. Incumbent's commission expired December 14, 1914.

NEBRASKA.

I. R. Darnell to be postmaster at Benkelman, Nebr., in place of C. L. Ketler, resigned.

Fanny Dworak to be postmaster at Howell, Nebr., in place of Frank A. Prucha. Incumbent's commission expired December 14, 1914.

Claude B. Grace to be postmaster at Trenton, Nebr., in place of Charles Seeley. Incumbent's commission expired December 13, 1914.

W. H. Latham to be postmaster at Curtis, Nebr., in place of H. E. Langevin. Incumbent's commission expires January 13, 1915.

NEW HAMPSHIRE.

Andrew D. Davis to be postmaster at North Conway, N. H., in place of Charles E. Poole. Incumbent's commission expired December 13, 1914.

Charles E. Shepard to be postmaster at New London, N. H., in place of Elmer E. Adams, removed.

NEW JERSEY.

Maude V. Richer to be postmaster at Audubon, N. J. Office became presidential October 1, 1914.

NEW YORK.

Patrick H. Lyons to be postmaster at Kings Park, N. Y., in place of John F. Kelly. Incumbent's commission expires January 16, 1915.

Roy J. Paxon to be postmaster at Akron, N. Y., in place of Lucius E. Twinn. Incumbent's commission expired December 13, 1914.

William T. Vaughn to be postmaster at Sag Harbor, N. Y., in place of Genevieve French. Incumbent's commission expires January 27, 1915.

NORTH CAROLINA.

William M. Henry to be postmaster at Brevard, N. C., in place of Charles E. Orr. Incumbent's commission expired December 13, 1914.

R. S. Newton to be postmaster at Southport, N. C., in place of Howard C. Curtis, deceased.

Walter S. Thomas to be postmaster at Rockingham, N. C., in place of Estella Cameron, resigned.

NORTH DAKOTA.

George W. Wilkinson to be postmaster at Fargo, N. Dak., in place of Horatio C. Plumley. Incumbent's commission expires February 23, 1915.

OHIO.

Eugene C. Chapman to be postmaster at Plain City, Ohio, in place of Charles Wilson, resigned.

C. A. Corbin to be postmaster at Ashtabula, Ohio, in place of J. Warren Prine. Incumbent's commission expires January 23, 1915.

Mrs. Mary K. Long to be postmaster at Medina, Ohio, in place of H. S. Orr. Incumbent's commission expires January 23, 1915.

Freda M. Milligan to be postmaster at Lowellville, Ohio, in place of Freda M. Smith, name changed by marriage.

James E. Sullivan to be postmaster at Lima, Ohio, in place of Albert E. Gale. Incumbent's commission expired May 24, 1914.

OKLAHOMA.

James M. Loper to be postmaster at Tishomingo, Okla., in place of Hanson P. Warfield, resigned.

OREGON.

Cornelius Buchanan to be postmaster at Florence, Oreg., in place of Alice E. Weatherson, not commissioned.

PENNSYLVANIA.

J. R. Brown to be postmaster at Avella, Pa. Office became presidential October 1, 1914.

Blythe J. Davison to be postmaster at Canton, Pa., in place of Lynn G. Thomas. Incumbent's commission expires January 10, 1915.

G. E. Daugherty to be postmaster at Iselin, Pa., in place of Spencer H. Rhoads, resigned.

Henry C. Deible to be postmaster at Reynoldsville, Pa., in place of Smith M. McCreight. Incumbent's commission expired April 1, 1914.

Charles B. Duff to be postmaster at Ford City, Pa., in place of William J. Boggs, resigned.

Milton M. Dougherty to be postmaster at Mechanicsburg, Pa., in place of John S. Weaver. Incumbent's commission expires February 6, 1915.

Helen G. Flanigan to be postmaster at Mill Hall, Pa. Office became presidential October 1, 1914.

John E. Guthrie to be postmaster at Summerville, Pa. Office became presidential October 1, 1914.

Glen S. Hamilton to be postmaster at Falls Creek, Pa., in place of Joseph N. Ritchey. Incumbent's commission expired December 13, 1914.

David V. Hays to be postmaster at Burgettstown, Pa., in place of James P. Shillito, resigned.

William A. Kessler to be postmaster at Homestead, Pa., in place of John Grein. Incumbent's commission expired June 24, 1914.

William A. Ketterer to be postmaster at Rochester, Pa., in place of Frank R. Holt. Incumbent's commission expired February 16, 1914.

Michael F. Lawler to be postmaster at Jessup, Pa., in place of Peter V. Burke. Incumbent's commission expired December 13, 1914.

William Leslie to be postmaster at Parkers Landing, Pa., in place of Samuel M. Turk. Incumbent's commission expired December 16, 1914.

Arthur McKean to be postmaster at Beaver Falls, Pa., in place of Franklin Wisener. Incumbent's commission expired December 19, 1914.

Edward L. Mifflin, sr., to be postmaster at Ridley Park, Pa., in place of Robert Carns. Incumbent's commission expired December 13, 1914.

John A. Robinson to be postmaster at Brownsville, Pa., in place of William S. Steele, deceased.

C. W. Sausser to be postmaster at Bellwood, Pa., in place of William F. Balsbach, removed.

Joseph A. Shoff to be postmaster at Madera, Pa., in place of Charles G. Gill, resigned.

Jesse S. Stambaugh to be postmaster at Spring Grove, Pa., in place of Harry H. Hawkins. Incumbent's commission expires January 27, 1915.

Frank T. Stiner to be postmaster at Moylan, Pa. Office became presidential January 1, 1914.

D. H. Sutton to be postmaster at East Butler, Pa. Office became presidential October 1, 1913.

Ralph S. Wagner to be postmaster at New Florence, Pa., in place of Joseph Wagoner. Incumbent's commission expired April 19, 1914.

SOUTH CAROLINA.

J. Henry Bodie to be postmaster at Leesville, S. C., in place of James P. Bodie. Incumbent's commission expires January 13, 1915.

Clarence D. Cooper to be postmaster at Mayesville, S. C., in place of Clarence D. Cooper. Incumbent's commission expires January 13, 1915.

George W. Dick to be postmaster at Sumter, S. C., in place of George D. Shore. Incumbent's commission expires January 13, 1915.

Frank George to be postmaster at Lexington, S. C., in place of Samuel J. Leaphart. Incumbent's commission expires January 13, 1915.

Alva K. Lorenz to be postmaster at Aiken, S. C., in place of Charles E. Carman. Incumbent's commission expires January 13, 1915.

G. B. Stackhouse to be postmaster at Mullins, S. C., in place of Guss E. Smith. Incumbent's commission expires February 6, 1915.

SOUTH DAKOTA.

W. L. Butler to be postmaster at Frankfort, S. Dak., in place of George E. McAllister, resigned.

John L. Davis to be postmaster at Letcher, S. Dak., in place of Elva D. Kirkpatrick. Incumbent's commission expired December 14, 1914.

H. J. Hobart to be postmaster at Woonsocket, S. Dak., in place of Henry E. Richardson. Incumbent's commission expires January 27, 1915.

William Spencer to be postmaster at Onida, S. Dak., in place of Bertha M. Howard. Incumbent's commission expires January 20, 1915.

Lewis E. Whitcher to be postmaster at Highmore, S. Dak., in place of Louis W. Carter. Incumbent's commission expired May 2, 1914.

TENNESSEE.

Felix P. McGinness to be postmaster at Carthage, Tenn., in place of William B. Pickering, resigned.

E. F. Wilson to be postmaster at Tullahoma, Tenn., in place of George M. Book. Incumbent's commission expires January 31, 1915.

TEXAS.

Monroe R. Allen to be postmaster at Weimer, Tex., in place of Owen Heyer. Incumbent's commission expired December 19, 1914.

Paul L. Alexander to be postmaster at Lamesa, Tex. Office became presidential January 1, 1915.

J. L. Crawford to be postmaster at San Benito, Tex., in place of Lucius O'Bryan, resigned.

Cicero Harper to be postmaster at Moran, Tex. Office became presidential January 1, 1915.

J. Lester Hodges to be postmaster at Junction, Tex., in place of Clarence W. Atchison. Incumbent's commission expires February 6, 1915.

E. A. Shelton to be postmaster at El Paso, Tex., in place of James A. Smith. Incumbent's commission expires February 23, 1915.

Virgil E. Todd to be postmaster at Gilmer, Tex., in place of W. M. Thompson. Incumbent's commission expired December 16, 1914.

A. H. Wolfe to be postmaster at Ladonia, Tex., in place of Robert T. Bartley. Incumbent's commission expired December 16, 1914.

George D. Zivley to be postmaster at Lampasas, Tex., in place of Wilber H. Webber. Incumbent's commission expires February 16, 1915.

VERMONT.

James A. Donahue to be postmaster at Essex Junction, Vt., in place of James H. Viele. Incumbent's commission expires January 11, 1915.

Frederick L. Smith to be postmaster at Brandon, Vt., in place of Burt Merritt. Incumbent's commission expired May 18, 1914.

VIRGINIA.

H. C. Humphrey to be postmaster at Remington, Va. Office became presidential January 1, 1915.

Laura Lee Keeler to be postmaster at Middleburg, Va. Office became presidential January 1, 1915.

Frank L. Sublett to be postmaster at Harrisonburg, Va., in place of Wilmer L. Dechert. Incumbent's commission expires January 13, 1915.

WASHINGTON.

John J. Carney to be postmaster at Aberdeen, Wash., in place of Walter B. Crammatte. Incumbent's commission expired December 15, 1914.

J. E. Janosky to be postmaster at Connell, Wash., in place of Charles G. Gehres, resigned.

W. F. Roberts, jr., to be postmaster at Elma, Wash., in place of Alexander Jolley. Incumbent's commission expired December 15, 1914.

William Rouse to be postmaster at Stanwood, Wash., in place of Daniel C. Pearson, removed.

WEST VIRGINIA.

J. F. Beatty to be postmaster at Mannington, W. Va., in place of John O. Huey, resigned.

Charles E. Manley to be postmaster at Fairmont, W. Va., in place of Allison H. Fleming. Incumbent's commission expires January 21, 1915.

WISCONSIN.

Edward Cody to be postmaster at Antigo, Wis., in place of Richard Koebke. Incumbent's commission expires January 20, 1915.

John Coppes to be postmaster at South Kaukauna, Wis., in place of Julius J. Martens. Incumbent's commission expired December 15, 1914.

William F. Gruenewald to be postmaster at Oshkosh, Wis., in place of Edward M. Crane. Incumbent's commission expires January 20, 1915.

Alexander W. Horn to be postmaster at Cedarburg, Wis., in place of Herman Boerner. Incumbent's commission expired December 15, 1914.

E. J. Jacquot to be postmaster at Hortonville, Wis., in place of H. O. E. Diestler. Incumbent's commission expires January 20, 1915.

Frank H. Kellner to be postmaster at Denmark, Wis. Office became presidential January 1, 1914.

Levi Lane to be postmaster at Oconto Falls, Wis., in place of William Campbell. Incumbent's commission expires March 3, 1915.

WYOMING.

C. E. Nolan to be postmaster at Superior, Wyo., in place of John T. Johnson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1915.

ASSISTANT TREASURER.

George Fort to be Assistant Treasurer of the United States.

APPRAISERS OF MERCHANDISE.

James A. McQuade to be appraiser of merchandise in customs collection district No. 13.

Walter B. Warner to be appraiser of merchandise in customs collection district No. 13.

UNITED STATES ATTORNEY.

Samuel K. Dennis to be United States attorney for the district of Maryland.

UNITED STATES MARSHAL.

William W. Stockham to be United States marshal for the district of Maryland.

COLLECTOR OF CUSTOMS.

William P. Ryan to be collector of customs for customs collection district No. 13.

SURVEYOR OF CUSTOMS.

Guy W. Steele to be surveyor of customs in customs collection district No. 13.

POSTMASTERS.

GEORGIA.

W. H. Bennett, Tifton.

MARYLAND.

Thomas D. Bowers, Chestertown.
Washington F. Collins, Millington.
Charles Judefind, Rock Hall.
Mary W. McKnett, Trappe.

MINNESOTA.

Chauncey W. Bulen, Walnut Grove.
John Butler, Lesueur Center.
J. B. Connors, Hibbing.
Ruth S. Driscoll, Madison.
J. F. McDonnell, Waverly.
Henry J. Schaefer, Albany.

VIRGINIA.

Carroll C. Chowning, Urbanna.

WITHDRAWAL.

Executive nomination withdrawn January 8, 1915.

Otto F. Heine to be postmaster at Lahaina, in the Territory of Hawaii.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 8, 1915.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty Father, for every advance movement toward the higher civilization since the world began, for every great man inspired to leadership in the things which have made for the betterment of humanity.

We thank Thee for our Republic, with its civil, political, and religious liberty, for our fathers who gave it birth, for all who have zealously maintained its sacred rights. To-day chronicles the Battle of New Orleans, which reflects glory on the central figure who led his compatriots to victory, the results of which have been a hundred years of peace among the English-speaking nations of the world. Grant that it may last forever and aye. And, O God, our Father, we most earnestly pray that the terrible conflict now raging in all Europe may awaken in the hearts of all men an abhorrence so deep and lasting that the brutal methods of settling national and international disputes may give way to the more rational methods of peaceful arbitration, and thus redound to Thy glory and the eternal good of mankind. In the name of Him who taught fatherhood, brotherhood. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, January 7, 1915.

Hon. CHAMP CLARK,
Speaker House of Representatives,
Washington, D. C.

DEAR SIR: I beg to advise you that on January 7, 1915, I tendered to the governor of the State of Ohio my resignation as a Representative in Congress from the eighth congressional district of that State, the resignation to take effect on the 9th day of January, 1915.

Very respectfully,

FRANK B. WILLIS.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7107. An act to authorize the construction of a bridge across the Ohio River at Metropolis, Ill.

ANNIVERSARY OF BATTLE OF NEW ORLEANS.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] is recognized.

Mr. DUPRÉ. Mr. Speaker, 100 years ago to-day the Battle of New Orleans was fought. It was a notable event. The British troops, largely made up of the seasoned veterans of the Peninsular campaign, went down to crushing defeat before a much smaller force of American troops, composed of the Seventh and Forty-fourth Regiments of United States Regulars, splendidly reenforced by the raw citizen soldiery of Kentucky, Tennessee, Mississippi, and Louisiana. The heroes of Trafalgar found that the gunners of the slight U. S. sloops *Carolina* and *Louisiana* were foemen not unworthy of their steel. The enemy retired with terrific loss of life, the death toll among its officers being extremely heavy. Sir Edward Pakenham, brother-in-law and trusted lieutenant of the Iron Duke, gallantly leading his men, died an ideal soldier's death at the head of his column. The victory of the Americans was complete. Jean Lafitte, pirate of Barataria, was henceforth to be remembered among the defenders of American freedom. Adair and Coffee and Villeré and others, including Gen. Morgan, great-grandfather of my colleague from the sixth district of Louisiana, Hon. LEWIS L. MORGAN, earned for themselves high military distinction. Andrew Jackson joined the Immortals. Thereafter he was of those "that were not born to die."

Though fought after the conclusion of peace, and, therefore, not a factor in the settlement of the War of 1812, the Battle of New Orleans is one of the epoch-making events in our history. It served to teach anew to foreign nations that the young Republic was ready to defend itself against oppression and aggression and that its citizens could be relied upon to supplement its small Army and Navy with initiative, with loyalty, with courage, and with unerring marksmanship. So, Mr. Speaker, Old Hickory Day has always been one of our most popular national holidays. On the actual scene of the conflict—the field of Chalmette, some 5 miles below the city of New Orleans—the National Government has erected an appropriate and imposing monument. To every patriotic American, without

regard to section, that field has always been holy ground. To us in Louisiana, rich as that Commonwealth is in historical treasures, it is our most hallowed spot. It may be of interest to his associates to know, and it may serve as a key to an understanding of his intrepid spirit, his chivalric nature, his lofty personal character, and his distinguished public career, that for nigh 70 years, from the broad veranda of his ancestral home, my colleague, Gen. ALBERT ESTOPINAL, has daily gazed upon the field of Chalmette. Could one seek inspiration from a more ennobling environment or find it in a more stimulating outlook?

In anticipation of the centennial anniversary of this great event and to insure a fitting celebration thereof the General Assembly of the State of Louisiana passed act No. 144, of the year 1914, authorizing observance of this occasion. An appropriation for the purpose was provided, which was subsequently supplemented by the municipality of New Orleans and by the parish of St. Bernard. The details of the celebration were intrusted to the Louisiana Historical Society, an organization of long and honorable existence in our State, whose membership of patriotic men and women has heretofore demonstrated its ability to conduct entertainments of this nature. The program, outlined by a committee of the Society of which Mr. Thomas P. Thompson is chairman and Mr. W. O. Hart is vice chairman, is singularly felicitous, beginning with interesting ceremonies on the battle field to-day and concluding on Sunday next, with a Te Deum at the old St. Louis Cathedral, opposite the Place d'Armes, now Jackson Square, on the very spot where L'Abbé Dubourg offered thanksgiving in Jackson's presence for the "laureled victory" that sat upon his sword.

The President of the United States, unable to be present himself, has dispatched a distinguished member of his official family to represent him. The U. S. Battleship *Rhode Island*, in striking contrast to the little gunboats, *Carolina* and *Louisiana*, of 1815, rides lightly the Father of Waters in the incomparable harbor of the great metropolis of the South; United States Regulars, including the same Seventh Regiment which participated in the Battle of Chalmette, have been ordered to the scene, lending inspiration and aspiration to the militia of the Pelican State. Foreign diplomats, dignitaries of many nations, governors of adjoining Commonwealths, representatives from many cities, historical and patriotic societies, chambers of commerce, and so forth, are in attendance on this great national demonstration. It is meet that the Congress of the United States, especially invited to participuate in these exercises, under authority of the Legislature of Louisiana, should take cognizance of the occasion. And before resuming my seat I shall ask the consideration and adoption of a concurrent resolution looking to that end, introduced on yesterday in our respective Chambers by the senior Senator from Louisiana, Mr. THORNTON, and myself.

Before concluding, however, I wish to call attention to a significant feature of these commemorative exercises. They are not intended alone to glorify the fame of that great soldier, statesman, and Democrat, Andrew Jackson, or to honor the memory of those who fought so valiantly beside him and against him, nor are they merely designed to stress the important place the Battle of New Orleans occupies in American history. The committee in charge would emphasize another aspect. It would direct attention to the fact that the victory at Chalmette has resulted in a century of unbroken peace between nations that were at war a hundred years ago. Accordingly it may have been observed that the invitations which were extended to the Members of this House asked the honor of their presence at ceremonies not only commemorative of the centennial anniversary of the Battle of New Orleans, but of the one hundred years of peace that have ensued between the parties to that conflict.

With "grim-visaged war" encircling half the world, with the American people earnestly desiring an early termination of that saturnalia of carnage, in a manner alike honorable to all the unfortunate nations engaged therein and conducive to the welfare of humanity everywhere, is it not timely that we should rejoice, on the day of such a celebration, in our fortunate immunity from the horrors of international strife? Should we not at this particular moment devoutly render special thanks to Divine Providence for the peace that He has vouchsafed unto us, not only with the people with whom a century ago we warred, but with all the peoples of all the world? May we not this morning pray with special fervor that the peace of God, "which passeth all understanding," may soon descend upon and dwell among all of our brethren to the uttermost ends of the earth?

I append herewith as a part of my remarks the following resolution (H. Con. Res. 57):

Whereas the General Assembly of the State of Louisiana for the year 1914 provided by act No. 144 for a fitting celebration of the one hundredth anniversary of the Battle of New Orleans, instrusting the execution of the provisions of the said act to the Louisiana Historical Society; and

Whereas in accordance with said act invitations have been extended to the respective presiding officers and the Members of the Congress of the United States to attend these commemorative exercises, to be held in the city of New Orleans on January 8, 9, and 10, 1915: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States acknowledges with pleasure the receipt of said invitations and appreciates the courtesy thus extended.

Resolved further, That the Congress of the United States commends the patriotic spirit that has prompted the people of Louisiana to celebrate properly the great victory achieved on the field of Chalmette by American arms under the leadership of Andrew Jackson, and rejoices in the heroic valor displayed by friend and foe alike in that memorable conflict.

Resolved further, That a copy of this resolution be transmitted to the governor of Louisiana, the mayor of New Orleans, and the Louisiana Historical Society.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider at this time Senate concurrent resolution 35.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table and consider at the present time Senate concurrent resolution 35, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 35.

Whereas the General Assembly of the State of Louisiana for the year 1914 provided by act No. 144 for a fitting celebration of the one hundredth anniversary of the Battle of New Orleans, intrusting the execution of the provisions of said act to the Louisiana Historial Society; and

Whereas, in accordance with said act, invitations have been extended to the respective presiding officers and the Members of the Congress of the United States to attend these commemorative exercises, to be held in the city of New Orleans on January 8, 9, 10, 1915: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States acknowledges with pleasure the receipt of said invitations and appreciates the courtesy thus extended;

Resolved further, That the Congress of the United States commends the patriotic spirit that has prompted the people of Louisiana to celebrate properly the great victory achieved on the field of Chalmette by American arms under the leadership of Andrew Jackson, and rejoices in the heroic valor displayed by friend and foe alike in that memorable conflict;

Resolved further, That a copy of this resolution be transmitted to the governor of Louisiana, the mayor of New Orleans, and the Louisiana Historical Society.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

EVENING SESSION.

Mr. ADAIR. Mr. Speaker, in view of the fact that this is the day set apart by the rules for consideration of private pension bills on the calendar, I ask unanimous consent that when the Committee of the Whole House on the state of the Union, considering the Indian appropriation bill, rises this evening the House take a recess until 8 o'clock, to consider at that time the bills H. R. 20562 and H. R. 20563, omnibus pension bills, reported from the Committee on Invalid Pensions and the Committee on Pensions.

The SPEAKER. The gentleman from Indiana asks unanimous consent that when the Committee of the Whole rises this evening the House shall stand in recess until 8 o'clock to-night for the purpose of considering pension bills and nothing else. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE.

The SPEAKER. The Chair designates the gentleman from New York [Mr. GOULDEN] to act as Speaker pro tempore for to-night's session.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, when the committee rose there was a vote pending on an amendment offered by the gentleman from Nebraska [Mr. STEPHENS].

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent to withdraw my substitute and offer instead a modified amendment, which I send to the Clerk's desk, and which the committee has agreed to accept.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw the pending amendment and to offer in its stead a modified amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amend, on page 21, by striking out the figures "$60,000" and insert in lieu thereof the figures "$64,500."

Second amendment:

Strike out "$65,000," on page 21, line 17, and insert in lieu thereof "$69,500."

Mr. STEPHENS of Texas. Mr. Chairman, we found there was a mistake in adding up the figures, and that this amount should have originally been $64,500, in line 16, and then, adding it to the total, it should be $69,500, in line 17.

Mr. MANN. Mr. Chairman, whatever mistake there may be must have been made last year, because the figures this year as to support and education are identical with the present appropriation. The only change in this item is leaving out some specific appropriations for specific things and increasing the amount for general repairs and improvements from $4,500 to $5,000. Where did the mistake occur?

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from Illinois that the appropriation for the present fiscal year is the same as is carried by this bill, but there will possibly be a deficit on the basis of what they have been expending there heretofore unless the attendance is reduced.

Now, in the estimates submitted they estimated for this school for 400 pupils $78,800, $10,000 to be used for general repairs and improvements, and then there was an estimate of $3,000 for a physician's cottage, making $81,800. The committee cut out the physician's cottage and reduced the general repairs and improvement fund to $5,000 and deducted for the 25 pupils on the basis of the amount on which they were estimated, and it reduced the amount to $60,000 instead of $64,500, as I think it should be. The figures are manifestly inaccurate and incorrect, and the appropriation for the current fiscal year, as I have stated, if the attendance is kept up, will probably result in a deficit unless they reduce the attendance; so there is clearly a mistake in this item as it appears in the bill.

Mr. MANN. Was not the appropriation for the current year made on the same basis at this place as it was at most other places? Of course, the department this year asked for 400 pupils, and we make an appropriation for 375 for the current year for the same thing and in the same amount.

Mr. STEPHENS of Nebraska. I will say it is a mistake I attempted to correct last year, but failed to impress the committee that the appropriation for support of this school was wrong, and this year I made a special effort to correct the mistake when I found where the error was made. The committee has not followed the estimates of the department in either year as to the amount required for this school.

Mr. MANN. They seldom follow the estimates of the department. Has the department sent in a deficiency estimate for this current year on this item?

Mr. STEPHENS of Nebraska. They estimated that this school should have had $68,800 for support, and the committee only gave $60,000.

Mr. MANN. I know; but we have appropriated for the current year $60,000 for 375 pupils. Now, the gentleman says that that is not enough. Has the department made any deficiency estimate for this current fiscal year?

Mr. STEPHENS of Nebraska. I do not know whether they have or not.

Mr. MANN. If they had not——

Mr. STEPHENS of Nebraska. But their estimates guided the committee in making the appropriations for every other school?

Mr. MANN. A department naturally speaks more loudly through action than through representation to a Member of the House. If they have not money enough to carry this school through this year, they should have brought in a deficiency estimate. They have not done that, so, of course, they would consider the $60,000 sufficient.

Mr. STEPHENS of Nebraska. Well, but the department does not consider it is sufficient. It is asking for $68,800, as the hearings will show, and there was an error on the part of the committee in not making the allowance.

Mr. MANN. That is for next year; that is not for this year.

Mr. STEPHENS of Nebraska. For 1916.

Mr. MANN. Have they made a deficiency estimate for this year?

Mr. STEPHENS of Nebraska. Oh, I do not think so.

Mr. MANN. Then they consider that $60,000 is enough for this year?

Mr. STEPHENS of Nebraska. No; they do not consider it enough, and they have not so stated, but the hearings show distinctly that they do not consider it is enough, as they have asked for a greater amount than that.

Mr. MANN. For next year?

Mr. STEPHENS of Nebraska. For next year.

Mr. MANN. But they have not asked more this year?

Mr. STEPHENS of Nebraska. Evidently they took into account the needs of the school and calculated that that would cover just what the school would need for the year.

Mr. MANN. The gentleman does not seem to get the point I am trying to make.

Mr. STEPHENS of Nebraska. But I do.

Mr. MANN. Here is an amount appropriated for the school for this year. They have not asked for any increase of that amount for this year. They have authority to ask for a deficiency.

Mr. STEPHENS of Nebraska. But they are not asking for an appropriation for this year, but for next year.

Mr. MANN. If they are not asking for an appropriation this year, that shows they consider the present appropriation is sufficient for this year, and the bill carries identically the same amount for next year, and the gentleman says that that is a mistake.

Mr. STEPHENS of Nebraska. Well, it certainly is a mistake; it can not be anything else. You can take the hearings and figure it out and ascertain it for yourself. The committee made a mistake in their calculation, and this school has not been appropriated for upon the basis of the estimate that the department made, as other schools are appropriated for, and the committee have found their mistake and have consented to correct it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I expect they all ought to be cut down——

Mr. FOSTER. That is right.

Mr. MANN (continuing). Instead of increased.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. STEPHENS of Nebraska) there were—ayes 21, noes 6.

So the amendment was agreed to.

Mr. STEPHENS of Nebraska. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "three hundred and seventy-five," on page 21, lines 14 and 15, and insert in lieu thereof "four hundred."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted.

Mr. STEPHENS of Nebraska. Mr. Chairman, I would like to be heard on the amendment. I am sure that this amendment will meet with the approval of those gentlemen who want to reduce the expense of conducting these schools. I am offering this amendment preliminary to another one I expect to offer, on page 6, line 5.

Mr. MANN. The gentleman can not go back to that.

Mr. STEPHENS of Texas. Mr. Chairman, I object to returning to that page.

Mr. STEPHENS of Nebraska. I have the floor, Mr. Chairman, and I wish to proceed in order. It is my intention later on to ask unanimous consent to offer an amendment following the word "from," line 4, on page 6, by inserting the words "the nearest." That will have the effect, if it does what I hope it will do, of saving something like $30,000 of the $72,000 carried in this bill for the transportation of pupils. I have before me a table of the attendance of Indian students at various Indian schools, and I have estimated that if the students would stay at home and attend the schools in their own States instead of being transported to other schools, simply following their pleasures, we could save approximately $30,000 of the $72,000 appropriated for the transportation of pupils.

For example, we will take the Haskell Institute, and I especially want you to note that at the Haskell Institute in Kansas they have in attendance 8 pupils from Arizona, taken from the dooryard of the excellent school at Phoenix; 11 from Iowa, taken from Genoa or Pipestone; 35 from Minnesota, right from the Pipestone neighborhood; 46 from Montana, that are adjacent to Genoa; 15 from Nebraska; 22 from New Mexico, adjacent to Alburqueque; and 486 from Oklahoma, and I especially want the gentlemen from Oklahoma to take note of that. Oklahoma has one of the best schools in the United

States and we are paying transportation charges to Haskell Institute, in Kansas, just for fun. There can be no sane reason for it.

Mr. MURRAY. She has two of them.

Mr. STEPHENS of Nebraska. The Chilocco School has 13,000 acres, 8,500 of which are in cultivation, and it is a splendid place for an industrial Indian school. And yet we have the spectacle of 486 of those students being transported to Kansas and 125 to Carlisle at an expense of something like $7,000 or $8,000 out of this fund for transportation. There can not be any particle of sense in that nor can there be any defense for it. If this school does not have sufficient courses to satisfy advanced pupils, it should establish them at once. It has enough land and resources to enable it to conduct the best equipped school in the country at a very low cost per capita.

I have a statement of the attendance of 8 or 10 schools here to which I am going to call attention and insert in the RECORD. In my own State, for example, there are 17 pupils in the Genoa Institute from Kansas. Can there be any sense in transporting at public expense 17 students right from the dooryard of the splendid Haskell Institute at Lawrence, Kans., to Nebraska? Certainly not. Nor can there be any sense in transporting at public expense the 58 students from Nebraska that are now attending school at Carlisle, where it costs more per capita to educate them.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I will.

Mr. STAFFORD. Will the gentleman inform the committee who determines the allocation of these pupils in these schools?

Mr. STEPHENS of Nebraska. Who determines where they attend?

Mr. STAFFORD. Yes.

Mr. STEPHENS of Nebraska. As I understand it, there are collectors sent out. The schools solicit business like any private enterprise does. They send collectors to various reservations and solicit the attendance of pupils.

Mr. STAFFORD. Who is the final determiner?

Mr. STEPHENS of Nebraska. I think the student himself determines where he wants to go. The Government of the United States pays about $600 a year per capita for the education of a student in these institutes, and then permits him to exercise his own whim and attend school wherever he may please in the United States, and the United States pays the transportation.

Mr. STAFFORD. Must not the decision of the pupils be subject to the approval of the Commissioner of Indian Affairs?

Mr. STEPHENS of Nebraska. I don't know, but it is very apparent the Commissioner of Indian Affairs does not discriminate, because we go on down the line and we find 64 in the Haskell Institute from South Dakota. The Flandreal school in South Dakota should take care of those 64 pupils that are now in the Haskell Institute, and the Genoa school should have the 58 that are at Carlisle.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I will.

Mr. McGUIRE of Oklahoma. I want to correct, partially, a statement of the gentleman. Those pupils are transported from one State to another, or from one nonreservation school to another; but you will bear in mind, for instance, that the Haskell Institute has a more advanced course even than the Chilocco School, and the same way with the Carlisle School. The latter gives a more complete and finished education. Consequently, many of those pupils who have taken this preparatory course at Chilocco or other reservation schools are sent to Chilocco or to Carlisle.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEPHENS of Nebraska. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. STEPHENS of Nebraska. Now, I will admit that that may be true. Even then the whole proposition is wrong. The Chilocco School is so situated that it ought to have a splendid course; it ought to have the best course of any school in the United States, because it has the greatest resources. It has a splendid farm of 13,000 acres, it has every facility for putting in a course of study to educate the children who live on that reservation, and it is not economical to send them to Haskell, to Genoa, Nebr., and to Carlisle, Pa. If we would reassemble these children and put them back into the schools where they belong, we would save this $30,000, and we would practically not change the attendance materially except at two schools in the United States. Two schools, no doubt, would suffer in attendance as the result of this, but the United States Government would gain $30,000 in money that it is now absolutely throwing away and is of no value to anybody.

Now, then, take as an example the Chilocco school, and we note that it has drawn 15 pupils from North Carolina that should go to the Carlisle school. It has drawn 30 pupils from Kansas. It has drawn 2 from Minnesota, 4 from Montana, 58 from Nebraska, 33 from Arizona, 4 from New Mexico, 15 from North Carolina, 17 from Wisconsin, and so on down through the list, showing conclusively the extent of this uneconomic practice in this school. The motive that prompts a student to pick a certain school is usually one of sentiment at the recommendation of some friend who had previously attended the school or because he has some relative who has moved to that part of the country. And then these proselyting collectors for these schools influence materially this unnatural condition. They go about the country gathering them together, and then Uncle Sam pays for their transportation out of this $72,000 appropriation. I can not see any sense in it at all. I know only one reason why it has been done, and that is because there have been so many people interested in these various schools that they have simply logrolled, and they keep on logrolling, thinking they are keeping something for themselves, when, as a matter of fact, they have not profited at all by this proselyting practice as a whole.

Mr. COX. Who appoints these proselyters whom you mention?

Mr. STEPHENS of Nebraska These schools solicit their attendance just as private schools do.

Mr. COX. And they are all maintained by the Government?

Mr. STEPHENS of Nebraska. They are all maintained by the Government, but they seek to increase their attendance all the time.

Mr. COX. Somebody—the Secretary of the Interior or somebody else—appoints these proselyters?

Mr. STEPHENS of Nebraska. No; the schools have their own force.

Mr. COX. They are paid, are they not, by the Government?

Mr. STEPHENS of Nebraska. The school-teachers are appointed by the Secretary of the Interior or Indian Commissioner.

Mr. COX. And the teachers are paid by the Government?

Mr. STEPHENS of Nebraska. Yes, sir.

Mr. COX. And the teachers do the proselyting?

Mr. STEPHENS of Nebraska. Yes, sir.

Mr. COX. Well, I think the gentleman is aiming at a very vital matter.

Mr. STEPHENS of Nebraska. I think it is very vital, and I think that when the committee has considered it it will see that it is vital and that the practice ought to be corrected. There is no excuse for it. I do not care how many students it takes from Genoa, Nebr., or how many it puts into Genoa, Nebr. I maintain that this amendment ought to be incorporated into this paragraph increasing the authorization for 400 pupils at Genoa, so that the students that desire to attend the Genoa school will be able to do so in the event the amendment I propose to offer on page 6 is adopted later on. All the students of Nebraska will attend the Genoa school if this amendment prevails, or pay their own traveling expenses if they go elsewhere. If it does not prevail, there is no possibility of the Genoa school being able to take them in without this authorization; and there are at least 100 students living in the territory of the Genoa school going elsewhere.

Mr. McGUIRE of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Oklahoma?

Mr. STEPHENS of Nebraska. Yes.

Mr. McGUIRE of Oklahoma. In case that amendment prevails, there being no Indians to speak of in the State of Kansas, what would be the result with respect to the Haskell Institute?

Mr. STEPHENS of Nebraska. If the Haskell Institute has no excuse for its existence, it ought not to exist.

Mr. McGUIRE of Oklahoma. How about Carlisle?

Mr. STEPHENS of Nebraska. If the Carlisle Institute has no legitimate students, it ought not to be supported at public expense.

Mr. McGUIRE of Oklahoma. How about Genoa?

Mr. STEPHENS of Nebraska. It ought not to be supported if it has no students that are within its territory.

Mr. McGUIRE of Oklahoma. I understand the gentleman is opposed to all these schools.

Mr. STEPHENS of Nebraska. No; I am not. I am in favor of the schools that are economically located, and I believe they

should be supported for the benefit of the students adjacent to them; but I am opposed to taking students from Chilocco territory, Oklahoma, and carting them off to Carlisle, Pa., or taking students from Carlisle territory and transporting them to Haskell Institute, or from the Sherman Institute territory in California and sending them to Haskell or to Carlisle at public expense.

Mr. McGUIRE of Oklahoma. On that theory the gentleman knows it would be impossible to carry on the Carlisle School, for example.

Mr. STEPHENS of Nebraska. No. Perhaps the gentleman does not know it, but they would have at least 250 or 300 students that are adjacent to that school.

Mr. McGUIRE of Oklahoma. Where would they get them?

Mr. STEPHENS of Nebraska. Something over 150 now go from New York State alone, and North Carolina sends 54, Massachusetts 2, Virginia 2, Porto Rico 2, Florida 1, and, in addition to these, Chilocco now has 15 that belong to Carlisle territory. There are 6,000 Indians in New York that are all within the legitimate territory of Carlisle.

If this amendment prevails and also the one I expect to offer to the paragraph on page 6, then it will not be necessary for the schools now existing to do more than to take care of the students adjacent to those schools. I believe this amendment should prevail. It costs nothing whatever to write it into this paragraph, as no appropriation is carried with it.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted. The effect of it would be to change from 375 to 400 the number of students that are estimated for at Genoa, Nebr., which is now the capacity of this Genoa school.

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. STEPHENS of Texas. I regret I can not yield. I did not disturb the gentleman when he was speaking. The average attendance of pupils at that point—Genoa, Nebr.—is 340. The estimated capacity is 375; and consequently there is a shortage there of 35 students. Now, why do they want to increase the number of pupils in the school to 400? The enrollment is only 397 and the average attendance only 340, and we have provided for more than the average attendance already. Besides, if this amendment should be adopted, we would be violating a rule that this House has followed for many years, and also the policy that the department has adopted, namely, that of not enlarging the nonreservation schools. This is a nonreservation school, a school off any reservation; and the gentleman must admit that the figures given here are correct, wherein the average cost per capita, based on average attendance, is $211.98. At the Chilocco School, with which the gentleman contrasts it, the cost is only $157 per capita.

The gentleman from Indiana [Mr. Cox] seems to think that we ought not to shift students from one point or from one State to another. Now, here is the Chilocco School in Oklahoma, with a cost, based on average attendance on a per capita basis, of $157. This school at Genoa has a per capita cost on the basis of its enrollment of $181. Consequently we have far more than paid the transportation from one point to another with what is saved here, and evidently there is no point in the contention of the gentleman about shifting students from one school to another.

If the gentleman will examine into conditions in his own district or in his own city, he will find that young ladies and young gentlemen from that city are attending school perhaps in the city of Washington, and he will find young men from his district attending college at Harvard and at Yale. He will find young men in those universities from every State in the Union. Why not let the young Indians be educated as you are educating white children?

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield there?

Mr. STEPHENS of Texas. Yes.

Mr. STEPHENS of Nebraska. Those white students here are paying their own transportation and expenses. The Indians that belong in the vicinity of Chilocco should go to Chilocco. If they want to go to Haskell Institute, let them pay their own transportation charges. I can not see anything wrong in that philosophy. Any other course is uneconomic and ought to be abandoned.

Mr. STEPHENS of Texas. The schools are all established—the Sherman Institute in California, the Chilocco School in Oklahoma, the Haskell Institute in Kansas, and the Carlisle School in Pennsylvania. They have fine buildings and all the appliances there for industrial schools. They are quite expensive. Something must be done with them, and they must be kept up. It is cheaper to send the young Indians to them than to enlarge or reorganize the schools in the vicinity where they are located. All the department can do is to keep these schools up to the present capacity. Any new schools erected should be on the reservation, and any additional amount of expense above the present amount expended for nonreservation schools should be expended on reservation schools, and the children should be kept on the reservation and not off the reservation.

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman answer one question?

Mr. STEPHENS of Texas. Yes.

Mr. STEPHENS of Nebraska. Does the gentleman think it economical to take 100 students, for example, that should go to school at Flandreau, S. Dak., and send them to Carlisle, Pa., at Government expense for transportation, where the per capita cost is greater, or send them to Riverside, Cal., or to Albuquerque, N. Mex., or to Haskell, Kans.? Does the gentleman think the Government should take those 100 students that ought to be educated at Flandreau and pay their transportation charges to other schools, and pay an equally high per capita charge or more for educating them there? If they go to other schools, ought they not to pay their own transportation or else stay at home and be educated in the schools that are provided for them at home, just as is the case with our own children, who are educated in the schools that we have established for white people?

Mr. STEPHENS of Texas. Mr. Chairman, the gentleman has furnished an additional reason for changing pupils from one school to another—say, for example, from the school at Genoa to Chilocco. I stated that at the Genoa School the per capita cost per pupil is $211.88. In the Chilocco School it is only $157. For that reason the Government can shift them from one State to another, where they can be educated to the best advantage and more cheaply. Discretion must be lodged somewhere; and that discretion being lodged with the Secretary of the Interior, we imagine it should be upheld, and we should not adopt the gentleman's amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, as I understood the gentleman from Nebraska [Mr. STEPHENS], the amendment which he now offers is dependent for its value upon an amendment which he says he proposes to offer to change the language on page 6. Is that correct?

Mr. STEPHENS of Nebraska. That is correct.

Mr. STEPHENS of Texas. Page 6 has been passed.

Mr. MANN. I know. The gentleman from Nebraska [Mr. STEPHENS] made quite a speech, not about the amendment which is pending, but about the amendment which he proposes to offer on page 6, but the gentleman was asleep at the switch when we passed page 6. The gentleman knows that we can not return to that for the purpose of letting him offer an amendment. He makes a very eloquent speech. Perhaps his proposition is correct, but he should have presented his proposition and his speech when they were in order. It is not in order to offer that amendment. The amendment that the gentleman talks about will not be offered. If I were the gentleman, I would keep my speech out of the RECORD and not show that I failed to perform my duty at the time when it would have been effective.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. STEPHENS].

The amendment was rejected.

The Clerk read as follows:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $66,150.

Mr. HARRISON. Mr. Speaker, I move to strike out the last word. I will ask the chairman of the committee, Is there any money appropriated in this bill out of the Treasury of the United States to educate any other children than Indian children?

Mr. STEPHENS of Texas. There is not.

Mr. HARRISON. In other words, all the money that is appropriated in this bill for the education of children is for Indian children. Is that right?

Mr. STEPHENS of Texas. That is correct; and if there is anyone else educated with the money, the Indian Bureau is violating the law.

Mr. HARRISON. In looking over the bill I notice an item further on that appropriates $275,000 for the common schools of Oklahoma. Do you consider that to be an appropriation, not out of the Treasury of the United States, for white children?

Mr. STEPHENS of Texas. It is not for white children, but is for Indian children attending the schools where white children are taught. Where Indians live in the same neighborhood with whites, and where the State maintains a school for those white children, we find it is cheaper for the Indians to attend the common day schools. But the Government or somebody else must pay the tuition, because it would not be right to force the State to pay for the tuition of Indians in these schools.

Mr. HARRISON. The Oklahoma item of $275,000 for the common schools of Oklahoma is the only instance in this bill where the Government appropriates money as such, is it not?

Mr. STEPHENS of Texas. I will yield to the gentleman from Oklahoma [Mr. CARTER] to answer that question.

Mr. CARTER. There is an appropriation of $50,000 in the first part of the bill for children in white schools.

Mr. HARRISON. On what page?

Mr. CARTER. On page 5, line 12.

Mr. HARRISON. That item is—

Provided further, That not more than $50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Mr. CARTER. Yes.

Mr. HARRISON. Where is that money used? It is not under the heading of any particular State.

Mr. CARTER. It is used in any place where Indian children go to schools for white children.

Mr. HARRISON. So those are the only two instances?

Mr. CARTER. Those are all I know of.

Mr. HARRISON. Fifty thousand dollars to be used in any part of the United States, and the other is $250,000——

Mr. CARTER. Two hundred and seventy-five thousand dollars.

Mr. HARRISON. Two hundred and seventy-five thousand dollars to go to Oklahoma.

Mr. CARTER. Yes. I will say that the reason for that is the condition that exists in Oklahoma. The treaties under which the Indians in Oklahoma had their lands allotted provided that the lands should not be taxable while the title remained in the original allottee. Several years after the treaty a law was passed by Congress removing the restrictions on about one-half of the allotted lands, about 8,000,000 or 9,000,000 acres. One of the things that caused the removal of the restrictions was the fact that there were not sufficient taxable lands in the State to support schools. After that law was passed the Indians in Oklahoma brought suit to nullify that act of Congress, and it was nullified by the Supreme Court of the United States. So, it left the entire eastern side of the State of Oklahoma, about 40 counties, with practically no taxable land with which to support schools or any other part of the public business of the State. In deference to that there was placed in this bill, first, $300,000 for the support of these schools, and afterwards it was cut down to $275,000.

I will say, however, that before the admission of Oklahoma to statehood, and before the Oklahoma delegation came to Congress, there had been similar amounts carried in the bill for the institution and building of schools.

The urgent necessity now is that schools in a great many instances, on account of the decision in Choate against Trapp case, can not be maintained unless this amount is used for the upkeep of those schools and to pay for Indian students. Let me add, further, that this only replaces about one-eighth of the value of the taxes taken away from Oklahoma by the decision in Choate against Trapp. I understand that the value of the taxes taken away from Oklahoma under that decision was about $2,000,000, and this appropriation is only $275,000.

Mr. HARRISON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (art. 6, treaty of Nov. 11, 1794), $4,500.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word for the purpose of getting information. How many Indians are there in New York State connected with the Seneca Tribe?

Mr. STEPHENS of Texas. I will yield to the gentleman from New York [Mr. CLANCY].

Mr. CLANCY. About 2,300.

Mr. GOULDEN. How many in the Six Nations?

Mr. CLANCY. About 6,000; that is about the Indian population in New York State.

Mr. GOULDEN. Are they increasing or decreasing in number?

Mr. CLANCY. They are increasing at the rate of about 3 per cent per annum.

Mr. GOULDEN. Some years ago I had occasion to travel through this section of the State in the gentleman's district, and found that the Indians were making an effort to become self-supporting. Are they meeting with any success?

Mr. CLANCY. Individually they are.

Mr. GOULDEN. There were reasons why they should improve their condition, so far as farming and manner of living were concerned.

Mr. CLANCY. There are some farms in the Tuscaloosa Reservation that will equal the farm of any white man in New York State.

Mr. GOULDEN. I am very glad to hear it. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

NORTH CAROLINA.

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, $30,000; for general repairs and improvements, $4,000; in all, $34,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman how many Cherokees there are now in North Carolina.

Mr. STEPHENS of Texas. I will yield to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. I am sorry to say that I can not give the gentleman the information. I will say that the Cherokee Tribe is several hundred miles from me. I see on page 221 of the hearings it says that there are approximately 2,000.

Mr. HARRISON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on this item for the support and civilization of Indians at Fort Berthold Agency, N. Dak.

Mr. STEPHENS of Texas. What is the gentleman's point of order—that it is not authorized by law?

Mr. MANN. That is the point of order. What is the necessity for this item?

Mr. STEPHENS of Texas. The term "civilization" I suppose the gentleman objects to, but that has been ruled on before. I will yield to the gentleman from North Dakota [Mr. NORTON].

Mr. MANN. What is the situation at that agency; are we not ready to let the Indians support themselves up there?

Mr. NORTON. At the present time they have a superintendent in charge of the work at the Fort Berthold Agency. The expenses for 1915, as stated in the hearings, page 222, are as follows:

Salaries, wages, etc	$7,972.33
Traveling expenses	18.51
Transportation of supplies	233.27
Subsistence supplies	2,265.97
Forage	899.54
Fuel	1,139.09
Stationery and office supplies	200.80
Medical supplies	372.40
Equipment, material, etc	1,378.53
Total	14,470.44

Now, there are on that reservation about 1,168 Indians. They are engaged in farming, and for the most part maintain themselves; they are largely self-supporting. The department deems it necessary to have some supervision over them for the purpose of instructing and assisting them in their agricultural pursuits, and the supervision at the present time is certainly not very expensive to the Government. I can say personally that I believe that in the near future these Indians will be in a condition to be released from the supervision of the Indian Bureau and will be able to fully support themselves, and then this agency can be disbanded.

Mr. MANN. I may be mistaken, but I am inclined to think that the time has now arrived when these Indians are capable of self-support. Of course, they will not be self-supporting as long as the Government undertakes to feed and clothe them.

Mr. NORTON. There is a considerable number of aged and indigent Indians at this particular agency who in all justice should be cared for by the Federal Government. I trust the gentleman will not insist on his point of order against this meritorious item.

Mr. MANN. There are always a great many aged persons in every nation that have to be cared for by their own people, either by reason of their having saved something or by some kind of a government. That is always the case everywhere, but it is hardly a sufficient reason for making an appropriation for the maintenance of a superintendence that costs from seven to eight thousand dollars a year in order to spend $15,000. I think it will bring it to their attention more acutely if this item goes out, although it may be restored in another body.

Mr. STEPHENS of Texas. Does the gentleman know that there are ration Indians on this reservation?

Mr. MANN. I know that wherever the gentleman from Texas has his way he would like to cut off appropriations, but he can not find a way to do it, and I want to assist him.

Mr. STEPHENS of Texas. I am much obliged to the gentleman for his gratuitous remarks.

Mr. MANN. They do not cost anything, but they go to the point.

The CHAIRMAN. The gentleman from Illinois makes a point of order against lines 12, 13, and 14 on page 23, and the Chair thinks the point of order is well taken, and therefore sustains it. The Clerk will read.

The Clerk read as follows:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; for general repairs and improvements, $5,000; in all, $73,500.

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 24, after the figures 68,500, insert the following: For sinking wells and making improvement of the water system, $5,000.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order against that.

Mr. NORTON. Mr. Chairman, I wish to say that since this bill was made up the superintendent in charge of this agency writes that the supply of water of the agency that has heretofore been secured from springs has failed, so that at the present time there is not a sufficient supply of water to meet the actual needs of the agency and the school.

Mr. STEPHENS of Texas. How long has this agent been in charge there?

Mr. NORTON. He has been in charge for several years, I believe.

Mr. STEPHENS of Texas. These springs have been there a great many years, have they not?

Mr. NORTON. Yes; but a great many things that have been in existence a very long time have finally ceased in whole or in part to exist.

Mr. STEPHENS of Texas. Why did not this superintendent make the discovery before the 1st of December, so as to have it estimated for and put into the bill?

Mr. NORTON. I wish to say to the gentleman in reply to that inquiry that the fact of the sudden failure of the water supply at this agency at this time is not strange at all. Devils Lake, which is one of the largest inland bodies of water in the United States west of the Great Lakes, has gradually been receding, so that at the present time the city of Devils Lake is about 8 miles from the waters of Devils Lake, whereas 30 years ago large steamboats plying on the lakes docked within 200 hundred yards of the business part of the city of Devils Lake. The water has receded more than 10 feet within the last 30 years. It has receded gradually each year since the surrounding territory was settled up and cultivated by white people. Many of the springs surrounding the lake have ceased to flow. This is not any suggestion of my own that I am putting up before the committee, but it is a case of actual and immediate need as represented by the superintendent in charge of the agency. I took the matter up personally with Assistant Commissioner Meritt, of the Indian Bureau, and he tells me that the agency is in very great need of this appropriation at this time.

Mr. STEPHENS of Texas. Then, as I understand, recent developments relative to the water supply there show that it is necessary that they should have this $5,000 in addition to supply the school already in existence.

Mr. NORTON. It is urgently necessary to have this $5,000 to sink wells and to put in an adequate water supply for this agency. The superintendent writes that at the present time they are not able to secure sufficient water to do the washing necessary in the school there; that they are not able at the present time to secure the necessary water for baths for the pupils attending the school; that they are not even able to secure at the present time all the water necessary to provide for reasonably safe sanitary conditions at the school.

Mr. CARTER. Can the gentleman give us any information as to what the Indian Bureau thinks?

Mr. NORTON. Yes; I certainly can give the gentleman this information. As I remarked before, I took the matter up with Mr. Meritt, and he stated that the Indian Bureau was in favor of it, and they hoped that this amendment would prevail. There is actual need for this appropriation. I would not press it otherwise. I trust the gentleman will withdraw the point of order.

Mr. YOUNG of North Dakota. Mr. Chairman, this is a case of great emergency. The shortage of water at the Indian school for bathing purposes, laundry purposes, and for the flushing of closets, if permitted to continue, will be a menace to the health of the students and expose them to the danger of an epidemic of typhoid fever. I hope the Chairman will consent to the request of my colleague [Mr. NORTON].

Mr. STEPHENS of Texas. Mr. Chairman, I understand from the department by telephone message that the department desires this amendment. I withdraw any objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $5,000.

Mr. MANN. Mr. Chairman, on that I reserve the point of order. What is the necessity for the Government now making appropriations for the Wichita Indians in Oklahoma? Why can they not support themselves?

Mr. FERRIS. Mr. Chairman, there is a little band of full-blood Wichitas that were the original occupants of that country. They are full-blood Indians. They have never mixed at all with other tribes or the whites. I attended a conference of those Indians about a year ago and met a lot of the old tribesmen. They have not a cent of trust-fund money, and I doubt if they have any other kind. They assert the Kiowa, Comanche, and Apache Reservation was originally theirs. They have old landmarks and data to show that they were the original occupants of that entire country where I live. They have been urging me to press a claim for them to recover for it. There are 1,080 of them, and they want me to press a claim for the lands that the Kiowa, Comanche, and Apache Indians have. They are now poor and penniless.

Mr. MANN. Why not do it, and get them taken care of by these other rich Indians?

Mr. FERRIS. That is the theory of some people around here—to take from those who have and give to those who have not.

Mr. MANN. That is the whole theory of the gentleman's party.

Mr. FERRIS. But, in good faith and earnestness, these Indians are poor and they are being administered on as economically as they can be. They have not a cent of money anywhere.

Mr. MANN. They never will have, I take it, as long as we support them. Those other Indians down there are becoming citizens, becoming civilized, but these, the gentleman says, remain by themselves—exclusive—because the Government is good to them.

Mr. FERRIS. I do not think that the Government has done so very much for these people.

Mr. MANN. I expect the only thing the Government does is to pay some employees. Five thousand dollars will not go very far toward support.

Mr. FOSTER. Mr. Chairman, I think if the gentleman will look at the hearings he will see that they show that out of $4,000 expended last year $3,186 were paid for salaries, so that the Indians probably do not get very much.

Mr. FERRIS. Mr. Chairman, neither of the gentlemen from Illinois can get me very much excited about this item. I think the money is needed. It is the usual item that has always been carried for them. There are 10,080 of these poor old rusty Indians there added to the Comanche Agency, and this $5,000 was appropriated for long before I came here——

Mr. MANN. And that is the reason it is continued?

Mr. FERRIS. And it has been continued since. If the gentleman thinks they ought not to have it any longer, I simply urge that they need it; but if the gentleman thinks it ought to go out, I am helpless, as it is subject to a point of order. If these poor old Indians come to want it will be the fault of some one other than I.

Mr. MANN. I think they ought to get a shock, so that we will have a reinvestigation of the subject. I make the point of order against the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I concede it.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma for the support of the agency and pay of employees maintained for their benefit.

Mr. HARRISON. Mr. Chairman, I reserve the point of order. We have now reached the Oklahoma items. It occurs to me that the Democratic Party has done well in enacting into law a great many reforms that were promised the people before we came into control of this Government. In the Sixty-second Congress the House of Representatives made a most wonderful record in writing on the statute books, or attempting to do so, so far as the House was concerned, many reforms. We had told the people that the Speaker of the House had too much authority, that he could stack committees of this House, that he was too powerful and autocratic, and that we would change the rules of the House and make the House more representative, more democratic, that the people of the country through their Representatives here might have more voice in legislation, more rights, and more equality of treatment. We did much to redeem those pledges. No more can the Speaker of the House name the committees of the House. We thought, however, when we removed this former cancerous sore from the legislative part of the Government that in the future there would not be any "stacked" committees, because the House would name the committees. Much more representative is this body now than it used to be. Most of the committees of this House are fair representatives of all the people of the country. All the sections, as a rule, have equal representation on the committees, but when we come to Oklahoma and the Committee on Indian Affairs of the House——

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HARRISON. When I get through with this peroration. [Laughter and applause.] When we come to the Indian Affairs Committee of this House we find that really Oklahoma has an unequal representation. And my friend here [Mr. CARTER], I see, has a Congressional Directory now in his hand, and he is going to substantiate what I am going to assert, and that is that Oklahoma has three very distinguished and able Representatives on the Committee on Indian Affairs of the House—the distinguished gentleman here, my friend Mr. CARTER, able and persuasive; my good friend on that side of the aisle, MCGUIRE, who is influential and a splendid Representative; and my friend BILL MURRAY, strong, congenial, and eloquent. Now, I ask the House, with Oklahoma having three men on this most important committee, what chance has a Mississippi Indian to get some legislation out of that committee? Influential it is bound to be, because we are all human. Why, I know on my committee that if there was some fellow from another State who wanted some particular item embodied in the bill affecting his locality I would be loath to oppose it, because the association with my colleague would just make it so that I would want to help him if I could, and how much more so on appropriating committees. I am not on an appropriating committee, and consequently it does not make so much difference; but how much more would it be if I were on an appropriating committee of the House, like so many other Members?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for 10 minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I object.

Mr. CARTER. Mr. Chairman, I hope the gentleman from Texas will not object.

Mr. HARRISON. I will take it on some other paragraph.

Mr. CARTER. I am being very much edified by the gentleman from Mississippi.

Mr. MURRAY. I would like to hear the gentleman's speech myself, having just come in.

The CHAIRMAN. Does the gentleman reserve his point of order or make it? The gentleman was speaking to the point of order.

Mr. HARRISON. Mr. Chairman, then I do not think I am limited on the point of order.

The CHAIRMAN. The Chair will state that the gentleman reserved the point of order and was discussing some proposition other than the point of order, and under the rule he would be limited——

Mr. HARRISON. I withdraw the point of order, and I move to strike out the last word.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for the regular order.

Mr. HARRISON. This is the regular order. [Laughter.] Now, Mr. Chairman, if the committee would be persuaded by one member on a committee, how much more would the influence and the power and the persuasion be with two men, Representatives from one State, on the committee, and how much more would it be when there were three Representatives from the same State on the committee? That is, would be if they were just ordinary Representatives; but when they are such influential, such eloquent, such able, and persuasive Representatives as the three distinguished gentlemen from Oklahoma on the committee, I ask you what chance, indeed, has a Mississippi Indian to get any legislation out of that committee? Now, I do not say that in criticism of the other members of the committee, because you just can not help it; it is natural to be influenced by my friend CARTER and my friend MURRAY and my friend MCGUIRE. I say, Mr. Chairman, it is so powerful that even the distinguished gentleman from Texas, the chairman of the committee, can not keep away from their seductive smiles and persuasive ways. Why, the gentleman himself I do not believe is in favor of doing anything for the Mississippi Choctaws, in allowing them to present their claims to any of the courts or to be heard by Congress any more.

Mr. STEPHENS of Texas. I desire to say those claims have been presented several times. They have had their day in court and in the commission, and they have been uniformally turned down for 20 years, and the investigation that has been made of those claims showed that they did not amount to anything at all.

Mr. HARRISON. When did the gentleman think that was estopped—in 1907, when the rolls were finally closed?

Mr. STEPHENS of Texas. They were estopped by every piece of legislation ever enacted by Congress.

Mr. HARRISON. Well, the final piece of legislation was in 1907. I hope the gentleman——

Mr. STEPHENS of Texas. The gentleman has the floor.

Mr. HARRISON. If the gentleman will permit—the chairman of the committee—1907, I believe, is the last act passed by Congress.

Mr. STEPHENS of Texas. I am not discussing that question with the gentleman. We have not reached that point.

Mr. HARRISON. Well, I was in hopes I could get the distinguished gentleman from Texas to tell me just when the last piece of legislation came out of Congress about the Mississippi Choctaws, as he says they have been estopped by Congress and that they have had their day in the courts. It only goes to show, sir, the influence of three men or two men from one State on a committee of this House, because up until the Sixty-second Congress the distinguished chairman of the Committee on Indian Affairs did not have the same ideas and beliefs that he now has.

Mr. STEPHENS of Texas. The gentleman is misrepresenting me. Will the gentleman permit me to make a statement that the last Congress attempted to put every Indian entitled on the rolls and they now have the rights of other Indians in Oklahoma?

Mr. HARRISON. I know nothing of the kind; on the contrary, I want to quote the exact words of the distinguished gentleman from Texas on the proposition, to see whether or not I am wrong or he is wrong, and to prove the assertion I make that it is unfair in this representative body of the American people that one State should have so much representation on a committee here.

Mr. CARTER. Let me ask the gentleman this question. Has the State of Mississippi ever attempted to get anybody on the Indian Committee?

Mr. HARRISON. I am not discussing whether or not the State of Mississippi has ever attempted to have anybody on that committee. The delegation from Mississippi, when each of its Members came to Congress, left it to Congress to say what committees they should go on. They did not see fit to place any men from Mississippi on that committee and consequently Mississippi has no representation; but I suspect that the delegation from Oklahoma when they came here did not just leave it to the Speaker of the House or to the body to say, but I expect they brought their strong influence upon the body through the Ways and Means Committee, or the Speaker, to allow them the big representation on the committee which they have.

Mr. CARTER. Will the gentleman say that he made no indication to the Ways and Means Committee, or that no other Member from Mississippi made any indication or suggestion to the Ways and Means Committee, as to what committees they would like to serve upon?

Mr. HARRISON. I do not think so. Mississippi is not so greedy as to want three men on the Indian Affairs Committee or on any other committee of this House.

Mr. CARTER. They could have had one on the Committee on Indian Affairs had they wanted it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent for 10 minutes more.

Mr. STEPHENS of Texas. I shall have to object, Mr. Chairman, because the gentleman has occupied two days in needless discussion on this floor since we began the consideration of the bill.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will read.

Mr. CARTER. Mr. Chairman, I have been very much edified and instructed by the speech of the gentleman from Mississippi [Mr. HARRISON]. When the gentleman complains about the organization of the majority party's committees, he criticizes not the delegation from Oklahoma but the Ways and Means Committee of this House for placing certain Members on the Committee on Indian Affairs of the House. There was no urgent effort, so far as I know, by the Oklahoma delegation to have placed on the committee any certain number of men. When I came to the Sixtieth Congress I came here with a letter from a great many Congressmen, who had asked the Speaker to place me on the Committee on Indian Affairs because I was of Indian blood. If it be a crime to place men on the Indian Committee who have Indians in their States, then I assume it might be a greater crime to place men of Indian blood on that committee, and of both these heinous crimes certainly the Ways and Means Committee is guilty, because they have placed one-half of the members of the Indian Committee on the majority side of this House from States that have Indians and one-half from States that do not have Indians. This monstrous Ways and Means Committee furthermore stands convicted by the records of placing the only Indian on its muster rolls on this most important Indian Committee. Moreover, we find that this stealthy, designing Ways and Means Committee, for the purpose of consummating the machinations of its nefarious schemes, has committed the unpardonable crime of dividing the majority membership of the Indian Committee equally between the East and West, choosing about one half its membership east of the Mississippi River and the other half west. On the minority side committee assignments are made at the suggestion, I understand, of the distinguished leader of the minority. Certainly, Mr. Chairman, no man on the floor of this House, no matter what his political affiliations may be, will question or impugn the motives of the distinguished gentleman from Illinois [Mr. MANN].

The gentleman from Illinois, the leader of the minority, who has no Indians in his district, who has no Indians that are wards of the Federal Government in his State, certainly would have no improper motive in placing any man on the Indian Committee of this House. But the gentleman from Illinois we all know, Mr. Chairman, needs no defense at my hands. I will leave the defense of his case to himself. The gentleman from Mississippi seems to be in a very captious frame of mind. He criticizes the gentleman in charge of this bill for some imaginary inconsistencies. Let us see about the consistencies of the gentleman from Mississippi himself. The gentleman from Missisippi has often told this House that the Mississippi Choctaws had never been given a day in court, and I doubt not that every man within hearing of my voice has heard him make the statement. He has asseverated and reiterated that the case of the Mississippi Choctaws have never been tried by court, commission, or otherwise; that they have never had a day in court, had never any trial. Let us hear what the gentleman from Mississippi says about that himself. On January 29 of this year the gentleman from Mississippi introduced a bill providing for the opening of the rolls of the Five Civilized Tribes. Let us read section 2 of the gentleman's own bill, the Harrison bill, and see what information the gentleman really had when he gave this solemn statement to the House. Now, the gentleman knew, or should have known, that the Mississippi Choctaw contention had been adjudicated by the trial of the Jack Amos case, not only by a Federal commission but by a Federal court, and that because of the settlement of a similar contention in the Cherokee Nation against Stephens case this Jack Amos case had been dismissed by the attorneys for the Mississippi Choctaws themselves. But let us see whether the gentleman from Mississippi was fully informed on this question. In this Harrison bill I find the following language:

SEC. 2. That the Secretary of the Interior shall be vested with the power to determine the rights of said claimants upon such evidence as may be produced by the applicant, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

What does this section 2 propose to do, provide for adjudication of cases which have not heretofore been tried? Not by any manner of means. It provides to determine the rights of individuals. How? "Without regard to any adverse judgment or decision heretofore rendered by any court or commission," no matter though the Supreme Court of the land may have rendered a decision. If these cases have not been tried, why, pray tell me, set aside decisions of courts and commissions?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. STEPHENS of Texas. I will have to object, for the reason that there have been 45 minutes allowed on this question, and they are presupposing the fight that will be made hereafter.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1916, a detailed statement as to all moneys expended as provided for herein.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. HARRISON. Mr. Chairman, I reserve a point of order.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I have served for some time with the distinguished, able, and congenial gentleman from Mississippi. He is abundantly able to take care not only of the constituents of his district but to do his full share in representing the people of his great State. But his talk was both a flareback and a prelude—a flareback from what transpired last Congress and a prelude of what is to follow now in a few moments.

It is true that there are three members on the Indian Committee now from Oklahoma, and unless the facts are called to the attention of the Members of this House that may seem an unfair and an overrepresentation, at least so far as numerical strength is concerned. But I would have the Members of this House remember that two-fifths of all the Indians in the United States are in Oklahoma.

Mr. MURRAY. A little over a third, I will say to the gentleman.

Mr. McGUIRE of Oklahoma. I had it two-fifths. That is really more than one-third. Almost two-fifths of the Indians of the United States are in Oklahoma. But that is not all. Practically one-half of all the Indian business in the United States is in the State of Oklahoma. I will ask the chairman of the committee if the Committee on Indian Affairs has not a membership of 20?

Mr. STEPHENS of Texas. It has 21 members.

Mr. McGUIRE of Oklahoma. Twenty-one members on the Committee on Indian Affairs.

Mr. STEPHENS of Texas. And there are 117,000 Indians in the State and $100,000,000 worth of property involved.

Mr. McGUIRE of Oklahoma. Two-fifths of the Indians are there and one-half of all the Indian business, and only three men to represent that one-half of the Indian business. Now, so far as any reforms are concerned, inaugurated and brought about by the Democratic Party, of course no one ever believed anything of that sort.

When we were talking about the usurpation of the power of the Speaker in years gone by, those who knew what they were talking about knew that there was nothing in it. If a man wants to get on a committee and has a standing in this House, he has the same opportunities now to attain his desire that he had before the rules were changed.

The facts are, I went to the minority leader and discussed the proposition with him, and we were perfectly willing, so far as this side of the House is concerned, to take his suggestion. That is about what you gentlemen did on that side of the House and what you have always done and what you always will do—take the suggestions of your leaders. Some of you may not know it, but you take their suggestions just the same.

Now, then, I went to him and talked to him about the advisability of my going to another committee, but it was ultimately agreed, so far as he was concerned and so far as I was concerned, that I should remain on the Committee on Indian

Affairs. Now, then, if there is any one thing to be charged against the committee, it is that we have not the sufficient representation from the State of Oklahoma that we ought to have.

I know that down in the gentleman's State there has been sleeping for something like a hundred years a proposition that has recently been awakened. It is an easy thing to bring in old Indian claims against the Government. It is an easy thing to lay a foundation to present that claim, seemingly by criticizing the acts of the House of Representatives in appointing the members of a committee or otherwise. But those who are familiar with the purpose, those who are familiar with and know something of the foundation that is being laid, and know something of its purpose, know why my good friend from Mississippi [Mr. HARRISON] feels that Oklahoma has too great a representation on the Committee on Indian Affairs. We have not, as I say, our full representation. We have not what we are entitled to. All that the gentleman lacks in the House he seems to make up for in the other branch of the Congress of the United States. What he failed to get in the House in the last Congress seems to have been gotten over at the other end of the Capitol. But they did not get it rightfully. They got it wrongfully, and it was an imposition upon every man of Indian blood of the Choctaw and Chickasaw Tribes in my State. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HARRISON rose.

Mr. MANN. Mr. Chairman, I call for the regular order.

Mr. HARRISON. Mr. Chairman, I move to strike out the last two words.

Mr. MANN. I give notice, Mr. Chairman, that I will make a point of order unless the gentleman confines himself to the items in the bill.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] moves to strike out the last two words.

Mr. HARRISON. I withdraw my motion, then, Mr. Chairman.

Mr. MANN. Let the gentleman take it up when we come to the item.

Mr. HARRISON. I was not going to discuss the merits at all. I was going to answer a question propounded by the chairman of the Committee on Indian Affairs.

Mr. STEPHENS of Texas. Then I withdraw my question, Mr. Chairman. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $35,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, if the gentleman desires to make it, I concede it.

Mr. MANN. All right. I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. STEPHENS of Texas. I also concede that, owing to the recent rulings of the Chair.

The CHAIRMAN. The gentleman from Illinois makes a point of order on the paragraph.

Mr. FERRIS. Mr. Chairman, would the gentleman from Illinois withhold his point of order for a moment?

Mr. MANN. Yes; I will withhold it if the gentleman desires.

Mr. FERRIS. Mr. Chairman, I would like to appeal to the gentleman and say to him that he is attacking and striking from the bill the neediest Indians of the scattered tribes on the western side of our State. I think the gentleman from Oklahoma [Mr. MCGUIRE] and his colleague [Mr. MORGAN], on the gentleman's own side, and my colleagues on this side, will say to the gentleman—and I think the Indian Office also will say to him—that the protection and appropriations he is striking from the bill are small appropriations for scattered tribes of remnant bands of Indians in the western part of the State of Oklahoma—some of them are in my district and some are not—that have no trust funds and have not any protection except the protection offered them here.

Mr. MANN. I have no information on these items, and no information was vouchsafed, I suppose, because nobody else had any information. These appropriations have continued from year to year, and possibly they may be desirable. But did they spend as much as $4 for subsistence at this place?

Mr. FOSTER. Only $4.37 was spent, outside of salaries and wages.

Mr. MANN. We had an item of $5,000 for support, and they spent less than $4 for subsistence.

Mr. FOSTER. They have expended much more in this case.

Mr. MANN. If there is any reason for this, I do not want to be arbitrary about it.

Mr. FERRIS. I will say to the gentleman that, so far as I am concerned, I have no more personal interest in these Indians than anybody else outside of my State. If the gentleman from Illinois thinks he will punish me personally by making points of order on this item, he is mistaken. These Indians are without funds and they need the protection which these items give them. These items have been carried for years and years in the same form.

Mr. MANN. The point of their having been carried for years and years does not cut much figure with me, because I suspect we have just got into the habit of making the appropriation. I have been making these points of order for the purpose of having a little investigation made by somebody. If there is any good reason for them, I shall have no objection to them. The amounts are small, and I have no objection to them.

Mr. FERRIS. The gentleman should know that our State or Territory has been made pretty much of a catchall for collecting small bands of Indians from other places and gathering them there. Some have been gathered from Kansas and other States, where the tribes dwindled down. They were sent to the Indian Territory, and later came statehood, and they were then included in the State.

Mr. MANN. Where they took Indians down to the Indian Territory and settled them, as I recall, they always gave them land on which to settle.

Mr. FERRIS. That is very true. I think they all have allotments. But a full-blood Indian with an allotment, without a cent to maintain himself with it, however strange it may seem to the House, is just about as helpless as if he had no land at all. A piece of bald prairie land without any wood on it or any fences makes an Indian without an avocation or industry just about as well off without it as with it, so far as his present needs are concerned.

Mr. MANN. The gentleman is probably correct, and demonstrates the futility of an item like this in the bill. Here is an item of $1,500 for support and civilization of the Kansas Indians in Oklahoma, who have allotments. It is perfectly evident that the $1,500 is not for the purpose of giving them live stock or seed or instruction or anything else——

Mr. FERRIS. No——

Mr. MANN. Except to pay somebody a salary to look at them once in a while.

Mr. FERRIS. The gentleman is right about that. This is probably what they do with it, although I do not know the exact facts. If the gentleman were to go out there, he would probably find that there was an Indian matron at $600 a year going around to help Indian women in childbirth, and an Indian agent, perhaps, who rides around and looks after the interests of the Indians, the expense being prorated with other agencies, and in such cases the amount is chiefly used to pay the Indian agent his salary. These clerks are all snugly tucked away here in the civil service, and I presume they will be there until Gabriel blows his horn; and if the gentleman wants to get rid of them, this is probably the best way to do it.

Mr. MANN. The gentleman from Oklahoma [Mr. FERRIS] is giving us such information as we have. He does not know anything about it. I do not know anything about it. I was hoping that during the discussion some distinguished member of the Committee on Indian Affairs would discover that he did know something about it and be able to give us the information.

Mr. FERRIS. While I am not on the Indian Committee, I doubt if the Indian Committee ought to be indicted for not being able to answer promptly as to all these little $1,500 and $2,000 items that have been carried, I assume, ever since Indian appropriations began.

Mr. MANN. On this matter I will withdraw the point of order, just as an evidence of good faith.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, $2,000.

Mr. MANN. I reserve a point of order on that item. I hope some gentleman can give us some information about it.

Mr. MURRAY. Mr. Chairman, I will say to the gentleman from Illinois that this item is for the agency in Pottawatomie County. I am not personally acquainted with the agency, although it is in my district, but they have blacksmithing and they have matrons and some farm instruction. In addition to this, there are certain funds paid to these Indians, and just the other day I had occasion to ask the commissioner to individualize the funds, to give some 20 or 30 of these Indians, who had moved away from the agency, their portion of the funds, because they were getting nothing out of it. I am sure this agency is doing good work, and I hope the gentleman will not insist on the point of order.

Mr. MANN. Mr. Chairman, I have listened with interest to my distinguished friend from Oklahoma. He tells how this money is spent for hiring matrons and other people to attend to the wants of the Indians. I find, as a matter of fact, that out of the $2,000 appropriated for the last fiscal year they spent $1,753.45; for telegraph and telephone service, $56.04. I suppose it gave the Indians the privilege of telephoning about little social affairs at Government expense. Out of this small sum they expended for stationery and office supplies $357. They were probably engaged in writing letters to all of the Indians when they were not telephoning them. For heat, light, and power service they spent $55, and for fuel $20. Of course the Indians provide fuel for themselves, but we pay for the telegraph and telephone service and for the stationery. The gentleman's explanation, which was evidently made without consulting the facts, assumed that this was really spent for the benefit of the Indians.

Mr. MURRAY. No; I will state this——

Mr. MANN. The gentleman did not assume that. Well, the gentleman was correct.

Mr. MURRAY. These are restricted Indians.

Mr. MANN. Restricted in telephone service or in stationery?

Mr. MURRAY. They are wholly restricted in those two items, but they have restricted lands; and whenever one dies the question of the inheritance must be looked after, and the leasing of their lands must be looked after. I will call the attention of the gentleman from Illinois to the fact that a few years ago a bunch of grafters got an "auger" in on the property of these Indians, and some of them moved to Mexico. I think it is highly essential to maintain these offices, even though the employees of the Government, who have been there a number of years, do spend too much for telephone service. I rather think a criticism on the department for permitting such expense in excess of what is reasonable——

Mr. MANN. I was not making any criticism of the department. As another evidence of good faith I am going to withdraw the point of order on this item. I do not like to make it on a mere $2,000 in the gentleman's own district, because I expect to make a point of order later on a larger item.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. A few moments ago the gentleman from Oklahoma [Mr. McGUIRE] and the gentleman from Oklahoma [Mr. CARTER] answered the remarks which had been made here and demanded greater representation on the Committee on Indian Affairs.

Mr. STEPHENS of Texas. I make the point of order that the gentleman from Mississippi is not discussing the item.

The CHAIRMAN. The Chair will ask the gentleman to proceed in order.

Mr. HARRISON. The gentleman from Oklahoma [Mr. McGUIRE] is mighty honest about this matter. He really wants more representation on this committee.

Mr. STEPHENS of Texas. The gentleman is not discussing the Kickapoo item.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. HARRISON. Well, I will read what the chairman of the Committee on Indian Affairs said about this Mississippi Choctaw matter some time ago.

Mr. STEPHENS of Texas. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken. The Chair trusts the gentleman will proceed in order.

Mr. HARRISON. Mr. Chairman, this item here is under Oklahoma. I am discussing the proposition whether or not this item is good, Oklahoma being represented by 3 men out of 21 men on the committee; and it strikes me that in trying to show the influence of these 3 men on the committee I have a right to use the words of the distinguished chairman of the committee to show a change of front about this matter.

Mr. STEPHENS of Texas. The gentleman may be in order if he is discussing the Kicking Kickapoos, because that is one of the bands of Kickapoos, and the gentleman is the kicking Indian in this House and has delayed the consideration of this bill two or three days already. I therefore make the point of order.

Mr. HARRISON. Does the Chair hold that I am not in order?

The CHAIRMAN. The Chair thinks the gentleman is out of order in the remarks he has made up to date.

Mr. HARRISON. Very well.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, $8,000.

Mr. MANN. Mr. Chairman, I make a point of order against that item.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. STEPHENS of Texas. I believe that is in the district of the gentleman from Oklahoma [Mr. McGUIRE], and I will yield to him.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. McGUIRE of Oklahoma. I do not know whether I do or not. My impression is that this is the result of a treaty agreement and based on existing law. If I am mistaken about that, I suppose it will have to go out; but it is my understanding that it is the result of treaty agreement. It has been a continuous appropriation now for some time. I doubt very seriously whether it is subject to a point of order. If it is a continuing appropriation based on treaty agreement, it is not subject to a point of order.

Mr. STEPHENS of Texas. If the gentleman will permit, I will state that it has been in existence since 1881, but by a ruling of the Chair these items providing for the support and civilization have been held to be subject to a point of order.

The CHAIRMAN. If there is a treaty stipulation or existing law that authorizes it, of course it is not subject to a point of order; but the burden is upon the committee to show the Chair that there is such treaty stipulation or existing law.

Mr. McGUIRE of Oklahoma. At present I am not prepared, Mr. Chairman, to show that there is any treaty stipulation or existing law, for I did not think that anything of this kind would come up. But if I find it, I will submit it later.

The CHAIRMAN. In the absence of any treaty stipulation or existing law, the Chair will sustain the point of order, and the Clerk will read.

The Clerk read as follows:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., including pay of superintendent, $86,250; for general repairs and improvements, $6,000; in all, $92,250.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. May I ask the chairman of the committee how long this school has been established?

Mr. STEPHENS of Texas. I will yield to the gentleman from Oklahoma [Mr. McGUIRE].

Mr. McGUIRE of Oklahoma. I think since 1881—about 30 years.

Mr. HARRISON. I withdraw the pro forma amendment.

The Clerk read as follows:

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (art. 3, agreement of Nov. 23, 1892), $30,000; for support of two manual-labor schools (art. 3, treaty of Sept. 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (art. 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (art. 4, same treaty), $500; for pay of physician and purchase of medicine, $1,200; in all, $47,100.

Mr. HARRISON. Mr. Chairman, I reserve a point of order.

Mr. STEPHENS of Texas. This is a treaty item and is not subject to a point of order.

Mr. HARRISON. May I ask the gentleman from Texas how much money is appropriated in this bill for Oklahoma?

Mr. STEPHENS of Texas. We do not estimate or make up the bill in that way. It is done item by item.

Mr. HARRISON. Can the gentleman give us any idea?

Mr. STEPHENS of Texas. I can not give the gentleman any idea.

Mr. HARRISON. Does the gentleman think that 50 per cent of the whole bill is appropriated for Oklahoma?

Mr. STEPHENS of Texas. Oh, no; I think not.

Mr. HARRISON. How many schools are there in Oklahoma?

Mr. STEPHENS of Texas. This is the only nonreservation Indian school in Oklahoma.

Mr. HARRISON. Then the gentleman can not give any idea as to how much of the whole appropriation goes to Oklahoma?

Mr. STEPHENS of Texas. I can not; for I have not added it up. We make the appropriation item by item, school by school, and there is no estimate or consideration given as to particular States.

Mr. CARTER. Mr. Chairman, if the gentleman will permit, I find that there is less than $200,000 appropriated for western Oklahoma, and that there is about $500,000, perhaps $600,000, appropriated for the eastern part of Oklahoma. That would make about $800,000 in all, about one-tenth of the bill, while Oklahoma has one-half of the Indian business. That is stated in the report, at the bottom of page 3.

Mr. HARRISON. In the amount of $250,000 that the committee has recommended for appropriations for the common schools of Oklahoma——

Mr. CARTER. I estimated it at $275,000.

Mr. HARRISON. Has the gentleman taken into consideration the amount appropriated for traveling vehicles—automobiles—in the bill?

Mr. CARTER. If there is a single one that goes to Oklahoma, it is beyond my knowledge. None goes there so far as I know.

Mr. HARRISON. There are a good many traveling vehicles.

Mr. MURRAY. There are none that go to the Five Civilized Tribes.

Mr. HARRISON. The item for the support of industrial schools—does any of that go to Oklahoma?

Mr. MURRAY. To 20 small tribes in the western part of the State, $16,000, but there is none to the Five Civilized Tribes.

Mr. HARRISON. Did the gentleman from Oklahoma [Mr. CARTER] include that in his estimate?

Mr. CARTER. No; but I want to say that the proportion that goes to Oklahoma does not bear any measure or proportion to the amount of business when you come to consider the number of Indians that we have.

Mr. HARRISON. Does any part of the $350,000 item for distressed Indians go to Oklahoma?

Mr. CARTER. No, sir; I do not think a dollar of it does.

Mr. HARRISON. The gentleman is not sure about that?

Mr. CARTER. I am not positive.

Mr. HARRISON. How much of this appropriation for the collection and transportation of pupils to and from Indian schools, $72,000, goes to Oklahoma?

Mr. CARTER. The gentleman from Nebraska [Mr. STEPHENS] says 480 pupils are taken from Oklahoma to other States. None of it goes to bring pupils into Oklahoma.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. I ask for five minutes more.

Mr. STEPHENS of Texas. I ask that the Chair rule on the point of order.

Mr. HARRISON. Mr. Chairman, I withdraw the point of order. I wish to elicit some information from the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? The Chair hears none.

Mr. STEPHENS of Texas. I hope that the gentleman will confine his questions to the item under consideration.

Mr. HARRISON. This is an appropriation, and I am asking for information with reference to this and other appropriations that may go to Oklahoma.

Mr. STEPHENS of Texas. This is an item at the bottom of page 25, and is a treaty item.

Mr. HARRISON. I may make a motion to strike out the item after getting this information and the information may have some bearing on that motion.

The CHAIRMAN. The Chair will ask the gentleman to confine himself to the item under consideration.

Mr. HARRISON. I am trying to do so.

Mr. MURRAY. I want to say that all this money that goes for the transportation of pupils is where they carry them away from the day school to the schools at Chilocco and Haskell and Carlisle. There is only one nonreservation school in Oklahoma, and that is at Chilocco, and that is made up almost wholly of pupils belonging to the Indians in Kansas.

Mr. CARTER. Mr. Chairman, the point is this, if the gentleman will yield for a moment. This money is not being used to take Indians into Oklahoma for educational purposes, but, as was shown by the gentleman from Nebraska [Mr. STEPHENS], it is being used to take Indians out to other States for education, and among those a number go from Oklahoma.

Mr. MURRAY. And none of them from the Five Civilized Tribes.

Mr. HARRISON. Mr. Chairman, I have not yet been permitted to get to the question. Take the item for the purpose of encouraging industry and self-support, $200,000. Does any part of that go to Oklahoma?

Mr. CARTER. None that I know of.

Mr. HARRISON. Does not some of it go to those tribes in Oklahoma other than the Five Civilized Tribes?

Mr. CARTER. Not a dollar. It goes to Indians in Montana, Idaho, and all of the Northwestern States, except that some of it goes to Arizona.

Mr. HARRISON. And none at all to Oklahoma?

Mr. CARTER. No.

Mr. HARRISON. Then take the item that provides money for superintendents of farms and to encourage the Indians in farming, to pay some matrons for going around and teaching children how to sew. Does any of that go to Oklahoma?

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order that the gentleman is not discussing the item relative to the Pawnee Indians of Oklahoma, the treaty item.

Mr. HARRISON. Mr. Chairman, I submit that this information will have a bearing on whether or not I shall make a motion to strike out that item. It is getting information of how much money in this bill goes into the State of Oklahoma.

Mr. STEPHENS of Texas. Does the gentleman imagine that he can strike out a treaty item?

Mr. HARRISON. If the House so wills, and the majority of the Members vote for a motion to strike it out; yes. Does the gentleman from Oklahoma [Mr. CARTER] answer that question?

Mr. CARTER. I think perhaps they have half a dozen farmers in Oklahoma.

Mr. HARRISON. Then take the item of $1,440,000 for schools. Does any part of that go into Oklahoma to be used among the Indians of that State who are not members of the Five Civilized Tribes?

Mr. CARTER. What page is that on?

Mr. HARRISON. That is on pages 4 and 5.

Mr. CARTER. I think perhaps a small amount of that item goes to Oklahoma, to the reservation schools in the western part of the State. Not one dollar of it goes to the Five Civilized Tribes. The Choctaws and Chickasaws, the Creeks, and the Seminoles support their schools as Indian schools entirely from the funds of the tribes, and there is not a dollar of charge on the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

The Clerk read as follows:

For support of Quapaws, Oklahoma: For education (art. 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best——

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, that is a treaty item. I do not think it would be subject to a point of order.

Mr. MANN. The proviso, I take it, makes it subject to a point of order.

Mr. STEPHENS of Texas. I will admit that the proviso is subject to the point of order. I hope the gentleman will only move to strike that portion of it out.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. STEPHENS of Texas. Then I offer the item as an amendment without the proviso.

The CHAIRMAN. Let the Chair rule on the point of order. The gentleman from Illinois makes the point of order against the paragraph. The proviso clearly renders it subject to the point of order, and the Chair sustains the point of order. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, after line 4, insert the following:

"For support of Quapaws, Oklahoma: For education (art. 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), $500; in all, $1,500."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I am not opposed to this item which provides for the expense of administration of the affairs of the Five Civilized Tribes. I think, if anything, that it perhaps ought to be increased; but assuming that it will probably be increased when it becomes a law, I am not going to object to it and will favor the amount that the committee has reported. I want to call the attention of the committee, and particularly of my friend from Oklahoma, Mr. FERRIS, to this item. The gentleman from Oklahoma was a very able and useful member of the Committee on Indian Affairs a few years ago, and with reference to this appropriation he had much to say, and did much to try and have the amount reduced from what it had been theretofore.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. SISSON. How many Indian agencies are paid out of this $150,000?

Mr. BURKE of South Dakota. Mr. Chairman, I have not the time in the limit of five minutes to go into a detailed explanation of how this money is expended, and I prefer not to do it at this time.

Mr. SISSON. I want to say to the gentleman that unless the House should know something about the number of employees and what they do, it would be utterly impossible for us to determine whether the amount is sufficient or not.

Mr. BURKE of South Dakota. Mr. Chairman, I do not yield any further. The gentleman from Oklahoma will recall that he made many declarations during 1912 and later in 1913 about the large number of persons employed at this agency, and to refresh his memory I want to repeat two or three brief statements that he made at that time. On April 6, 1912, on page 4385 of the RECORD of the Sixty-second Congress, second session, he said:

> There is no other agency in the United States the expenses of which are as great as this. Nothing even approaches it within my knowledge; and I was on the subcommittee of three that made this bill. The expenditures here are more unusual than at any other agency that I know of.

He said further:

> Nineteen long years have passed, and still they are there, and instead of retrenching and getting out they are increasing and sticking tighter to their jobs.

Then he said:

> Now, when we come in and try to limit this and try to get rid of some part of these 211 unnecessary officers in the interest of economy, in the interest of justice, in the interest of a safe and sane guardianship, what are we met with? We are met with the proposition that we are trying to destroy ourselves and trying to destroy our Indian people. It is farcical; it is unsound; it will not bear the understanding of this House.

Then he further said:

> We are suffering from too many officers. We are suffering from too much detailed supervision. You are destroying our State and spoiling the Indian.

Mr. Chairman, the gentleman is no longer a member of the Committee on Indian Affairs, but I am sure he will be interested in knowing what the conditions are there now, three years after he made those statements. Remember that when he made those statements it was in 1912, and when the administration of the affairs of the Government was under the Republicans, then he was clamoring for a reduction of appropriations and for a reduced number of employees in connection with this agency, and he referred to the 211 who were then upon the pay rolls and said that many of them ought to be dismissed. I want to call his attention to the statement made by the assistant commissioner in the hearings before the Subcommittee on Indian Affairs when this present bill was under consideration, in which he said that the number had not been reduced and that the number of employees at this agency at the present time is 291; I want to call his attention to the fact that the appropriation for the year when the gentleman was conducting his crusade against the item and endeavoring to reduce it was reduced to only $200,000, but in the next year, and after our Democratic friends came into control of the Government and had full control in all its branches, the appropriation was increased to $250,000, and for the last year to $260,000, and this year, according to this bill and assuming that no more is carried by its provisions, the item will amount to $235,000. I know the gentleman will be interested in this information, and to know that instead of having 211 employees, as we had at the time he was making his complaint, that the number seems to have increased.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Just one minute more?

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Chairman, I am not complaining about the number of employees at that agency. I stated three years ago that I did not believe the number there was excessive, and that those who were there were required in order to carry out the work that was necessary to be done in connection with the Five Tribes. I am not complaining about the number that are there at the present time. I have no doubt they are all performing efficient service, that they are all necessary, probably, if the business affairs of the Five Civilized Tribes are ever to be closed up, or to be closed up within the lifetime of anyone who is now a Member of this House. Perhaps the gentleman may have some explanation for the fact that in the last three years the appropriations have not only not decreased but have increased and, according to the statement of the assistant commissioner, there are as many employees now as there were then, if not a larger number. In my opinion, though, as already stated, I believe that the number of employees is not excessive considering the great amount of detail and work there is to be performed in connection with the business of settling the affairs of the Five Civilized Tribes.

Mr. FERRIS. Mr. Chairman, I do not rise to get into any colloquy with my good friend from South Dakota. I am very fond of him personally and in every other way, and what he said does not wound my feelings a particle. I said then, and I say now, that in my judgment there are too many Indian employees running around in our State, and if he can produce one line, one word, or one sentence from me anywhere to the contrary, I bid him Godspeed. I do not believe in appointing an Indian agent to supervise every Indian in my State or in the State of the gentleman from Minnesota [Mr. MILLER] or in the State of the gentleman from South Dakota [Mr. BURKE]. You can hover over and cuddle and blow the nose of every Indian until he does not do anything and is not worth anything and he does not do any good in my State or in the gentleman's State; and my belief is not changed now from what it was three years ago, when the Republicans were running the affairs of the Government. The same kind-faced gentlemen in the Indian service are there now who were there then. Lots of them ought to be discharged, and if I had it in my power I would accomplish it quickly. It is not in my power. I am not consulted much about Indian matters. As I said before, my words are not at variance, and my statement now is not at variance, and I believe now, just as I believed then, that neither by word of mouth or energy or activity before the gentleman's committee or before the commissioner or before the Indian Department or before the Interior Department or before the Congress have I ever wavered in that belief.

I want the Indian people to do well. I wish I could help them more than I am able to do. I wish I could close their affairs, give them their funds, release them from too much controversy and from being treated as a football. They have occupied the center of the stage too long. May God speed the day when it is over.

Mr. MILLER. Mr. Chairman, I would like to be recognized to ask the gentleman a question.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last two words.

Mr. FERRIS. To ask me a question?

Mr. MILLER. Of either the gentleman from Oklahoma [Mr. FERRIS] or of the gentleman from Oklahoma [Mr. CARTER].

Mr. FERRIS. I thought my statement was clearly of such brutal frankness that no one would desire to ask me a question.

Mr. MILLER. I desire to ask the gentleman a serious question. As I understand the law which we passed a year ago, providing for the combining of the two offices of the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency into one office, the incumbent to be known as the superintendent of the Five Civilized Tribes. That has now been put into operation——

Mr. CARTER. If the gentleman will excuse me, I did not understand the latter part of the gentleman's question.

Mr. MILLER. There has now been put into full operation and effect the reorganization of the affairs of the Union Agency provided for in the act of a year ago?

Mr. CARTER. Well, the superintendent has been appointed.

Mr. MILLER. He is now in charge, is he not?

Mr. CARTER. He is in charge.

Mr. MILLER. And the agent of the Union Agency no longer is there, I assume?

Mr. CARTER. The superintendent of the Union Agency is there temporarily, as I understand. The gentleman has had some experience with temporary matters relating to warehouses. Perhaps he may know what that means?

Mr. MILLER. May I inquire of the gentleman whether it is his opinion that Mr. Kelsey, superintendent of the Union

Agency, is soon to be relieved of his duties and assigned to duties elsewhere, so that there will be one official left?

Mr. CARTER. I can not give any information about that. Mr. Kelsey is still there, and he is carried as a temporary employee. How long he will stay I do not know.

Mr. MILLER. Is he at work?

Mr. CARTER. I do not think so.

Mr. MILLER. He used to be a very busy man. It seems to me that if there had been this consolidation, which was contemplated in the act a year ago, very likely $150,000 could be very materially reduced now.

Mr. CARTER. I had hoped so.

Mr. MILLER. If the gentleman has hoped it could be reduced, what is his expectation as to present conditions requiring it to be reduced?

Mr. CARTER. Mr. Chairman, the superintendent has been appointed only a short time. Perhaps he has not yet had time to reorganize the force, and just what reorganization he will be able to make I am unable to say.

Mr. MILLER. In the interest of economy, for which we are all striving, do you not think that we ought to reduce it from $150,000 to $100,000?

Mr. CARTER. The gentleman will remember that I was trying to reduce that item very strenuously at one time and was unable to do it, and I have about given up all hope of ever getting it reduced.

Mr. MILLER. We were opposed to it then, because we thought that the amount was necessary for the proper administration of the affairs. We think so now, but if the gentleman's program has not failed we might do it.

Mr. CARTER. I admit, Mr. Chairman, that this gentleman from Oklahoma does not seem to have a great amount of influence with his own program.

Mr. MILLER. As I understood it, on a former occasion the gentleman from Oklahoma [Mr. FERRIS] and his colleague [Mr. CARTER] both eloquently expressed their opinion to Congress that if we reduced that provision, that in itself would be the strongest and best way to clarify things as they wanted them clarified.

Mr. CARTER. If the gentleman will permit me just a moment, I do not think there is a particle of doubt that there is a lot more of dead timber in the Indian Service in Oklahoma than in any other branch of the service, and I doubt not there is a surplussage in every State. I would like to see it cleaned out and see it placed on the cheapest and most economical basis, so that every man would earn every dollar he gets. To that end I will join with the gentleman from Minnesota or any other gentleman at any time in an effort for the betterment of the service. I tried my best to have that done when we provided for the consolidation of this office. If that does not do it, then I shall feel almost at my rope's end, so far as that particular proposition is concerned.

Mr. MILLER. As I understand the facts now, it is admitted that within a recent period of time—that is, within two or three years, at least—in the Creek Nation lands that were known absolutely to be worth fabulous sums, even in these days of great riches, were allotted to individuals?

Mr. CARTER. I did not catch the gentleman's question.

Mr. MILLER. I understand within a recent period of two or three years lands belonging to the Creek Nation have been allotted to individuals of the Creek Nation at a time when it was known that those lands were worth fabulous sums?

Mr. CARTER. I think, perhaps, that is correct.

Mr. MILLER. May I inquire whether that was due to too much supervision or to too little supervision? It seems to me unconscionable that a few individuals should get hold of them instead of their becoming part of the wealth of the entire nation.

Mr. CARTER. I think, Mr. Chairman, it was due to Congress and laws that we passed permitting it to be done.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MILLER] has expired.

Mr. CARTER. Mr. Chairman, I desire to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. CARTER. The gentleman is discussing now a proposition that takes us back to the making of the treaties with the Creek Indians and the provisions for the breaking up of their communalistic holding of property and dividing it in severalty. The gentleman well remembers that the law provided that each enrolled Indian should be allotted not a certain number of acres of land but a certain valuation of land, based upon an appraisement made by the commissioners appointed by the Secretary of the Interior.

Mr. MILLER. I do not think that is quite a fair statement. I think it is provided that each individual should receive 160 acres of land, and if that land in valuation was less than $1,040——

Mr. CARTER. That is, of course, a detail of the proposition. But each allottee was to have not less than $1,040 worth of land. But the appraisement of any official did not represent the actual value of the land. That was only an arbitrary appraisement made for the purpose of allotment, and in fairness to the commissioners who made the appraisement it might be said that their appraisement was made before the fabulous wealth of this land became known. But before the allotments were made of which the gentleman speaks oil had been developed upon the land and it had become fabulously wealthy. I assume that the Secretary of the Interior concluded that he had no right to deny a man the right to allot any certain portion of the Creek domain that he saw fit to allot, and he would be violating the law which Congress passed if he did it. Was that the information the gentleman wanted?

Mr. MILLER. I think that is unquestionably the situation. But the reason for my inquiry was that, having regard to the tremendous wealth and the desirability of equally distributing that wealth among the Indians in Oklahoma, is it not necessary that there should be quite an extensive force to ascertain necessary facts and administer the law? Are not the circumstances there such as justify the retention of quite a material force to administer and handle, as it were, this very enormous estate?

Mr. CARTER. As the gentleman well knows, the tribal affairs of the Creek people have about been wound up, with the exception of some contested allotments and a small amount in the Treasury, and everything has been divided among the Creek people. The fabulous wealth that the Creek people have does not consist of tribal property, but it consists of allotments made to allottees, in most instances, before anyone knew that these lands were fabulously wealthy.

Mr. MILLER. As a matter of fact, the activities of many of these employees of the Government have been exerted to aid and assist the Indian allottees in regard to their mineral wealth?

Mr. CARTER. I assume they have.

Mr. MILLER. And to aid in a proper administration of this wealth out among the Indians?

Mr. CARTER. If they have not done that, Mr. Chairman, they have certainly been derelict in their duties.

Mr. MILLER. They have been doing that, and for that reason a large number of employees are necessary?

Mr. CARTER. Yes; a large number of employees are necessary; but I do not back down from my position that there is in the Indian Service a lot of dead timber that ought to be cleaned out.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes; I yield to the gentleman.

Mr. BURKE of South Dakota. I do not think the gentleman will say or that the gentleman thinks that the force that is employed in connection with the agency at Muskogee is unnecessary when you consider the number of persons that are under the supervision of that agency, and the great amount of property that is involved—a great sum, I believe as much as $10,000,000 in a year being collected, and having to be accounted for. In view of the fact that a great deal of that money is on deposit in local banks in the State of Oklahoma, which must be deposited under regulations and with much care, together with the collection of interest upon deferred payments in connection with the sale of lands and town lots, and interest on deposits, and the other numerous matters that there are in connection with that great work, I do not think the gentleman will say that there is an excessive number of employees at that agency, and that they are not necessary in the proper conduct of the affairs of that agency; and to reduce them until such time as the affairs may be more nearly concluded than they are now would be harmful to the service.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I ask that the gentleman from Oklahoma [Mr. CARTER] may have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized for two minutes more.

Mr. CARTER. Mr. Chairman, there is much virtue in what the gentleman from South Dakota [Mr. BURKE] says, but I am

convinced, as I said two or three times on the floor of the House, that there are a great number of unnecessary employees in the Indian Service throughout the country. I am in hopes that our present Commissioner of Indian Affairs will weed out those that are unnecessary and keep only those that are necessary to protect the Indians. There is a large estate there, and it is necessary to have employees to supervise it. But I had hoped that when we appropriated $85,000 for probate attorneys to take from that agency the responsibility for the settlement of probate matters we would be able to reduce the force of employees and the amount appropriated, but the commissioner does not seem to think he will be able at this time to reduce the amount below that carried in this bill.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. HARRISON. In that connection the gentleman mentioned probate attorneys. That item was formerly carried in this item of $150,000, was it not?

Mr. CARTER. Oh, no. They were not probate attorneys.

Mr. HARRISON. Who attended to those minors' matters?

Mr. CARTER. No probate attorneys were employed to attend to those. The district agents were made use of for that purpose at that time.

Mr. BURKE of South Dakota. If the gentleman will permit, in the appropriation bill for the fiscal year ending June 30, 1914, in the lump sum appropriated for the administration of the Five Civilized Tribes, there was included a provision for these probate attorneys.

Mr. CARTER. That is the first time it was carried. That is what I intended to say.

Mr. HARRISON. That is my impression. Now, you carry $150,000 in one item and $85,000 in another. Is that more than was formerly carried altogether?

Mr. CARTER. It was $250,000 before.

Mr. HARRISON. Then you reduced it $15,000?

Mr. CARTER. Yes.

Mr. HARRISON. Are there as many employees now, counting the probate attorneys, as there were before?

Mr. CARTER. I think so.

Mr. HARRISON. Is Miss Kate Barnard employed in the Indian Service now?

Mr. CARTER. No, sir; she is not.

Mr. HARRISON. What was her position?

Mr. CARTER. I think she was commissioner of charities.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word.

Mr. BURKE of South Dakota. Would it not be more in order for the gentleman to discuss the probate attorneys in the next item?

Mr. HARRISON. Yes. Very well.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. BURKE of South Dakota. Mr. Chairman, I ask to be recognized for 30 minutes.

Mr. CARTER. The gentleman has 30 minutes. Does he propose to use that now?

Mr. BURKE of South Dakota. Yes.

The CHAIRMAN. The gentleman is recognized for 30 minutes under the unanimous-consent agreement.

Mr. BURKE of South Dakota. Mr. Chairman, I am not going to say anything against the appropriation that is proposed by the provision just read, because I am very much in favor of it, believing that it is necessary to provide for a force of attorneys for the protection of Indian minors in the county or probate courts of Oklahoma. I wish, however, to make a brief statement, not for the purpose of criticizing, but in order that my views with reference to the necessity for providing such a force may again be recorded for the benefit of the next and future Congresses, because I do not expect ever again to take part in the consideration of an Indian appropriation bill in this House, for on March 4 my services here will be terminated. What I shall say now will be in justification of the position asserted by me a few years ago, when I brought to the attention of the House a condition of affairs that existed in the county courts in the Five Civilized Tribes in Oklahoma with reference to the handling of the estates of Indian minors that was most outrageous and appalling, and unequaled by anything like it in our entire history. Because I exposed those conditions I was denounced and assailed from various quarters by those who live in Oklahoma, and by some of the Members of this House from that State, for making statements that they said were intended to be sensational and that were without foundation. I can now say that as the facts have become better known, instead of the charges and statements I made with reference to the conditions that obtained in the probate courts of Oklahoma as to estates of Indian minors being without foundation or exaggerated, they were all true, and no one will attempt to dispute them; and I am sure that those who have any information on the subject will admit that I was fully justified in everything that I said; and, if anything, a very much worse condition really existed than the one described by me. This subject first attracted widespread attention three or four years ago, and I will briefly review how it came to be discussed at that time.

Beginning with the Sixty-second Congress, a very determined effort was made on the part of some of the distinguished Representatives from Oklahoma on that side of the House to eliminate an appropriation that had been made annually for the purpose of maintaining in the Five Civilized Tribes what are known as "district agents," who were employed for the purpose of supervising the affairs of the restricted Indians, and particularly to represent Indian minors in the probate courts. It was represented by some of these gentlemen that these agents were unnecessary and that they interfered with the business of the county courts, and that Oklahoma was quite capable of administering the law with reference to the estates of Indians the same as the estates of white people in the State. One of the very distinguished Members of this House from Oklahoma on that side of the Chamber, referring to the district agents, called them "political smellers, misfits, without authority, and men who should look for another job."

Prior to May 27, 1908, the jurisdiction of administering estates of minor Indians in the Five Civilized Tribes was exclusively in the Interior Department, but on May 27, 1908, the following law was enacted:

That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma.

In my opinion, it was unfortunate that Congress placed the jurisdiction of administering estates of Indian minors in Oklahoma in the county courts, and particularly the estates of restricted Indians. The environment is not such in a locality where there are many Indians as to insure a safe administration of their affairs in the county courts of the State, and a better administration can be secured through the supervision of the Federal Government. Under the law the probate jurisdiction as to Indians generally is in the Interior Department, with the exception of the Five Civilized Tribes in Oklahoma.

I resisted the effort to eliminate the appropriation for the district agents and asserted that I believed if they were discontinued it would result in estates of the Indians being despoiled, and particularly the estates of Indian children. I cited on different occasions certain concrete cases where it was shown that minors were being robbed through the incompetence and dishonesty of administrators and guardians, and that if the courts were not parties to it they were indifferent as to what happened.

In 1910 this matter first came to my attention, when I was in Oklahoma as a member of a commission of which the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Minnesota [Mr. MILLER], the able chairman of the committee at the present time [Mr. STEPHENS of Texas], and the gentleman from Virginia [Mr. SAUNDERS] were members; and while we were not there for the purpose of investigating the subject of Indian administration generally, but a special matter having reference to Indian contracts made with attorneys, we did make some inquiries about probate proceedings, and particularly in regard to the way estates of minors were being managed. Later we brought the matter to the attention of Congress.

We found at the time we were in Oklahoma two cases that I particularly want to mention; one that of a Choctaw Indian child, 11 years of age, owning 320 acres of land. A guardian was appointed and an application made to the court by the guardian to lease 26 acres of the land for a stone quarry for 10 years at $25 a month, payable in advance. The lease was made and approved by the county judge. On the same day the guardian filed with the court a petition to sell the 320 acres of land, alleging it was necessary to get money to pay for the support of the child. The petition was granted, and the 320 acres, in-

cluding the tract that had been leased at $25 a month, was sold to the lessee for $420; $100 of the amount was allowed for court costs and expenses. The county judge approved the sale.

In the other case a probate judge appointed a white man guardian of his own child by an Indian mother. A few days later the guardian filed a petition to sell 320 acres of land that the child had inherited from its mother. The court ordered the land sold. Appraisers were appointed. The land was appraised at $2,560. It was sold for $2,000 to one of the appraisers. In the account filed by the guardian, which was approved by the court, expenses were charged against the ward, so that the ward was owing the guardian $2,062.15. Then a petition was presented for authority to sell the homestead of the child, in order to pay the balance claimed to be due after taking all of the proceeds received from the 320 acres of land that the child had inherited from its mother.

Mr. STEPHENS of Texas. Is it not a fact that these are a few exceptional cases, and that the judge who was guilty of that was defeated at the next election?

Mr. BURKE of South Dakota. I am only citing two of the cases which we discovered. I will say to the gentleman from Texas and to the committee that there were many such cases. As to whether the judge was defeated in the next election, I am unable to say.

Our Oklahoma friends on the other side of this Chamber, with great feeling and eloquence, resented the charges presented by me and asserted that there was no foundation therefor.

On December 13, 1912, when this question was again under consideration, I made some remarks, among other things, assailing the honesty and integrity of some of the probate judges in the counties within the Five Civilized Tribes, and charging others with indifference as to the affairs of Indian minors and Indian children, and particularly in guardianship matters; and in connection with my remarks I quoted from a report made by Mr. M. L. Mott, who was then the tribal attorney for the Creek Nation, and showed that it cost about 20 per cent of the amount handled to pay the expenses incident to the guardianships of certain Indian minors in a very large class of cases where the guardians were known as "professional" guardians; that in one county it was 20.13 per cent, while in the same county in Indian cases where the guardian was some man of repute the cost of administration was only 4.2 per cent, and in cases of guardians of white minors the cost was only 1.7 per cent. I also pointed out that in addition to excessive cost of administration, enormous losses had resulted through embezzlement of funds, loaning money belonging to estates upon worthless security, and a general indifference and neglect on the part of those charged with the administration of estates of Indians. Many Members of the House will recall the speech to which I have referred and the action of the gentlemen from Oklahoma on the other side of the House in denouncing the statements made by me, and also the Mott report, asserting that the charges were untrue and without foundation and a libel and slander upon their State. I am not now going to embarrass any of my good friends from Oklahoma by quoting at any length what some of them said at that time or on other occasions when this matter was discussed. I am quite sure that they will admit that practically all that I said was true, as well as the charges contained in the Mott report, and that I was fully justified in making the charges. I think they will also admit that it is necessary for the protection of the minor Indians in their State to have some kind of Federal supervision in the probate courts.

Following my speech of December, 1912, the membership in this House from Oklahoma, desirous, probably, of ascertaining whether there was any foundation for the charges that I had made and those contained in the Mott report, communicated the same to the governor of their State and requested that he make an investigation thereof. I understand the governor caused a thorough investigation to be made, and when the result of that investigation reached our friends here and at the other end of the Capitol, on April 22, 1913, this letter was addressed and mailed to the governor of Oklahoma.

WASHINGTON, D. C., *April 22, 1913.*

LEE CRUCE,
Governor of Oklahoma, Oklahoma City, Okla.:

Your delegation in Congress desires to respectfully call your attention to the necessity for amending and improving our probate laws for the better protection of minor estates and full-blood heirs. The numerous investigations of these matters made by Federal employees report appalling conditions. These reports have been exploited in both Chambers of Congress——

Mr. MURRAY. Will the gentleman yield just there?

Mr. BURKE of South Dakota. I would rather wait until I have finished the reading of the letter.

An investigation by our State authorities confirm such reports and finds the derogatory accusations of the Mott report "substantially correct." Your delegation is sure to be confronted with these charges and this admission when attempts are made to get legislation. Unless something is done toward outlining a procedure which will regulate and reduce to a minimum the cost of administering those estates, which will give to the incompetent proper representation in the sale of his property and disposition of the proceeds thereof, which will provide hearings in open court after due notice on important matters affecting these estates, and which generally tightens up our probate procedure along safe and honest lines, your delegation in Congress will be unable to get congressional legislation necessary for the development and prosperity of our State, and it may be extremely difficult to retain such probate jurisdiction as we now have. To avoid expense of wiring all Members, please have this message read to both house and senate.

R. L. OWEN, *Chairman.*
CLAUDE WEAVER, *Secretary.*
T. P. GORE.
W. H. MURRAY.
J. B. THOMPSON.
B. S. MCGUIRE.
DICK T. MORGAN.
JAMES S. DAVENPORT.
C. D. CARTER.
SCOTT FERRIS.

I have read that letter, Mr. Chairman, in order to show that the Oklahoma delegation in Congress finally recognized that there was foundation for the charges that I had made, and they evidently were desirous that something be done to correct the evil conditions that they finally realized existed. I commend them for their action in that regard. Now, I yield to the gentleman from Oklahoma.

Mr. MURRAY. Of course, the gentleman knows that I was not here when that was up. He knows also that I agree to what he says, that it has a fundamental basis of truth. What I want to say is this: Some time last year the Commissioner of Indian Affairs, in connection with the county judges in the east half of the State, agreed upon a set of probate rules——

Mr. BURKE of South Dakota. I am coming to that, if the gentleman will allow me.

Mr. MURRAY. You remember that the Supreme Court——

Mr. BURKE of South Dakota. The gentleman was here in April, 1913, and his name is signed to the letter addressed to the governor of Oklahoma that I read a moment ago. It is only fair to the gentleman that I say his service here only dated from the 4th of March of that year.

Mr. MURRAY. The Supreme Court since that time have adopted those rules.

Mr. BURKE of South Dakota. I understand that. I am going to mention that.

Mr. MURRAY. Very well.

Mr. BURKE of South Dakota. In addition to continuing the force of district agents, or at least some of the force, we are now appropriating annually $85,000 and expending it in the employment of probate attorneys, and this bill contains an item for such an appropriation, which is the item now being considered. There are now employed 18 attorneys in the Five Civilized Tribes who go to the court records, check up the proceedings in connection with the estates of minor Indian children, see that proper returns are made, and assist the county judges in protecting the interests of the minor Indians. These probate attorneys were asked for by the present Commissioner of Indian Affairs, who evidently became convinced early in his administration that it was absolutely necessary to have some kind of a force to protect Indian minors, and I quote from his annual report:

PROBATE WORK IN OKLAHOMA.

The minor children of the Five Civilized Tribes are perhaps the richest average children in the United States, which condition results from the fact that in allotting the Oklahoma Indians the children were given the same number of acres of land as their parents and share equally in tribal funds. Consequently when Congress, in the act of May 27, 1908, conferred upon the county courts probate jurisdiction there was involved a greater amount of probate work than existed anywhere else. This, together with the fact that Oklahoma was admitted into the Union in 1907 and that the county judges then elected did not all possess the highest standards, necessarily brought about a demoralized, inefficient and in some instances corrupt condition.

It is apparent that many guardians were appointed without regard to their fitness and insolvent bondsmen accepted. It was not uncommon for lands of minor Indian children to be sold on appraisements influenced by prospective purchasers and for inadequate prices. Excessive compensation was many times allowed guardians and unreasonably large fees paid to attorneys. Under these conditions the property of Indian children was frequently so ravished that when final reports were called for they were not forthcoming, and estates were often found to have been dissipated and their bondsmen financially irresponsible. Altogether it developed a condition demanding speedy and radical reforms.

I found this startling situation soon after my induction into office in June, 1913, and immediately proceeded to effect an organization whereby there might be assurance that this indefensible procedure might no longer obtain.

This is the statement of the present Commissioner of Indian Affairs, who is a Democrat, and therefore our friends from Oklahoma on the other side of this Chamber, I am sure, will not question the truthfulness of what he says with relation to the conditions that he states existed in 1913.

After the commissioner had been in Oklahoma and had gone from there to Colorado, and upon December 31, 1913, he was interviewed at Denver with reference to probate matters in Oklahoma, his interview appearing in the Denver Times of that date, and in that interview he corroborated what he later stated in his annual report. And this is what he said:

The Indian children of Oklahoma are the richest average children in the United States. However, it is a lamentable fact that they have less statutory protection there than in any other State. In the 40 counties in eastern Oklahoma there are now pending from 800 to 1,500 probate estates, about 85 per cent of which are Indian children's estates.

I have recently discovered that it costs about 3 per cent to settle a white child's estate and that it costs more than 20 per cent to settle the estate of an Indian boy or girl. This is the result of guardians having been appointed without regard to their equipment and the acceptance of bondsmen many times wholly insolvent.

Enormous fees have been charged by attorneys and unconscionable fees by guardians, together with indefensible expenditures of their funds, which has frequently resulted in the dissipation of their entire property.

GUARDIANS OFTEN ABSCOND.

It is not an uncommon thing when an Indian child reaches his majority to find that his guardian has absconded and that his bondsmen are wholly financially irresponsible. It is my determined intention to reform this indefensible condition, and to this end I have recently appointed a number of probate attorneys, who will give their whole time, under my direction, to this work. I am now submitting a number of cases to the grand juries in Oklahoma looking toward the indictment and criminal prosecution of those who have embezzled their funds.

The commissioner on one of his visits to Oklahoma held a conference with the county judges, the prosecuting attorneys, and district judges within that section of the State comprising the Five Civilized Tribes, and rules of probate procedure were adopted, which are very complete, and I understand they were later approved and promulgated by the Supreme Court of Oklahoma and are now being observed generally by the several county judges. An effort was made to have the State legislature enact legislation giving these regulations the force of law, but my information is the effort was defeated at the instance of a lobby that represented those who were profiting from the traffic.

As the result of the employment of probate attorneys and the adoption of the rules of probate procedure, conditions have greatly improved and much has been accomplished thereby. The commissioner in his annual report for the last fiscal year, with reference to the matter, says:

Widespread and gratifying results have already been accomplished. Wrongdoers have been prosecuted; estates have been recovered; dishonest and incompetent guardians have been removed; worthless bonds have been replaced with responsible bondsmen; and many thousands of dollars have been saved to Indian minors and invested for their benefit. These direct results are also increased to an extent which can only be approximated by the moral influence which has resulted operating powerfully to prevent a repetition of wrongdoing and to insure better conditions in the future.

He also expresses confidence that the next legislature will enact laws in harmony with the probate rules that have been adopted and that permanent protection of the property of Indian minors will be assured. He gives it as his opinion that there is now among the people of Oklahoma a universal sentiment that such legislation is necessary. I understand that this question was an issue in the last election and that many of those who refused to allow action by the last legislature and who were controlled by the lobby were defeated for reelection. If this is true, it is to the credit of the State, and it gives hope to those who are honestly endeavoring to protect the Indians that conditions which have heretofore obtained, particularly in the probate courts, will no longer be tolerated.

With reference to the $85,000 for probate attorneys, the estimate shows how it is proposed to expend the money if it is appropriated, and it appears that during the next fiscal year it is intended to employ 21 probate attorneys and pay them a salary of $2,500 each, in addition to their traveling expenses, instead of 18, as are now employed, and it is also proposed to expend $17,000 for stenographic and clerical assistants. The estimate in detail is as follows:

APPROPRIATION JUSTIFICATION, 1916.

"Probate attorneys, Five Civilized Tribes: For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000."

In justification of the above item included in the estimates for the Indian Service for the year ending June 30, 1916, I submit the following:

21 probate attorneys, at $2,500 each	$52,500
Stenographic and clerical assistance	17,000
Traveling expenses	10,000
Telegraph and telephone service	1,750
Printing, binding, advertising, etc	350
Rents	3,000
Miscellaneous	400
Total	85,000

I wish to call the attention of the House to the way this $85,000 is expended in the matter of the force that it provides for. Notwithstanding all employees in the Indian Service, as well as the district agents, who formerly performed much of the service that is now being performed by the probate attorneys, are in the classified service, this appropriation is all expended and appointments are made by the Commissioner of Indian Affairs without any regard to the civil-service requirements; in other words, these probate attorneys are political jobs. I merely mention it in passing. It will be apparent that, considering that the persons appointed will be chosen in Oklahoma, they will have to be selected with a regard to the wishes of those who dispense the patronage in that State, and that it can not result in the appointment of as strong a force as would be secured if appointments were made from an eligible list furnished by the Civil Service Commission, the same as other similar appointments in the civil service of the Government are made.

Mr. STAFFORD. Will the gentleman yield?

Mr. BURKE of South Dakota. For a brief question.

Mr. STAFFORD. What salary do these special attorneys receive?

Mr. BURKE of South Dakota. Two thousand five hundred dollars and expenses.

Mr. STAFFORD. I notice in another place where the attorneys receive less than $2,000.

Mr. BURKE of South Dakota. That is another matter. Mr. Chairman, in order that I may not be accused of being unfair or partisan, I want to say that in the last campaign in Oklahoma there was a contest between the present or then county judge of a certain county, who is a Democrat, and another Democrat who was seeking the office. The man who was attempting to dislodge the incumbent published in one of the leading papers of Oklahoma a political advertisement in which he set forth the reasons why the incumbent should not be reelected. I want to quote briefly from his statement, because it comes from a Democratic source in Oklahoma; it will surely have great weight with our friends on that side of the House, being the statement of a local Democrat in that State. This is the substance of what was contained in the political advertisement referred to:

That in one case of a minor's estate a firm of lawyers was allowed a fee of $7,500 for acting as the attorneys for the guardian of the estate, and the county judge who allowed this fee before his election was a member of the firm; that $500 would have been a liberal fee for the services performed; that there was no litigation whatever, and the service was merely giving advice to the guardian. In this same estate other attorneys' fees and expenses were allowed, so that the total, including the $7,500 fee paid to one firm of attorneys, as before stated, was $22,000.

In another case the judge allowed the attorney $8,000 for his fee in acting as attorney for the guardian.

In another case attorneys were employed by the guardian of a minor and authorized by the court to bring suit for the minor to quiet title to his land. They did so, and in the superior court secured a decree quieting the title and securing a judgment for $250. Subsequently the attorneys allowed the judgment to be set aside by agreement and permitted another party to intervene in the case, and consented that a judgment might be entered in favor of this other party against the minor's estate, awarding him $750. The attorneys were allowed by the court a fee of $500, which was paid from the minor's estate.

That the judge approved a loan of $2,400 made by a guardian of some minors. The loan was approved by the judge and the money paid from the estate of the minors. Within two years, default having been made on the first interest payment, the mortgage was foreclosed at sheriff's sale and the property only brought $263.20, or about 10 per cent of the amount loaned.

In another case this same judge permitted the guardian of a minor to purchase and pay for out of the minor's funds $5,000 worth of bonds in a certain publishing company that publishes a newspaper in Oklahoma; that he has permitted guardians to purchase $22,000 more of the same bonds; and that notwithstanding he has approved investments in these bonds aggregating $27,000, the assets of the company are listed for taxation at only $14,000. A prominent citizen living in Oklahoma told me only a few days ago that the actual value of the entire plant of this newspaper is not more than $5,000. I have no personal knowledge of the value of the plant, but as one that has had some experience in making investments, I do not regard such property a desirable security for a loan of any amount, especially not a security upon which to loan the money of a minor, Indian or white.

Mr. Chairman, Oklahoma is the only instance where Federal aid has been extended to a State to protect a class of its citizens from being wronged in its courts. That aid is requested and recommended by the Indian Bureau, and the appropriation now annually being made for that purpose gives to that State a conspicuous publicity and calls attention to a condition that is certainly degrading, and it can not help but affect the development of the State.

As I stated, we must provide this appropriation whether we like it or not. I think we not only ought to employ these attorneys, but they should by law be clothed with authority, so that they can appear in court and have a right, if necessary, to appeal from the order of the county court without bond. I could cite, if I had the time, many instances where injustice has been done by reason of the fact that county judges have taken exception to one of these attorneys appearing, claiming that they possessed no legal authority to represent the Indian minors.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I am not going to talk any further at length except that I want to express the opinion that I believe the present Commissioner of Indian Affairs is honestly endeavoring to correct the evil conditions that obtain in Oklahoma, and he has my full sympathy and support, and so long as he demonstrates a disposition to protect the Indians from being despoiled as they have been in the past I sincerely trust he will have the support of Congress. It is my belief, however, that if he attempts to act independent of the political influences in Oklahoma some way will soon be devised to displace him as commissioner and install some other man in his place who will not be too critical as to what may happen with reference to Indian matters.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. I yield to the gentleman.

Mr. MANN. The gentleman has already referred to and recalls the debate that we had in the House two years ago on the item where the gentleman from South Dakota was offering an amendment to provide for district agents, which met with violent opposition from the other side of the House. I would like, with the permission of the gentleman, to quote from a speech made at that time in connection with an inquiry put to him.

Mr. BURKE of South Dakota. I will yield if I have the time.

Mr. MANN. The gentleman from Oklahoma [Mr. CARTER], in opposing the appropriation for district agents in 1912, made this statement. It is found on page 4446 of the RECORD of April 8, 1912:

Now, with regard to the district-agent amendment, I have only time to remind this committee that Oklahoma has been a State for almost five years, and she is as fully equipped to protect and care for her minors as the average State in this Union. Our courts are vested with full jurisdiction of probate matters and the judges have the right to appoint attorneys for incompetents. Furthermore, Mr. Chairman, we have in Oklahoma a State board of charities and corrections, presided over most efficiently and courageously by that fearless defender of the weak and helpless—Miss Katie Barnard. There has been created in her department a special bureau for this very purpose—the care of Indian minors—with an attorney at its head, equally capable and enthusiastic, in the person of Dr. J. H. Stolper, and I would like to see the color of the grafter's eye that puts any shady deal across the plate when these two crusaders are on watch.

I would like to ask my friend from South Dakota if he knows whether these two "crusaders" are now on watch, or whether the political ring has dispossessed them and put somebody else in their place?

Mr. BURKE of South Dakota. Mr. Chairman, I have no information that will enable me to answer the gentleman's question except what Miss Barnard herself has stated.

Mr. STEPHENS of Texas. I hope the gentleman will confine himself to the section .

Mr. MANN. This is to the section. This is what it is about.

Mr. BURKE of South Dakota. I have a copy of the New York Herald of July 23, 1914, which contains a statement purporting to have been made by Miss Barnard, and this is what she is quoted as having said:

The bold action of the fourth legislature in wrecking a department of state—a constitutional office—and securely tying the hands of an officer elected by the people is unexampled in the history of our Nation. Thieves and robbers have always preyed upon the property of others, but it remains for the land grafters of Oklahoma to attack and attempt to destroy a constitutional office in order that their past villainies shall be covered up and to make easy the looting of every Indian estate within our borders.

I asert and maintain that the wrecking of the department of charities and corrections came about because the grafters attempted to gain control of it and failed. Long before the legislature met it was decided that everything was to be controlled by a small clique. If the legal bureau connected with the department could be placed in "friendly" hands, the department would be spared and the commissioner voted to be a good little woman. I would not consent to turn my department over to the grafters. You know the result. From that time until now I have been unable to protect a single child in the State. My inspector was taken from me, and since that time our State institutions have had no inspection nor supervison.

The department of charities and corrections has been given ample authority by law to protect minor children from robbery and graft. It is now the only duly constituted authority of Oklahoma empowered by law to appear in the courts of the State on behalf of a minor child. The exercise of this authority, of course, depends upon the means at my disposal. Without funds nothing can be done. In pursuance of a well-laid plan the fourth legislature by its refusal to appropriate money for the performance of the duties imposed by law wrecked the department.

I openly charge that this act of the fourth legislature was but one step in a general conspiracy to despoil the Indians, and that in furtherance of this scheme two other steps have followed the wrecking of the department of charities and corrections.

While this may not satisfactorily answer the inquiry of the gentleman, I think he will say that if Miss Barnard said what I have just read it is a complete answer.

Mr. MANN. It does not satisfactorily answer it, but it seems to answer it. [Laughter.]

Mr. BURKE of South Dakota. For the information of the House as to what the probate attorneys in Oklahoma have accomplished during eight months preceding December 1, 1914, and to show the number of cases that there are pending in the probate courts of Oklahoma, I submit the following summary, furnished me by the Indian Bureau:

SUMMARY OF PROBATE WORK IN THE FIVE CIVILIZED TRIBES, OKLAHOMA, DURING THE EIGHT MONTHS ENDING DECEMBER 1, 1914.

1. Number of probate cases pending January 1, 1914, 41,000.
2. Number of probate cases pending December 1, 1914, 42,000.
3. Number of probate cases in which attorneys have appeared, 11,100.
4. Number of civil actions now pending, 240. (These civil actions are where suits have been brought to recover for misappropriation, etc.)
5. Number of criminal cases now pending, brought against guardians and others for misappropriation and other criminal conduct, 99.
6. Number of new bonds filed in place of old bonds found not to be satisfactory, 1,500.
7. Number of guardians removed or discharged, 802.
8. Amount invested for Indian minor children under the rules of probate procedure now in force in Oklahoma, $649,000.
9. Amount saved to Indian minors, $601,000.

My attention has been called to two important cases involving large estates in the Creek Nation that were recently disposed of, in which one or more of the probate attorneys had much to do. In one of the cases there were three Creek minors owning an estate valued at $150,000. The guardian had submitted his account and it had been approved by the probate judge. One of the probate attorneys, believing that all of the funds of the estate were not accounted for, and that many of the items for which the guardian was given credit had either not been furnished or cost much less than was charged, instituted a suit against the guardian. It resulted in a judgment being entered against the guardian amounting to $73,000. Fortunately in this case it is said the bondsmen of the guardian are solvent.

In another case a Creek Indian, who was a widower, had one child. The Indian was possessed of an estate valued at $75,000. He was very intemperate, and to such an extent that he was irresponsible. An adventuress who moved into Oklahoma succeeded in marrying him, and shortly after he died as the result of being poisoned, and I believe his wife is charged with having murdered him. Under the law of descent in Oklahoma the wife is entitled on the death of her husband to one-half of his estate. In this case a suit was instituted at the instance of one of the probate attorneys to annul the marriage on the grounds of fraud, and the case was tried to a jury last month, resulting in a verdict annulling the marriage, which means that the minor child of the Indian will inherit his entire estate.

That there ought to be a force of Federal employees for the protection of Indian minors in the probate courts of Oklahoma is so evident that I am sure no one will oppose the appropriation of $85,000 as carried in this bill. I think I have satisfied the House that in bringing this matter to the attention of Congress and in assailing the probate courts within the Five Civilized Tribes in Oklahoma I was fully justified, and that every statement made by me was true, and that much more might have been said.

Mr. HARRISON. Mr. Chairman, what is before the committee?

The CHAIRMAN. The gentleman from Illinois reserved the point of order for the paragraph, beginning on line 16.

Mr. HARRISON. Mr. Chairman, I desire to quote further from what Miss Barnard said in that connection, and I read from the same article as did the gentleman from South Dakota:

Supported by the whole Oklahoma delegation in Congress, an appropriation of $85,000, to be paid out of the Federal Treasury, is contained

in the Indian appropriation bill for the fiscal year ending June 30, 1915, for the purpose of employing what are known as Federal probate attorneys, and 29 little lawyers will be given political jobs, all of these appointments being recommended by some Congressman.

The second step is the proposed consolidation of the office of superintendent of the Union Agency with that of the office of the Commissioner of the Five Civilized Tribes. These two steps are contradictory, because if the State of Oklahoma is not strong enough to grapple with the land grafters, with the assistance of the two Federal Indian offices located within the State, how can it be expected that the Federal probate attorneys, being for the most part fledglings and briefless lawyers, can cope with the graft situation without the whole assistance of the two Indian offices, with their large force of inspectors and complete records?

Further on she says:

With all safeguards removed, the grafters are preparing for the last act in the conspiracy. In the Indian bill now before Congress there is an appropriation to make cash payments to the Indians this fall.

That is what is known a little later on in this bill as a per capita payment.

No Indian will have a cent of this money in his pocket the day after the payment. Times will be good for a few days, but, by methods known to big business, all of this money will soon be gathered into the coffers of a few hundred boss grafters.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I would like to have five minutes.

Mr. STEPHENS of Texas. Then I make it 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

[Mr. MURRAY addressed the committee. See Appendix.]

Mr. McGUIRE of Oklahoma. Mr. Chairman, I only want sufficient time to make one or two observations and state my position with respect to the representation on the part of the Government in the east end of our State. The east end of the State is known as the Indian Territory end of the State. I do not know whether there have been too many Federal representatives in that section of the State or not. I do know that there has been a great deal of rascality on the part of some county judges. This might have occurred even though it had been in the Republican end of the State, but as it happened there was not a single one of the judges there who were Republicans. All parties have not been consistent. There is not a Member of Congress from Oklahoma, in my judgment, who would not have the best administration down there, but they have not all been consistent. There was no objection to providing for these district agents. They are needed. Their duty was to cooperate—now notice—to cooperate with the county judges. They were either civil-service men or nonpolitical. They were not partisan appointments. There might have been as many as, but not more than, four Republicans, at least there were only three or four of them appointed upon the recommendation of the Republicans of the State. Most of them were civil service. The county judges refused to cooperate with them, because they said they were interlopers, that they, the county judges, were abundantly able under the laws of the State to transact their business and had sufficient scope to transact that business under the law.

Now, then, comes another administration. The Indian Commissioner states he went down there, and he reconciled the judges, and I wondered how he reconciled those county judges. Only one way—by promising them that all attorneys appointed to work with them would be Democrats. It is all right now. Make your appropriation, increase your salaries, make them $2,500 a year and expenses. There are 18 of them this year, and there are to be 21 next year, and all of it is taken out of the civil service, and not a single one of them either Republican or civil service, but all Democrats up to date, and part of them are recommended by these very county judges. Now, gentlemen, you may get the very best service. I hope you will, but you should be consistent and say that we are taking these away from the civil service and making it a political matter. Now, then, I am a partisan; I am a heroic partisan; I believe I could put Republican attorneys there just as good or better than any civil-service men, and I hope you can; but be honest and square about it and say that you have abandoned a nonpartisan administration and are making it a most intense political partisanship. I have nothing to say about Miss Barnard. Mr. CARTER has said some kind things about her and so have the other members of the Oklahoma delegation.

She is a splendid lady and of fair ability. I take it that Mr. MURRAY, who is always in sympathy with the very best administration of government down there, knows what he is talking about; and if so, she is not entirely faultless. But the condition in my State, so far as the Indians are concerned, is that we have gone from a nonpartisan government to a partisan government, and I hope the very best results will follow. But I do not want to hear anyone say, either from the commissioner's office or in this House, that the administration in Oklahoma is a nonpartisan administration, because it is not. It has been transferred from a nonpartisan to a great partisan organization, and we have only to await results to see whether it is to the best interests in general of the Indian administration in my State.

Mr. CARTER. Mr. Chairman, the gentleman from Oklahoma [Mr. McGUIRE] is mistaken when he says that anybody has been taken out of the civil service in Oklahoma. As has been shown by the gentleman from South Dakota [Mr. BURKE] and, I think, by the gentleman from Oklahoma [Mr. FERRIS], every one of the civil-service employees is still there.

Mr. McGUIRE of Oklahoma. I think the gentleman misunderstood me, or I may have made a misstatement. This probate business has been taken away from the civil service and these partisan probate lawyers are appointed. That was the sense in which I intended the statement.

Mr. CARTER. This is a clear statement of the case, Mr. Chairman. They had, by the act of May 27, 1908, appointed 18 so-called district agents. None of them were lawyers. Not one of them was appointed by a civil-service examination.

Mr. McGUIRE of Oklahoma. No. They were already in the service of the Government.

Mr. CARTER. No. I think, if the gentleman will permit me, that I know that thing pretty thoroughly. Not a single one was appointed from the civil service.

Mr. McGUIRE of Oklahoma. Well, that is a matter of record, and I will put the record in.

Mr. CARTER. Not a single one of them had taken the civil-service examination.

Mr. McGUIRE of Oklahoma. But they were already classified.

Mr. CARTER. They might have been covered in the civil service prior to that, some of them, but a majority of them were appointed.

Mr. McGUIRE of Oklahoma. I do not know, because they were classified there. I do not know where they came from.

Mr. CARTER. I have but little time, and I will ask the gentleman not to take it up.

Mr. McGUIRE of Oklahoma. I beg the gentleman's pardon.

Mr. CARTER. The majority of them were appointed just as these probate attorneys are now appointed, and covered into the civil service by Executive order. There may have been one or two exceptions to the rule, but that is the way most of them were appointed. I think my friend had something to do with the appointment, and I have no doubt he recommended the best men in his party to the position, but they were appointed and covered into the civil service. Not a single one of them was an attorney, and when they went into court and tried to protect an Indian, and had on the other side an attorney who knew the short cuts in the court room, they naturally fell by the wayside and fell short of the requirements that were necessary to protect the Indian. Consequently, Congress thought, and I thought everybody agreed upon it, that there ought to be attorneys to represent people when they had cases in court, and that they might be more properly and much better represented by attorneys than by men who were not familiar with court procedure. It is a very natural consequence, Mr. Chairman, when these district agents, who are not familiar with court procedure, went into the courts, that they soon got at variance with the judges before whom they were practicing. They did not know the rules of the courts, and perhaps some of them got in contempt of court without knowing it. That went to the extent of one judge in my district having a row with the district agent, and he would not let him appear in the court any more. It was then that the Oklahoma delegation took up the matter of providing probate attorneys, so that this matter might be corrected. And if, as the gentleman from Oklahoma [Mr. McGUIRE] states, this was a political proposition, the other was not; and if that be true, then welcome the day when all the positions in this country may be under political appointment, for prior to the time of the provision for the probate attorneys all these discrepancies, all this graft, crept in, and there have not been any charges since the probate attorneys have been administering and caring for the estates of individual Indians.

Now, Mr. Chairman, when Oklahoma was organized as a State it was organized by green hands. I do not suppose there were a dozen county judges of the 75 in the State who had ever held office before. Naturally they did not know the responsibility of those positions as persons who were familiar with the holding of office. There were one or two cases—I

think not over three—in which judges were accused, perhaps rightfully, with crookedness. There were several other cases in which judges might have been convicted of gross carelessness. But the matters were confined to several counties only out of the 46 on the east side of the State, and the wonder is, Mr. Chairman, that the graft, being in a few counties, did not extend to many other counties of the State.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For the support, continuance, and maintenance of the Cherokee Orphan Training School near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $35,000; for repairs and improvements, $5,000; in all, $40,000.

Mr. MANN. Mr. Chairman, I ask to have a typographical error corrected in line 1 of page 27. I suppose the amount there is "$35,000." The last cipher should be stricken out.

The CHAIRMAN. The Clerk will report the amendment suggested by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 27, line 1, by striking out the cipher following "$35,000."

Mr. STEPHENS of Texas. That is correct.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma during the fiscal year ending June 30, 1916: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I see the gentleman from Mississippi [Mr. HARRISON] has his attention attracted somewhere else for the moment.

Mr. CARTER. I did not understand the gentleman.

Mr. MANN. I understood the gentleman from Mississippi [Mr. HARRISON] to say a while ago that he was going to have a point of order raised or was going to discuss this item.

Mr. CARTER. The gentleman did discuss it. He and I discussed it.

Mr. MANN. I noticed that somebody was distracting his attention, so I reserved the point of order in his behalf.

Mr. HARRISON. Mr. Chairman, I merely wanted to ascertain something about this school business out there. Here is an item of $275,000 for the purpose of aiding public schools in Oklahoma. How many Indian children did the gentleman say went to the public schools of Oklahoma?

Mr. CARTER. I am not sure that I can tell how many. The total scholastic enumeration of the children of the Five Civilized Tribes was 24,557. That does not include the freedmen.

Mr. HARRISON. How much money is appropriated by the State of Oklahoma for the public schools of Oklahoma?

Mr. CARTER. I could not answer that question. That money, as the gentleman knows, is paid out by the county commissioners.

Mr. HARRISON. Could not the gentleman give an idea of the amount?

Mr. CARTER. No. Perhaps my colleague from Oklahoma [Mr. MURRAY] could answer.

Mr. MURRAY. I could not state exactly, but this $275,000 is a bare beginning in the matter of schools in our State, to say nothing of higher education.

Mr. HARRISON. How long do the public schools run in the gentleman's State?

Mr. MURRAY. All the way from 7 months to 10 months. The State provides for a certain fund that comes from the school lands of the State for the common schools. It then has a certain gross production fund arising from coal, oil, and gas. In addition to that, each school district is authorized to levy not exceeding 15 mills of tax. In most of the places they exhaust that amount, and this amount is a mere bagatelle in comparison with the amounts spent in that State for the common schools, to say nothing of the higher institutions.

We appropriate half a million dollars to the university and that much to the Agricultural and Mechanical College, and six normal schools, for which we appropriate $42,000 each. Then we have six district agricultural schools. We have one industrial school for girls, and one school of mines in the mining belt. The fact is we have more higher institutions of learning than any other Southern State or any State that adjoins ours.

Mr. HARRISON. The gentleman, I believe, said that they had between 7 and 10 months of free public schools in Oklahoma?

Mr. MURRAY. Yes, sir. I think they do not fall below that except in exceptional communities.

Mr. HARRISON. Mr. Chairman, I withdraw the point of order. I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. HARRISON. Mr. Chairman, I want to say that this is but another evidence of the powerful influence of three Members from one State on an appropriation committee of this House—the fact that there is in this bill no other item, except one, I believe, and in that instance a very small amount, where the Federal Government appropriates money for the common schools of a State. None of the other gentlemen on the committee from other States of the Union could be influential enough to get an appropriation to aid the common schools of their States, but Oklahoma is enabled to get $275,000 out of the Treasury of the United States for the purpose of lengthening the terms of the public schools of Oklahoma. In my State I believe the public schools run for five or six months; I think six months. Yet in the State of Oklahoma, through an appropriation that three influential members of the Committee on Indian Affairs are able to get, they are able to run their schools for 8 or 10 months.

I submit, sirs, that it is a bad policy for the Federal Government to appropriate money for the public schools of a State. I believe that every State in this Union ought to take care of the education of its children out of the funds in the treasury of the respective States, and when we allow this generosity to be exercised in behalf of Oklahoma, even though it benefits the youth of that State, we are following, in my opinion, a very unwise policy.

But, as I say, it shows one thing very clearly, and that is the powerful influence of three Members from one State on a big committee in this House. [Applause.]

Mr. MURRAY rose.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that all debate on the pending paragraph close in 10 minutes. Is there objection?

Mr. NORTON. I would like to have 5 minutes.

Mr. MURRAY. I want 5 minutes.

Mr. MORGAN of Oklahoma. I also want 5 minutes.

Mr. STEPHENS of Texas. Then, Mr. Chairman, make it 17 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that all debate on the pending paragraph close in 17 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] is recognized.

Mr. MURRAY. Mr. Chairman, on the contrary, instead of this being an evidence of the powerful influence of Oklahoma membership in Congress because of this appropriation in aid of the Oklahoma schools, I believe that if we had the powerful membership that our people expect us to have on this floor we would get a good deal more.

In the first place, Mr. Chairman, the United States Government made a treaty with the Five Civilized Tribes by which they were to give up certain rights, and then the tribes were to be exempt in their landed estates for 21 years from all taxation of any Government. Immediately thereafter Congress admitted the State of Oklahoma, and it was provided that all of the land should be taxed. In other words, the Indian was deceived in the first place, and all the citizens of Oklahoma, white and Indian, were deceived in the second place. We proceeded to tax those lands.

The governor of the Chickasaw Nation, foreseeing what would occur in the building of numerous schoolhouses, foreseeing that the great body of the minor Indians would lose their property under forced sale for taxes, went into the courts to contest the right of the State to tax these Indian lands. Over the protest of the Secretary of the Interior, over the protest of the Government, he employed an attorney and went into the courts and won that suit in the Supreme Court of the United States, exempting all of those lands from taxation. After that exemption a movement was made to get this Government to pay a reasonable sum toward public education. Since that time the Indian bill has carried this item.

Mr. Chairman, in view of the promise to the Indian in the first place, by a solemn treaty, and in view of the effort of the Government later to deceive the people of the State, if the mem-

bership on this floor from Oklahoma had the strength that the gentleman from Mississippi [Mr. HARRISON] urges we have and the strength that the people of our State expect of us, the Government would pay the entire taxes upon these exempted lands. And if you calculate the highest tax rate, which is $3 on $100 under the constitution of the State, and place those lands at but the valuation placed upon them by the Government itself for allotment purposes, the highest being $6.50 an acre, and down to 25 cents an acre, and make the calculation for 21 years, you will find that by that very act the State of Oklahoma is denied $17,000,000 in taxes during that period of 21 years. I believe that nothing will be done right toward the State of Oklahoma until the Government pays these taxes that it took away from us. The Government should make it one million a year. This $275,000 a year does not amount to more than the interest upon this $17,000,000; and if you were to value these lands at one and one-half times the appraisal, which was what they brought at the time of allotment, some of them, and some of them at twice the value of the appraisal, the amount would run up to $26,000,000. A fair valuation now would make it $42,000,000 in taxes that the people of the towns and those few who have bought dead claims and claims upon which restrictions have been removed have to pay the taxes on the east side of the State, in support of the State government, the county government, the district government, and the district school. That burden is a very severe one upon the city property holder and upon the personal property of the State and the few who have bought homes in that country.

No, Mr. Chairman, this item is not an evidence of our overpowering strength; it is but a partial evidence of justice; it is only a partial balm for the action of this Government in its effort to deceive the Indian on the one side with a solemn treaty, and to deceive the people of Oklahoma on the other, when it led them to believe by the passage of an act that they could tax this property.

This is the one sore spot in our State. This is the one thing out of which more politics has been made against an Indian citizen who runs for office than all others, and all of us have felt it. In my campaign last summer the charge was made on every stump that MURRAY owned property that was nontaxable, and the only way I could reply to it was to say, "I have paid my taxes ever since statehood, and am going to continue to do it, although it amounts to nearly $3 an acre." With the demoralization of the cotton market the past season the rent failed to pay the taxes.

No, Mr. Chairman, this is not an evidence of strength, but the fact is that it is an evidence of weakness in our ability to get for the people of our State that to which they are entitled. We ought to get one million a year for 21 years. That would be just. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, the gentleman who has just spoken [Mr. MURRAY] in large measure expresses my views. I introduced in the last Congress, and I reintroduced in this Congress, a bill to appropriate out of the Treasury of the United States $20,000,000 to compensate the State of Oklahoma—State, county, and local governments—for the loss of revenue from nontaxable Indian lands.

Mr. HARRISON. Will the gentleman yield for a moment?

Mr. MORGAN of Oklahoma. I yield to the gentleman.

Mr. HARRISON. The gentleman is not on the Indian Affairs Committee or he would get it.

Mr. MORGAN of Oklahoma. I do not know about that.

Mr. MURRAY. No; I introduced a bill, too, just like it. [Laughter.]

Mr. MANN. Both gentlemen were reelected. That is the purpose for which the bills were introduced. [Laughter.]

Mr. MORGAN of Oklahoma. I understand, and when I introduced that bill and stood here in advocacy of it the gentleman from Illinois [Mr. MANN] and other able gentlemen here apparently thought it was mere buncombe, introduced for the purpose of getting reelected. I deny it. It was introduced in the interest of justice. Oklahoma was admitted to the Union with something like 20,000,000 acres of nontaxable Indian lands. Go back to the admission of Ohio in 1802, take the provisions in the enabling act, and you will find that the National Government clearly admitted that a State was entitled to compensation for loss of revenue from nontaxable lands, made so by action of the Federal Government. The National Government has never claimed the right to exempt lands within a State from taxation after the Government had disposed of the title. The National Government in many of the enabling acts made special grants to compensate the State for loss of revenue from lands disposed of by the National Government upon terms making them exempt from taxation. Yet the National Government, through treaties with the Indians, exempted from taxation nearly 20,000,000 acres of land in Oklahoma. This means a loss in revenue to the State, county, and school districts of from $25,000,000 to $50,000,000.

The care of the incompetent Indian is a national burden and a national duty. It should not be placed upon one State. If the Indian is entitled to have his land exempt from taxation; if he must be exempted from the ordinary duties of citizenship, the payment of taxes, the National Government should pay the cost of this exemption. This amount in this bill is only a bagatelle. If the National Government would appropriate $1,000,000 for 20 years, it would not then compensate the people of Oklahoma for the loss of revenue from nontaxable Indian lands.

It is well settled that the State has a right to tax public lands as soon as the National Government disposes of the title; but the National Government, through treaties, have made these lands nontaxable. This was done in the interest of the Indian. It was done by the National Government in the discharge of a national duty. But the burden of all this is placed on the people of Oklahoma. Their burdens of taxation are largely increased by reason of the fact that Indian lands are nontaxable.

Mr. Chairman, I have given very close attention to this problem. I have studied carefully the enabling acts by which the various States have been admitted into the Union. The National Government always, in a number of these enabling acts, made specific grants and appropriations on condition that the State would exempt certain lands disposed of by the National Government from taxation for a number of years. The United States disposed of these lands to the Indians, exempted them from taxation for 21 years, but has in no way compensated the State for the loss of revenue on these nontaxable lands. The State of Oklahoma therefore has a just claim against the Federal Government for the loss of revenue from these nontaxable lands, which the Federal Government made nontaxable in discharging a duty it owed to the incompetent Indian; but the burden of providing these nontaxable lands did not fall upon the National Government, but upon the people of Oklahoma, because thereby the extra taxation is levied upon them.

Now, in the first place, the United States conveyed these lands to the Indians and received a consideration therefor. The Indians relinquished other lands. The treaties with the Indians provided the lands should be nontaxable for a number of years. Congress provided for the admission of the State of Oklahoma into the Union. The taxing power of the State extends to all property in the State except that which belongs to the Federal Government. The Federal Government long ago parted with its title to these lands. Patents to these lands were delivered to the Indians. If through treaties made by the United States with the Indians these lands are exempt from taxation, then the State has a legal claim against the Federal Government for the loss of revenue on these nontaxable lands. Prior to statehood Oklahoma was in a sense like the incompetent Indian—a ward of the Government. When statehood came, Oklahoma was clothed with all the power, privileges, and rights possessed by the other sovereign States of the Union. If the National Government disposed of the public domain in Oklahoma to the Indians on conditions which exempted them from taxation, the people of the State, who must bear large additional burdens by reason of these nontaxable lands, have a legal right to demand of the Federal Government an accounting, and in the end to make restitution to the State for the vast losses to the State, county, and school district governments by reason of these nontaxable lands. I am pleading here for the rights of the people of Oklahoma, for the rights of the taxpayers of the State, who now carry the burden of providing nontaxable homes for incompetent Indians, and which does not belong to the people of Oklahoma, but to all of the 100,000,000 people of this country. [Applause.]

Mr. NORTON. Mr. Chairman, the most striking thing about the arguments of the gentlemen from Oklahoma is their modesty. The gentleman who has just spoken, Mr. MORGAN, states that if he had his way this item would be a million dollars instead of $275,000. I do not doubt it at all. If the gentlemen from Oklahoma had their way in this House, the Federal Government would support the entire State of Oklahoma.

Mr. MANN. It does it now pretty nearly.

Mr. NORTON. Yes; it does it now to a large extent.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. NORTON. Yes; certainly.

Mr. MORGAN of Oklahoma. Does not the State of North Dakota, which the gentleman represents in part, have a large amount of Indian lands?

Mr. NORTON. The State of North Dakota, which the gentleman represents, has a large amount of Indian land, and a

great deal of it is nontaxable; but the State of North Dakota is not asking the Federal Government, as is the State of Oklahoma, to support its common schools.

Mr. MORGAN of Oklahoma. I will ask the gentleman if he believes the National Government has the right to exempt land from taxation after the Government has disposed of it?

Mr. NORTON. I will ask the gentleman from Oklahoma whether the white people in Oklahoma were there first or the Indians were there first?

Mr. MORGAN of Oklahoma. The Indians were there first, as they were in North Dakota.

Mr. NORTON. Does the gentleman think that the Federal Government gave the Indians any rights they were not entitled to?

Mr. MORGAN of Oklahoma. I am not talking about the Indians. Does the gentleman think that the National Government has the legal right to exempt lands after the Government has disposed of them to the State?

Mr. NORTON. That is an idle question. The Federal Government had the right to enact the provision referred to by the gentleman, and it has been so held by the Supreme Court of the United States in the case brought before it.

Mr. MORGAN of Oklahoma. The Government did not hold that. The court held that by reason of treaties Congress and the National Government could exempt it from taxation, but the question of the rights between the National Government and the State of Oklahoma was not in issue at all. It was simply a question of the right of the National Government to exempt land from taxation. The question of compensation from the Government to the State was not in issue.

Mr. NORTON. Why, the gentleman offers no argument that has any merit in it. No sound reason whatever has been presented on the floor of the House why the Federal Government should pay $275,000 to the support of the common schools in Oklahoma any more than it should pay $275,000 for the support of the common schools in New York. When Oklahoma was admitted to the Union the Federal Government gave the State of Oklahoma nearly 5,000,000 acres of land. Nothing has been said about that. It gave the State of Oklahoma a larger amount of land than it gave to any other State admitted to the Union prior to that time.

Mr. MORGAN of Oklahoma. The gentleman is altogether mistaken about that.

Mr. NORTON. It gave it 5,000,000 acres of public land, and that was reasonably worth a hundred million dollars.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. NORTON. No; I do not have the time to yield further. The statement I make is true, and the gentleman knows it. The Indians of Oklahoma to-day have, it is estimated, property worth from $200,000,000 to $2,000,000,000. They have ample property to pay for the support of their schools. They have ample property to pay for public and private schools for the education of their children. The Indians in Oklahoma—the Five Civilized Tribes—have to-day in the Treasury of the United States and the banks of Oklahoma between seven and eight million dollars to their credit. It is unfair and unreasonable to ask the Government to make this gratuitous appropriation to the Five Civilized Tribes of Oklahoma for the support of the common schools of Oklahoma. The item should be stricken from the bill.

Mr. CARTER. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] makes some complaint because the schools in Mississippi are run without Federal aid, and the schools in Oklahoma the Federal Government pays something toward the tuition of the Indian pupils. If the gentleman will investigate the hearings before the subcommittee which investigated his bill, he perhaps will find a reason for that. I find here a lawyer from Carthage, Miss., T. B. Sullivan, who gives some evidence upon that fact, and it might have some bearing on this question. He says:

Mr. SULLIVAN. The Choctaws are very few—about 1,200 in all the State of Mississippi—and I wish to show the distinction there. The colored race is more populous in my State than the white. They have good schools, good farms, and are making money. Many of them are doing well

Mr. CARTER. The colored people?

Mr. SULLIVAN. Yes. Some of them have good farms and good stock, and they have good schools provided for by law.

Mr. CARTER. Do the Indians have any schools?

Mr. SULLIVAN. No; they have no schools whatever.

Mr. CARTER. Then your State does a great deal more for the negroes than it does for the Indians?

Mr. SULLIVAN. I am getting to that. It does not do anything for the Indians.

Mr. CARTER. Do they allow them to attend the white schools?

Mr. SULLIVAN. No, sir. Now, we have in Mississippi what is known in the railroad passenger business as the "Jim Crow law." That is, it is a criminal offense for a colored person to be found in a white coach. But the blacks are strong enough and able enough to make themselves felt and have their own trains or separate coaches. They have as good coaches as the white man, and they are in the same trains. Perhaps this coach will be colored and this one will be white, but they are all separated.

Now, the Indians are weak; there are only 1,000 or 1,200 of them. He does not have much business capacity, and he goes along and hardly ever makes any complaint. If you deal with him and he does not like it, the first thing you know he is gone, but he does not say anything about it. That is the situation there. The Indian is weak; he is not able to make himself felt, and he is not desirous of doing it.

Mr. CARTER. Where does the Indian ride when he rides on the train?

Mr. SULLIVAN. In the coach with the negroes. On the same trip with Mr. Arnold I saw them sent into the coach with the darkies. Farther on, when we got to the station, the proprietor of the hotel there suggested to the liveryman that he would not let the Indian come into the hotel, but he would let him come into the kitchen.

Mr. CARTER. You say these Indians have no school facilities whatever?

Mr. SULLIVAN. No, sir.

Mr. CARTER. And is there no provision whatever made for them to attend school?

Mr. SULLIVAN. Let me answer that in this way. I want to give you facts, and facts only. There was a young white man who taught two schools west of the town for three months some time ago. He was paid by the State for his services. He was not examined and they did not require him to be examined.

Mr. CARTER. I mean there is no regular provision for them?

Mr. SULLIVAN. None at all.

Mr. CARTER. And they will not allow them to go to the white schools?

Mr. SULLIVAN. No, sir.

Mr. CARTER. Would they allow them to go to the colored schools?

Mr. SULLIVAN. I suppose they would.

Mr. CARTER. They will not allow them to ride in the white coaches?

Mr. SULLIVAN. No, sir.

Mr. CARTER. Are they allowed to vote?

Mr. SULLIVAN. By the law they are; but there are, perhaps, not 25 in the State that could vote. Let me give you a little of the franchise requirements. They were years ago, I believe, declared to be citizens, and for a long time they were exempt from taxation, but now they are taxed.

Mr. CARTER. They are taxed, but not allowed to vote?

Perhaps that is one of the reasons why the Federal Government does not feel justified in sending money to the State of my esteemed friend from Mississippi. Perhaps the Government does not have in its mind, in the elevation of the Indian, that it must be placed with an inferior race and not upon the same level with the white man that is trying to elevate it.

Mr. HARRISON. Mr. Sullivan is wrong in respect to that.

Mr. CARTER. Oh, there can not possibly be any mistake about it. Another Mississippi lawyer, Mr. Conerly, of Gulfport, testified to the fact that full-blood Indians could only attend negro schools in Mississippi. Mr. Conerly claims Choctaw blood himself and, I think, hails from Mr. HARRISON's home town.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. CARTER. I hope the gentleman will not make the point of order.

Mr. BURKE of South Dakota. I hope the gentleman from Illinois will not make the point of order.

Mr. MANN. Mr. Chairman, I thought debate had ended; if not, I want to occupy a little time myself.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1916, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year.

Mr. HARRISON. Mr. Chairman, I reserve a point of order. May I ask the gentleman if there is any authority of law for this provision?

Mr. CARTER. There is.

Mr. HARRISON. I make the point of order so that we may get at it.

Mr. CARTER. Mr. Chairman, in what is known as the supplemental agreement you will find this authorization:

When allotments as herein provided have been made to all citizens and freedmen, the residue of the lands not reserved or otherwise disposed of, if any there be, shall be sold at public auction, under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equaliz-

ing allotments shall be used for that purpose, and the balance paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

Mr. FERRIS. That treaty is still in effect?

Mr. CARTER. Oh, yes.

Mr. HARRISON. Mr. Chairman, under the law it strikes me that the per capita payments must be authorized by law.

Mr. MURRAY. We have not reached that yet.

Mr. HARRISON. I know; but I see here, on page 28 of the bill, some language that confuses me, as I do not exactly understand, and I am not sure that that does not carry with it some authorization for the payment of per capita money. It says:

Provided further, That during the fiscal year ending June 30, 1916, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to the individual members of the respective tribes.

I am a little afraid that that exception might give them authority, without a special act of Congress, to appropriate some money per capita, and I do not think they have authority to do that.

Mr. CARTER. Mr. Chairman, that has been carried in every appropriation bill for three or four years. The Secretary has made no per capita payment under it, and under this very language it brings itself clearly within the rules of the House, because it provides "per capita and other payments authorized by law." If they are not authorized by law, then they can not be made.

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman whether the act he refers to was not repealed by the act of 1906—April 26—and whether the authorization——

Mr. CARTER. Oh, no; it was not repealed by the act of 1906, and the Chair has so ruled.

Mr. LENROOT. Let me finish my question. The only authorization there now—and I think it covers it—is section 16 of that act.

Mr. CARTER. The gentleman is mistaken about that—the gentleman means section 17 of the act of April 26, 1906?

Mr. LENROOT. Yes.

Mr. CARTER. When that provision was passed the same men were on the Indian Committee that made these agreements—the same high-class men who made agreements for final settlement of the affairs of the Five Civilized Tribes. They were then conducting the Indian affairs of the House and the Senate, and if they had intended to repeal that they would have done it.

Mr. LENROOT. The gentleman will see that it covers the identical question. It provides for the sale of the residue of these lands.

Mr. CARTER. And so does the agreement.

Mr. LENROOT. Certainly; and of course the later act is the one that will govern.

Mr. CARTER. And they both provide the same thing.

Mr. LENROOT. They do; but the authorization in section 16 says nothing about per capita payment.

Mr. CARTER. But section 17 does say all about per capita payment—section 17 of the same act.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Oklahoma permit me to call his attention to an act, which I think was passed in the Sixty-first Congress, which expressly provided that interest might be used for making per capita payments?

Mr. CARTER. Yes; if the gentleman will permit me to read——

Mr. BURKE of South Dakota. There was such an act.

Mr. CARTER. Yes. I would like to read section 17 of the act of April 26, 1906.

Mr. LENROOT. They both govern.

Mr. CARTER. Section 17 provides:

That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Creek, Cherokee, and Seminole Tribes of Indians have been sold and the moneys raised from such sale, or from any other source whatever, have been paid into the United States Treasury to the credit of said office, and the just charges against the respective tribes have been deducted therefrom—

And that is the charges for the sales of lands and the collection of moneys—

then the remaining fund shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior.

That is an additional authorization, which is in line with that in the treaty of 1902, and was not intended to repeal it.

Mr. LENROOT. To be additional authorization it must take the place of the other authorization.

Mr. CARTER. Unless it repeals the other.

Mr. CAMPBELL. And it does not.

Mr. CARTER. It does not.

Mr. FERRIS. They are in harmony?

Mr. CARTER. Yes.

Mr. HARRISON. Mr. Chairman, I wanted to ask the gentleman a question. On page 27, line 25, and on line 1 on the next page the following language is used which was not incorporated in the prior act; that is, in the act of 1915:

And for other work necessary to a final settlement of the affairs of the Five Civilized Tribes.

Mr. CARTER. That is provided by treaties, and has been carried in the act for several years until this provision was placed in it, that the affairs should be wound up by the end of the fiscal year for which the bill was being written. After that was placed in it for three or four years in the hope that those affairs might be wound up, then it was stricken out of the bill.

The Assistant Commissioner of Indian Affairs reminded me that there were some things that it might not be possible to do, and he said he thought that language was necessary, so we incorporated it.

Mr. HARRISON. Would the gentleman object to that language going out?

Mr. CARTER. Yes; I would.

Mr. MURRAY. Would the gentleman yield for just a moment? The Seminole Nation is the only one I know of that does not require an appropriation, and if you knock this wording out we can not make payment, and we will have to put in an appropriation and try to make payment. This does not affect the Chickasaws and Choctaws.

Mr. HARRISON. May I ask the gentleman if he would object to an exception being made of the Choctaws?

Mr. MURRAY. Well——

Mr. STEPHENS of Texas. Mr. Chairman, I ask that all debate on this paragraph close.

The CHAIRMAN. But a point of order is pending.

Mr. BURKE of South Dakota. I want to call the attention of the committee and of the gentleman from Oklahoma to the act of March 3, 1911, which provides:

That the net receipts from the sale of surface and unallotted lands and other tribal property belonging to the Five Civilized Tribes, after deducting the necessary expenses of advertising and sale, may be deposited in National or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior—

And so forth—

the interest accruing on such funds may be used to pay expenses of the per capita payment of such funds.

So there is an express authority of law by which we can use money to bear the expenses of making the per capita payment.

Mr. CARTER. Yes; I think so.

Mr. CAMPBELL. Mr. Chairman, there is no question about the authority of law. It is authorized by the Atoka agreement, by the act of 1902, by the act of 1906, and by the act of 1911.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the provision is authorized by law and overrules the point of order.

Mr. MURRAY. Mr. Chairman, I will ask unanimous consent, if the gentleman from Mississippi has no objection, to pass this next paragraph without reading until the bill is concluded.

Mr. HARRISON. I want to say to the gentleman I am not going to object to this item.

Mr. STAFFORD. I assume this is subject to a point of order.

Mr. CARTER. I think not.

Mr. STAFFORD. I think it is.

Mr. CARTER. The gentleman has not read it.

Mr. MURRAY. I ask unanimous consent to pass the next paragraph over until we are through with the bill, and then go back and take it up.

Mr. MANN. What is the paragraph?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the paragraph beginning with line 18, page 28, and ending with line 5, page 29, be passed over until the conclusion of the bill.

Mr. MANN. Oh, well, we might as well settle it now; I am going to make the point of order on it.

Mr. MURRAY. That will settle it all right.

The CHAIRMAN. Is there objection?

Mr. MANN. I will object.

Mr. CARTER. Does the gentleman make the point of order?

Mr. MANN. I will as soon as it is read.

Mr. MURRAY. I will ask the gentleman to withhold it a moment.

Mr. MANN. If the gentleman wishes to discuss the matter, I have no objection to it going over.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $50,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chickasaw Tribe of Indians, and to use the same for constructing and equipping dormitories at the Murray State School of Agriculture at Tishomingo, Okla., for the accommodation of Chickasaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: *Provided*, That this appropriation shall become available after the said city of Tishomingo shall have donated and conveyed to said tribe suitable and necessary sites upon which same are to be constructed.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MURRAY. Mr. Chairman, the only purpose I had was to try to convince the gentleman from Illinois, and if I now could convince him I would try——

Mr. MANN. The gentleman will not convince me on this item—he may; I may be mistaken. I try to be a reasoning and reasonable being.

Mr. MURRAY. Very well; I will make this statement: This Murray State School of Agriculture is a State institution. The Interior Department, through the agency at Muskogee, every year since its creation has entered into a contract by which so many Chickasaw children and so many Choctaw children of a certain age may attend this school, of which the department is to have complete supervision of their boarding facilities and everything of that sort. In other words, there must be complete cooperation with the department. Now, these pupils' board is paid every year from what is called the "coal royalty" coming to them every year, $12 a month. A pupil who goes to the school there, having to board at a private place, is compelled to pay $1 to $2 a week more than the sum that comes from this royalty amounts to. If they had this dormitory, they could board at the dormitory without any additional funds, and that is all of the proposition of building the dormitory, to enable the poorer ones to go who otherwise can not go. Men who are acquainted with the school, and Members of the House, saw the furniture I had on exhibit, which does not even start to explain the benefits of the school, know that if the Indian needs anything in the world it is an industrial training. The key to this work is agriculture, and they have a manual-training department and domestic science, a fruit department, a dairy, and a creamery. They have a farm of 200 acres there that is cultivated and the products used in all of these experiments with the dairy herd and everything of that character, and I will state further that the legislature passed an appropriation to build this dormitory some years ago, but it was vetoed, largely on the score that no one could benefit from it except the Indians, and that the Federal Government should do it. The Indians themselves want it, and it serves them; and I hope the gentleman will reserve his point of order. We provide that the town must give the lot free with the title in the tribe, or when sold it will go lot and property together. I realize it is subject to a point of order, but I hope the gentleman will withdraw his point of order, because it is to the best interest of these Indians.

Mr. STEPHENS of Texas. I cite the gentleman to the law, the act of March 1, 1907 (34 Stat. L., p. 1016):

That hereafter, when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That so much of the appropriations of any annual Indian appropriation act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available upon the approval of such act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year.

Mr. MANN. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph as being new legislation. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $50,000, or so much thereof as may be necessary, of the funds now on deposit to the credit of the Choctaw Tribe of Indians, and to use the same for constructing and equipping dormitories at the Southeastern State Normal School at Durant, Okla., for the accommodation of Choctaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: *Provided*, That this appropriation shall become available after the said city of Durant shall have donated and conveyed to said tribe suitable and necessary sites upon which same are to be constructed.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (art. 2, treaty of Nov. 16, 1805, and art. 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light-horsemen (art. 13, treaty of Oct. 18, 1820, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (art. 6, treaty of Oct. 18, 1820, and art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for education (art. 2, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $320; in all, $10,520.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman about it. It covers $3,000 for permanent annuity for support of light-horsemen, $600 for permanent annuity for support of blacksmith, and $320 for permanent annuity for iron and steel for Choctaws. How is this money expended?

Mr. STEPHENS of Texas. It is expended under the direction of the Bureau of Indian Affairs.

Mr. MANN. Under what authority does the bureau disburse it?

Mr. STEPHENS of Texas. I do not think there is any specific authority of law for that except the statute authorizing the expenditure of Indian funds.

Mr. MANN. What statute is there that authorizes them to expend it for other purposes?

Mr. STEPHENS of Texas. I know of no specific law.

Mr. MANN. In some places it is provided by treaty that these annuities may be spent elsewhere, but I have not been able to find any provision in the treaties authorizing this money to be expended for any other purpose, and I have not been able to find any provision of law authorizing it to be spent for any other purpose. And I maintain that the treaty is ended now so far as these items are concerned.

Mr. BURKE of South Dakota. I think if the gentleman will look it up he will find there is a law.

Mr. MANN. I tried to look it up, but I could not find it.

Mr. BURKE of South Dakota. Annually it is accounted by the Secretary of the Interior as to how these treaty items are expended, and you will find it in a document which came up from the Indian Office at the beginning of this session, which refers specifically to this item among others.

Mr. MANN. Very well. That does not give me the information as to the authority.

Mr. BURKE of South Dakota. I think that contains a reference to the authority.

Mr. MANN. I had supposed there would be such authority, and I looked through the volume of Indian laws and treaties as well as I could and examined the index very carefully. Of course an index is very seldom any good, my observation being that you never find what you look for in an index. But I was unable to find it by looking through the volume.

Now, Mr. Chairman, this tribe has been dissolved. We have admitted a State and the tribe has ended, has it not?

Mr. CARTER. No; the tribe was continued, but practically, in effect, has ended. It is continued in existence by law.

Mr. MANN. The Choctaw Nation has ended. Does it still exist?

Mr. CARTER. Quite a debate was had over that, I will say to the gentleman, in the Senate, and the Senate voted that it still existed.

Mr. MANN. That does not settle it. The Choctaw Nation does not longer exist.

Mr. CARTER. The Choctaw Nation was extended by the act of April 26, 1906, I think it was.

Mr. MANN. The gentleman may maintain that the Cherokee Nation has been dissolved?

Mr. CARTER. I admit that that has been dissolved.

Mr. MANN. You admit that?

Mr. MURRAY. They all exist except the Cherokee.

Mr. CARTER. The Cherokee Nation has no council, no tribunal in which to try cases, but it still has a chief, and attorneys, a mining trustee, and three or four other officials, who are provided for in this bill.

Mr. MANN. I can remember when we used to make an annual appropriation for a blacksmith for some Indians in Chicago, but finally dropped that out.

Mr. STEPHENS of Texas. I will state to the gentleman that the governors are maintained for the purpose of signing the deeds and patents.

Mr. MANN. They are not retained for the spending of any money on light-horsemen, or for the purchase of iron and steel, or for police purposes; that is a sure thing. The State of Oklahoma has police power.

Mr. CARTER. I supposed this item was carried in the language of the treaty. I do not know whether it is authorized by law or not.

Mr. MANN. It is carried in the language of the treaty, but I was unable to find any provision in the treaty under which the money could be expended for any other purpose. Of course, we know that money can be expended for that purpose.

Mr. CARTER. I thought the treaty carried that language. If the gentleman knows——

Mr. MANN. I will not say that I know anything about it. But as I examined it, I was unable to find anything about it. I withdraw the point of order.

Mr. CARTER. I think it is immaterial whether it goes in or not.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 257. Joint resolution authorizing the Commissioner of Patents to exchange printed copies of United States patents with the Dominion of Canada.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. ROBINSON, and Mr. LODGE as the conferees on the part of the Senate.

The message also announced that the President had, on January 2, 1915, approved and signed bills of the following titles:

S. 6227. An act granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the eastern branch of the Elizabeth River in Virginia; and

S. 6687. An act to authorize the Chesapeake & Ohio Northern Railway Co. to construct a bridge across the Ohio River a short distance above the mouth of the Little Scioto River, between Scioto County, Ohio, and Greenup County, Ky., at or near Sciotoville, Ohio.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita in the case of the Choctaws, and $100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act.

Mr. HARRISON. Mr. Chairman, I want to make a point of order on this paragraph.

The CHAIRMAN. The gentleman from Mississippi makes a point of order on the paragraph.

Mr. MANN. Let us have the point of order settled.

Mr. CARTER. The Chair has ruled on this before and it has been dismissed. There is no use for us to go into a discussion of the point of order, I guess.

Mr. MANN. I do not want to discuss it.

Mr. CARTER. The same question was up last year and the Chair ruled that it was in order.

The CHAIRMAN. The Chair understands it was the same paragraph that was in the bill a year ago.

Mr. MURRAY. Since that time the presiding officer of the Senate ruled like the Chairman of this House.

Mr. MANN. Well, that does not cut any ice.

Mr. MURRAY. And the Senate, by a vote of 45 to 16, sustained it.

Mr. MANN. They do not vote on parliamentary law over there. They vote on prejudice.

The CHAIRMAN. The Chair is ready to rule, unless some gentleman desires to be heard.

Mr. MANN. The last proviso may render this subject to the point of order, but I do not suppose the gentleman cares anything about that.

Mr. HARRISON. I suppose this could be cured by the offering of another amendment. I do not care to be heard on the point of order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Mississippi makes a point of order against the paragraph. The Chair had occasion to examine the various treaties and statutes which have some bearing on the question of whether or not this paragraph is in order a year ago when a point of order was made against a similar provision in the Indian appropriation bill then pending. The Chair went into the matter at some length and cited the various treaties and statutes bearing on the subject in an opinion which appears in the RECORD of that date. The Chair thinks it unnecessary to take up the time of the committee by again citing the precedents. The Chair believed then, and believes now, that this paragraph is clearly authorized by existing law and therefore overrules the point of order.

Mr. HARRISON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at line 20, page 30, by striking out "$200" and inserting "$100," and, at line 6, page 31, after the word "act," by inserting the following: *"Provided further, however,* That no per capita payment as provided in this paragraph of this act or hereafter to the enrolled members of the Choctaw Tribe of Indians in Oklahoma shall be paid until the questions of difference arising out of treaty stipulations between the members of the Choctaw Tribe of Indians in Oklahoma and the Choctaw Indians in Mississippi, commonly known as the Mississippi Choctaws, are decided by the Court of Claims; and the Court of Claims is hereby authorized to take jurisdiction of and try all claims of difference arising out of treaty stipulations between the United States Government and the Choctaw Nation, and the laws passed by Congress affecting the Mississippi Choctaws and the members of the Choctaw Tribe living in Oklahoma, and the claims of the Mississippi Choctaws either against the Choctaw Tribe in Oklahoma or the United States Government, and the rights of any claimants as Mississippi Choctaws for enrollment upon the final rolls of the Choctaw Tribe whose names do not now appear upon the final rolls of said tribe, and the legal, equitable, and moral rights of the Mississippi Choctaws in the funds or properties of the Choctaw Tribe under the treaties, laws, actions of the Choctaw Tribe and attorneys for the tribe, decisions of commissioners and courts, and actions, conditions, and circumstances of the Mississippi Choctaw claimants; and said Court of Claims is hereby granted power to review the entire questions of difference de novo; and any claimant as a Mississippi Choctaw who is not now upon the final rolls of the Choctaw Nation shall have the right for and on behalf of himself and any or all claimants as Mississippi Choctaws to begin the ascertainment of the judgment of the Court of Claims on these questions by filing in the Court of Claims a petition stating the facts on which these Mississippi Choctaw claimants base their right for enrollment upon the final rolls of the Choctaw Nation as Mississippi Choctaws"——

Mr. STEPHENS of Texas. Mr. Chairman, I desire to raise the point that this amendment is subject to a point of order, and I raise it now. Enough has been read by the Clerk to disclose the fact that this is not germane.

Mr. HARRISON. Only a short clause of the amendment remains to be read.

Mr. STEPHENS of Texas. I raise a point of order against it, Mr. Chairman, but the Clerk can conclude the reading.

The Clerk concluded the reading of the amendment, as follows:

"And in all respects the rules and practices of the Court of Claims shall be followed; and the Choctaw Nation, and the Chickasaw Nation if it so desires, through their attorneys, and the United States Government, through its Attorney General, may answer the petitions and represent the contentions of the respective parties throughout the presentation of the matter to the Court of Claims; and the Court of Claims shall make its findings and transmit them to the Congress of the United States."

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order against it. It is new legislation, and it is not germane.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard?

Mr. HARRISON. What was the gentleman's point of order?

Mr. STEPHENS of Texas. That it is new legislation and changes existing law and is not germane.

Mr. HARRISON. Mr. Chairman, the amendment is drawn so that it reduces the appropriation, and it therefore is a retrenchment; and it strikes me that the only question before the Chair is whether or not it is germane.

I think that probably it ought to be construed as being germane, because the per capita payment is under the bill to be made to those Indians on the final rolls, and this proviso restricts the payment and refers it to the Court of Claims to ascertain what members should be on the final rolls. And if some members are not on the rolls, who should be on them? The whole matter is dealing with one question. It reduces the appropriation carried, and under the Holman rule, it occurs to me, it might be held in order.

Mr. FERRIS. Mr. Chairman, I take it that it is hardly necessary to make comment upon the amendment just offered. But certainly it repeals existing statutes not once, but in five or six instances; and certainly it creates not legislation in one place, but in five or six places. Certainly it creates new conditions under the law, and repeals statutes one after another almost ad infinitum; and certainly there is nothing on its face that would show that it would come within the Holman rule.

On the contrary, as a matter of fact, it would probably be one of the most extravagant amendments that could be offered from the standpoint of retrenchment. It would cause the retrial and reinvestigation of matters that have been, not once but four or five times, adjudicated, and it would bring on lawsuits and litigation that would distort and enlarge the expenditures of the Government rather than retrench them.

It could not from any conceivable viewpoint, in my judgment, be held in order. I do not think there is any rule of the House that would even squint at its being in order.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. LENROOT. In addition to what the gentleman has said, it does not affect any expenditure of the Government at all, so that the Holman rule would not apply.

Mr. FERRIS. That is true. It is a proposition to withdraw from the Indian funds their money, and it does not concern Government funds in any way.

Mr. MURRAY. And besides it is new legislation.

Mr. HARRISON. Mr. Chairman, I do not understand the gentleman's argument that there can not be a limitation placed upon the expenditure of Indian funds the same as funds out of the Treasury of the United States. Do I understand the gentleman to make that statement?

Mr. FERRIS. My thought is that this question involves almost a ministerial act of the Government in carrying out a treaty provision with the Indian tribes. In other words, in 1897 and again in 1902 the Federal Government agreed to sell the surplus land and town sites of the Indians and to distribute to them per capita their money.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas [Mr. STEPHENS] makes a point of order on the amendment that has been offered by the gentleman from Mississippi [Mr. HARRISON] and which has been read at the Clerk's desk.

The paragraph to which this amendment is offered provides for a per capita payment to enrolled members of certain tribes of Indians in Oklahoma. The gentleman from Mississippi proposes a proposition for a determination on the part of the Court of Claims as to whether or not other tribes of Indians are entitled to enrollment.

The Chair does not think that the amendment offered by the gentleman from Mississippi is germane to the pending paragraph. In addition to that, it is clearly new legislation, and therefore the Chair sustains the point of order.

Mr. HARRISON. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, line 6, page 31, after the word "act," by inserting the following:

"*Provided, however,* That the provisions of the preceding paragraph of this act with respect to the Choctaw Tribe shall not be operative until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma."

Mr. CARTER. I make a point of order against that amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order against this amendment.

Mr. HARRISON. Mr. Chairman, this amendment is clearly in order. It is a limitation upon the amount appropriated in the paragraph. There is no new legislation proposed in it. It is merely a limitation upon the appropriation of the per capita payment.

In this connection I want to cite the chairman of the committee a precedent for this amendment, found in volume 4 of Hinds' Precedents, page 637, section 3943. There are many others holding to the same view, but I think this one ought to convince the Chair that it is in order.

On February 23, 1907, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the following amendment was offered to the paragraph providing appropriation for the National Homes for Disabled Volunteer Soldiers:

Add the following:

"*And provided further,* That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold."

Mr. RICHARD BARTHOLDT, of Missouri, made the point of order that the amendment proposed legislation.

In the course of the debate Mr. JAMES R. MANN, of Illinois, argued:

Here is a situation now proposed where Congress by law is creating soldiers' homes. It has by law provided for the government of soldiers' homes. At soldiers' homes it has vested the government in a board of managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by a limitation change the organic law. Here is a provision—

Argued Mr. MANN—

that although Congress has created these soldiers' homes by an organic law, although it has provided for the government of the soldiers' homes by a board of managers, a proposition through the form of a limitation to take away the control of the board of managers and by affirmative legislation in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the board of managers the discretion over the management of the homes, is positive affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill is construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation.

After further debate the Chairman ruled:

The language used in the amendment offered by the gentleman from Kansas is as follows:

"*And provided further,* That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen wherein intoxicating liquors are sold."

The Chairman said:

This very proposition was presented in regard to the State Soldiers' Homes in 1904, and the Chair at that time overruled the point of order and held it in order as a limitation. If the Chair were only following the precedent, he would be constrained to overrule the point of order in this case. One year ago this whole question, as most of the Members will remember, was taken up and discussed thoroughly and elaborately, and at that time the gentleman from Kansas offered this proviso:

"That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said homes for the sale of beer, wine, or other intoxicating liquors."

In legislation we look to the substance, and not to the form; and unless there is an affirmative attempt to restrict the administrative power or departmental function, it has always been held that a limitation in negative language is in order.

The present occupant of the chair went fully into the authorities and quoted a large number of decisions by Mr. Hemenway, of Indiana; Mr. BURTON, of Ohio; Mr. Payne, of New York; and other eminent parliamentarians who had occupied this chair when questions of similar import had been raised, all sustaining the theory that limitations of this character are clearly in order.

The Chair does not care to go fully into this line of decisions again, because the Chair believes that the ruling at that time was acquiesced in and believed to be the proper ruling under the circumstances. Therefore the Chair overrules the point of order.

It strikes me, Mr. Chairman, that there was an appropriation for the soldiers' homes, and the amendment offered was a limitation on the appropriation that precluded this appropriation being expended in any soldiers' home where intoxicating liquors were permitted to be sold. This amendment is analogous, because in this bill an appropriation is made for the per capita payment to these Indians. The amendment that is offered is a limitation upon that appropriation. It does not ask to do any affirmative thing. It only says that that appropriation shall not be expended, or that the per capita payment shall not be distributed, until the rights of the Mississippi Choctaws shall be heard and determined by Congress. It is merely a withholding of the distribution.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. STEPHENS of Texas. Is it not a fact that there is existing law requiring the United States Government, under the language of the treaty and under the act of Congress, to pay out that money? And would not this amendment, if adopted, violate and set aside and repudiate the treaty with the Indians and also the act of Congress.

Mr. HARRISON. The law now is that Congress in its discretion shall make these payments, when the lands have all been sold, and so forth. It is a matter of discretion with Congress and for Congress to say when these per capita payments shall be made.

Mr. CARTER. The present law provides really that the payments shall be made from year to year.

Mr. HARRISON. When the lands have all been sold and the proceeds paid into the Treasury.

Mr. FERRIS. Mr. Chairman, the treaty of 1897 and the treaty of 1902, known as the Atoka agreement and the supplemental agreement, respectively, the first made in 1897 and the second in 1902, were two solemn treaties entered into between the tribe of Indians in Oklahoma and the Federal Government. Without reading the treaties at length, the task of the Federal Government was to sell the surplus lands, to sell the town sites, convert their surplus property into money, and pay it out

through the proper channels. Later, on April 26, 1906, Congress, trying to vitalize and carry out to the letter the terms of those treaties, passed an act providing for the closing of the roll on March 4, 1907. The exact language is as follows:

Provided, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th of March, 1907.

Of course, the act deals with some other things. Now, my thought is that the gentleman comes in under the guise of a limitation on a thing that the Federal Government is bound to do by statute law and by solemn treaties, and asks the Chair to hold that he may repeal two solemn treaties and the act of April 26, 1906. I think he is asking the Chair to do too much. Under the guise of a limitation he is asking to break the faith of the Federal Government and repeal an act of Congress.

The CHAIRMAN. Is not that a question for Congress rather than for the Chair to decide?

Mr. FERRIS. I think not. If this was a limitation on a thing that the Federal Government was to do, I think the gentleman would be correct, but surely under the guise of a limitation the Federal Government in a thing it is legally bound to do can not attack and break up three subsidiary, far-reaching obligations and destroy them. If such was the case, every appropriation bill that comes into the House and every paragraph read from the desk might be amended with a proviso that nothing under this section shall be expended unless something or other occurred, thereby stopping the wheels of Government and stopping the supply bills until the Member could have such legislation as he desired. I want to call the attention of the Chair to the mischief and trouble he makes for the House in the future if he tries to hold that because a man starts out in his amendment with "*Provided*," which proposes to be a limitation and as to matters wholly foreign to the appropriation, and tries to inject into it something else, there would be no end to it. In case of the sundry civil bill and the general deficiency bill, can I, because I start off and say, *Provided*, no part of the appropriation shall be used until some wholly independent piece of legislation is acted upon—can I get that in under the guise of a limitation? Can the supply bills, the wheels of Government, the appropriations made for a thousand things for the Government, be stopped because I start out with the proposition that it is a limitation? The Chair gets on thin ice if he holds that before money can be expended for a given specified purpose that certain matters of specific legislation must be settled in advance.

The gentleman from Mississippi asks the Chair to repeal two treaties and an act of Congress. I can not believe that the Chair, I can not believe that the gentleman from Mississippi, or any other Member can ask that his matters be adjudicated because he starts out with an amendment and calls it a limitation in an appropriation bill.

Mr. LENROOT. Mr. Chairman, just a word. I do not think the gentleman from Oklahoma [Mr. FERRIS] is right. I shall vote against the amendment. The gentleman from Oklahoma can not claim that if this amendment is adopted it will change existing law in any way, because the rights of the Five Civilized Tribes with relation to the Government will remain exactly the same as they are now. The only thing that it can affect is this particular appropriation to carry out the rights which may exist. Gentlemen will not claim that it would not be a proper amendment to say that no part of the appropriation shall be paid out before the 1st day of January, 1916.

Mr. FERRIS. I think not.

Mr. LENROOT. All the amendment does is to provide that payment shall not be made except upon the happening of some other event, and if the event does not happen within the year the appropriation fails.

Mr. FERRIS. Mr. Chairman, I do not want to eliminate the Chair from this, because the Chair has to decide it. Let me call attention to the position the gentleman from Wisconsin is trying to lead the House into. Suppose the Agricultural appropriation bill provides some service for the gentleman's State; would the Chair be asked to hold that I could offer a proviso and have it held in order that no money could be expended in Wisconsin until an equal amount was spent in Oklahoma? I think that any such troublesome course as that would not be held lawful. Suppose a bill comes in for the construction of a bridge across the Mississippi River, and I offer an amendment providing that they shall not build that bridge until they build five bridges in the State of Texas or Oklahoma.

Mr. LENROOT. What rule does it violate?

Mr. FERRIS. I think it violates the rule that prohibits a change of existing law. I think it would repeal existing law.

Mr. CARTER. It is new law, and requires the Government or renders it liable to do things that it is not bound to do.

Mr. LENROOT. If the amendment was adopted the rights of the Five Civilized Tribes will remain the same as they are now. It could only affect the paying out of the money.

Mr. FERRIS. It would affect it to this extent: The Government is legally bound to pay out under the treaties and the act of Congress this money. Any amendment offered which throws a monkey wrench into the machinery and requires it to do things that it is not bound to do is a change of law.

Mr. LENROOT. The gentleman does not differentiate between liability and making an appropriation. We might strike out the item entirely and the liability will remain the same.

Mr. CARTER. We might strike out the item, but the amendment changes existing law, because the rights of the Mississippi Choctaws have been determined by a court and by a commission, and after that had been decided an act was passed by Congress.

Mr. LENROOT. This does not change their rights in that respect.

Mr. CARTER. It says that no money shall be paid out until these rights are adjudicated.

Mr. LENROOT. It does not provide for adjudication.

Mr. CARTER. It contemplates further adjudication of the case.

Mr. SISSON. Mr. Chairman, I call the Chair's attention to the language of this amendment. It does not, as was stated by the gentleman from Wisconsin [Mr. LENROOT], change existing law. On the contrary, it is a mere limitation placed upon the right of the Secretary of the Treasury to pay this money out until the rights of the Mississippi Choctaws have been determined. In other words, a limitation is always in the nature of a provision providing that upon conditions prescribed being complied with the money may be paid out. It does not change the status of an Indian in Oklahoma; it does not change the language or words of a single treaty; but it simply is a limitation that the money shall not be expended out of the Treasury until the rights of other people shall have been determined who may not now be on the Choctaw rolls. You might put in this limitation this language: "That it shall not be paid out until the rolls of the Choctaws have been carefully gone over and their rights adjudicated." That would not in any way change the existing law. This does not change existing law. It simply provides that those who have the right now shall simply remain in statu quo for the purpose of determining whether or not there are other parties that may be entitled under the very law these gentlemen cite to a portion of this money. It is not sufficient to say, nor can the Chair nor can this Congress say, that every man's right has been properly adjudicated there. Therefore it is simply a precautionary measure which Congress should take in expending the money, to see to it that the rights of all the parties in interest are taken into consideration.

If the Chair were a judge upon the bench determining the rights of wards in chancery, he would first determine whether or not all of the wards were properly in the court, whether or not they were all properly represented, and whether each was to get his pro rata share of the distribution of the estate. That is what this amendment does. It is simply a precaution put upon this appropriation for the purpose of determining with certainty before this estate is distributed that these wards have all had their rights properly adjudicated; and, if so, instantly under this limitation the money could be paid, but until that matter was fixed and determined, then this limitation upon this appropriation bill is binding, and binding that far only. It therefore changes no existing law; it changes no treaty or the language of any treaty obligation which the Government is under to anybody.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. JACOWAY. I will ask the gentleman if, under the provisions of the Atoka agreement, there is not a provision of the treaty that these funds shall be paid out from year to year.

Mr. SISSON. That may be true. This does not prevent it being paid out from year to year, but simply provides that it shall be paid to the proper parties, and that the proper parties must be determined before this appropriation can be distributed; and that is all it does, and that is the right which Congress has to see to it that the proper parties get the money where you are distributing an estate like this. If Congress has not, then it is the duty of Congress to make provision to do so, and Congress has the right to withhold any appropriation until Congress is absolutely satisfied that the proper parties will get the money which belongs to them, and it is the duty of Congress to so safeguard these appropriations that the proper parties may obtain the money.

This proposition here is simply a limitation providing that the proper parties shall obtain the money, and that only those who are entitled to it under the treaties and under the law shall be heard, and that they shall be heard before this money is distributed; and after they shall have been heard, then,

under this proviso, in the next year or the following year they can get every dollar to which they are entitled.

Mr. JACOWAY. I will ask the gentleman if in the decision in the Jack Amos case and in the Stevens case and under the provisions of the Curtis Act of 1902 it has not been ascertained that the proper parties to this——

Mr. SISSON. That has nothing to do with this limitation.

Mr. JACOWAY. But the gentleman said until the proper parties and the rights of the proper parties had been ascertained, and I will ask the gentleman——

Mr. SISSON. Oh, the Chair can not take judicial notice of the fact as to whether those acts have been complied with and whether every man has presented himself; nor is that a matter for this Chair now to decide. The only question for him to decide is not the wisdom or the unwisdom of this limitation, nor whether or not it is unfair, but the only question is whether it is in order; and if it is in order, then it is up to Congress to decide the other question.

Mr. JACOWAY. I will ask if the adjudication in all those cases was not against the contention of the Mississippi Choctaws?

Mr. SISSON. Mr. Chairman, I am not arguing the contention of the Mississippi Choctaws, nor am I arguing their rights. I am arguing the right of this House to place this limitation on this appropriation bill. The rights of the Mississippi Choctaws are not involved in this discussion, nor are the rights of the Choctaws in Oklahoma involved. The only question involved is whether or not this limitation placed in this bill is a proper limitation on this appropriation, and if it is in order, then Congress has the right to place the limitation upon it. Taking that view of it, I contend that it is nothing but a limitation and in exact accord with the decision of the Chair already referred to in the case of the canteen, which was a limitation placed upon an appropriation bill. It was contended then that that was legislation, legislating out of the Army the right of the canteen, the right of those people who had been selling liquor to the soldiers, and the effect of it was, as if they had legislated in hæc verba, that it could not be sold there. The only thing they did was to say that the appropriation could not be used until the canteen had been eliminated. In this case this money can not be paid out until the rights of the Mississippi Choctaws—the amendment does not say Mississippi Choctaws, but the right of those people who are entitled to this distribution under the laws and treaties—have been determined, and when that right shall have been determined, then and not until then should this money be paid out.

Mr. CAMPBELL. Mr. Chairman, the amendment offered provides that the appropriation with respect to the Choctaw Tribes shall not be operative until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the final roll of the Choctaws in Oklahoma. The question is whether or not that is such a limitation as comes within the rules of the House. The gentleman from Mississippi has cited the case of a limitation on an appropriation bill providing for soldiers' homes that an appropriation should not be used until the sale of intoxicating liquors had been prohibited in the homes. The fact is that there was no legal right to sell intoxicating liquors in the home prior to the time that limitation was made. There was no direction that the authorities of the home should sell or might sell or were permitted to sell. Liquors were sold by sufferance, not by right, and the limitation was very proper. In this case the Atoca agreement directed that the lands of the Choctaws in Oklahoma should be appraised and sold and that the proceeds should be paid to the members of the tribe. The act of 1902 provided that the affairs of the Choctaws should be wound up, that they should be paid everything that was their due, and that the moneys in the Treasury of the United States for their benefit should be paid to them, and that the affairs of the tribe should be wound up. Again, in 1906, the Congress solemnly closed the roll of the Choctaw Tribe of Indians in Oklahoma, and made that closing of the rolls effective on the 4th day of March, 1907. That is the law of this country to-day, the law that has governed Congress ever since, the law that has governed the Secretary of the Interior and the administration of the Indian Office, and the law that has governed the courts with respect to the Choctaws and Chickasaws. So the limitation placed by this amendment clearly sets aside not only the Atoca agreement, the act of 1902, but also the act of 1906, to finally close the Choctaw rolls on the 4th day of March, 1907, and says now that nothing further shall be done with respect to these payments until—what? Why, the rolls shall be opened again; that the act of 1906, so far as the closing of the rolls is concerned, shall be repealed and the rolls reopened.

Mr. LENROOT. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LENROOT. I know the gentleman means to be accurate, but he is inaccurate in this. This, if adopted, does not say that nothing further shall be done until Congress shall act, because the next appropriation may come in and make this per capita payment, and if it is adopted it will have no effect upon it whatever. It falls with this appropriation.

Mr. CAMPBELL. Well, so far as this law is concerned, it goes as far as it can. It sets aside the act of 1906, in so far as each of these appropriation bills could set it aside. It sets it aside for the period of one year, and with a precedent of a subsequent chairman to hold that a similar limitation upon an appropriation bill a year hence could set the same law aside for the subsequent period of another year, and so on from year to year set aside a law of Congress.

The CHAIRMAN. Now, the fact that Congress has the power and right under the law to make this per capita payment, of course, does not necessarily mean that Congress is compelled to make the appropriation.

Mr. CAMPBELL. The intention of this Congress was and the mandate of the law was that the affairs should be closed up and that this appropriation should be made. There was a solemn treaty agreement made at Atoka, Okla., in 1902, pledging the Congress of the United States to close up the affairs of the Choctaws and the Chickasaws, and then the act of 1906, finally closing the rolls, is substantially modified by this amendment.

The CHAIRMAN. Has the gentleman the amendment? The gentleman from Kansas will proceed.

Mr. CAMPBELL. I had submitted, if the Chair pleases, the observations that I had to make upon the point of order.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] offers an amendment to add the following language to the paragraph:

Provided, however, That the provisions of this paragraph in respect to the Choctaw Tribe shall not be operative until Congress shall determine the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma.

The gentleman from Texas [Mr. STEPHENS] made the point of order that this amendment is not germane and is new legislation.

Mr. STEPHENS of Texas. And will repeal existing laws, Mr. Chairman.

The CHAIRMAN. And that it repeals existing laws. The purpose of the paragraph under consideration is to direct a per capita payment of a given sum to certain tribes of Indians, the payment to be made out of trust funds belonging to the Indians and within the control of the United States Government. It provides for an unconditional per capita payment. The fact that under existing law Congress has the right in an appropriation bill to make a per capita payment to the Indians does not, of course, carry with it the absolute requirement on the part of the Congress to make the appropriation.

In other words, it is entirely within the discretion of the Congress whether or not it will make the appropriation. It may make all or a part of the appropriation, or it may adopt a provision making the appropriation entirely nugatory, provided such provision is germane and does not change existing law. The amendment offered by the gentleman from Mississippi seeks to delay the payment of any per capita payment until Congress shall have determined the rights of the Mississippi Choctaws whose names do not now appear upon the final rolls of the Choctaws in Oklahoma. There is nothing in the amendment seeking to force the Congress or to compel the Congress to determine the rights of the Mississippi Choctaws. It simply provides that a per capita tax shall not be paid until the Congress shall have determined such rights. Now, it seems to the Chair that Congress, having the right to make the appropriation in any amount it deems proper, may also adopt a provision rendering the entire appropriation nugatory. The wisdom of such a course is for the committee and not the Chair to determine. The Chair does not think the amendment open to the objection of being new legislation or that it changes existing law. The Chair has not been furnished with any treaty or statute providing specifically for an annual per capita payment. If there was any such statute, the Chair apprehends that it would not be necessary to have the provision which has been reported as a part of the pending bill. The Chair is of opinion, however, that there is ample authority for Congress to make such annual payment in an appropriation bill if it sees fit to do so. On the other hand, Congress may withhold it, as has been done in the past. The Chair therefore does not think that the amendment changes existing law, nor does it propose new legislation. It is, in the opinion of the Chair, only a condition or limitation on the appropriation, the effect of which

and the advisability of which the committee and not the Chair must determine.

The Chair thinks the amendment in order, and therefore overrules the point of order. The question is——

Mr. FERRIS. Mr. Chairman, now that the Chair has held this is in order, as this naturally strikes at the whole question, I think there ought to be some arrangement of gentlemen more interested in it than I am as to the time for debate on this question.

Mr. MANN. There is a half an hour on a side.

Mr. STEPHENS of Texas. I thought there was a general arrangement the other day in reference to debate upon this question that each side should have a half an hour. Am I correct in that—one-half an hour to the gentleman from Oklahoma [Mr. CARTER] and half an hour to the gentleman from Mississippi [Mr HARRISON]?

Mr. CARTER. That was the understanding; and there was a further understanding that the agreement should not interfere with the debate under the five-minute rule, as I now remember.

Mr. STEPHENS of Texas. It has not.

The CHAIRMAN. Under the rule adopted, or, rather, under the unanimous-consent agreement of the committee, the gentleman from Mississippi [Mr. HARRISON] was to be entitled to 30 minutes and the gentleman from Oklahoma [Mr. CARTER] to 30 minutes.

Mr. BURKE of South Dakota. That was for general debate.

The CHAIRMAN. The Chair does not understand that that interferes with the five-minute rule in any sense.

Mr. CARTER. Mr. Chairman, there ought to be an arrangement about the time when the general debate shall come and when the debate under the five-minute rule shall come.

Mr. CAMPBELL. May I suggest to the gentleman from Texas [Mr. STEPHENS] and the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Oklahoma [Mr. CARTER] that it is now 20 minutes after 4 o'clock. There are only a few Members of the House here. I suggest that this item be passed over and that we finish the bill and come back to this in the morning, when we have a full House.

Mr. FERRIS. Mr. Chairman, reserving the right to object, I know my good friend from Kansas and I believe about this matter alike, so it is not a question of interest or noninterest. I hope we can take it in the regular order. I hate to have our State singled out and shot at all the time. So let us fight it out as we go.

Mr. CAMPBELL. We can finish this bill to-night and get on this in the morning.

Mr. STEPHENS of Texas. That would take us to 20 minutes of 5 o'clock. That would leave us plenty of time to get through with the bill by 6 o'clock.

Mr. MANN. That would not end the five-minute debate.

Mr. STEPHENS of Texas. I understand, but I think that general debate could be concluded in the hour.

Mr. FERRIS. Let me state to those who are more interested than myself that the chairman of the committee tried to get unanimous-consent agreement in the House to have a certain amount of debate yielded out on either side and fix the time positively and definitely for the vote.

Mr. STEPHENS of Texas. That is probably what they will do.

Mr. MANN. They will do it anyway.

Mr. CAMPBELL. And then to-morrow they will want to know what they are voting on.

Mr. STEPHENS of Texas. I ask unanimous consent that we vote at 5.30 o'clock p. m. on this section and all amendments thereto.

Mr. LENROOT. Mr. Chairman, I object.

Mr. STEPHENS of Texas. Then I extend it to 6 o'clock.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, we have only a few legislative days left for the consideration of appropriation bills. This bill has taken already an unusual length of time. I realize that gentlemen are interested, but there is no reason why this whole case should not be stated pro and con in 15 minutes on a side. The thing is to go on with the debate, and those in charge of the bill move to end the debate on it at the proper time.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of two hours, one hour to be controlled by the chairman of the committee or the gentleman from Oklahoma [Mr. CARTER] and the other hour by the gentleman from Mississippi [Mr. HARRISON], a vote be had on this proposition.

Mr. SHERLEY. I will not agree to anything like two hours' debate.

Mr. FERRIS. We have already gotten unanimous-consent agreement through for half an hour on a side.

Mr. SHERLEY. All right. I can not stop that.

Mr. STEPHENS of Texas. I ask that we proceed, then, under the half-hour arrangement as heretofore agreed upon as the regular order.

Mr. CARTER. The gentleman from Mississippi [Mr. HARRISON] will probably want some time for closing his side of the case—more than five minutes—and it may, perhaps, be possible for us to come to some agreement upon that proposition, anyway.

Mr. MANN. You better do that after you finish the general debate.

Mr. STEPHENS of Texas. We have already agreed by unanimous consent on 30 minutes for debate, and we have reached the point for that debate to begin, and I shall insist on the agreement being carried out.

Mr. HARRISON. Mr. Chairman, I ask for 45 minutes on a side. I have 30 minutes already. I am willing to give out my time. All I want is a few minutes in which to close. I am willing to agree to 40 minutes, 45 minutes, or even 30 minutes.

Mr. STEPHENS of Texas. Thirty minutes on a side has already been agreed to.

Mr. HARRISON. The gentleman is wrong about that. They agreed that the gentleman from Oklahoma [Mr. CARTER] should have 30 minutes and I should have 30 minutes. But that would not interfere with discussion under the five-minute rule. The gentleman would save time by agreeing to take a vote on this amendment at the end of a certain period.

Mr. STEPHENS of Texas. There is no trouble about this matter whatever. We have reached the point now where the general debate should begin, and if these gentlemen are not ready I will ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. Does the gentleman ask for the regular order?

Mr. STEPHENS of Texas. I ask for the regular order.

Mr. HARRISON. I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman makes the point of no quorum.

Mr. HARRISON. I withdraw the point, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Under the agreement before we went into the Committee of the Whole the gentleman from Oklahoma [Mr. CARTER] was to have half an hour and I was to have half an hour. I have proposed an amendment that is pending. I believe that under the rules of the House I have the close.

Mr. CARTER. The committee has the close, Mr. Chairman, under the rules.

The CHAIRMAN. No agreement was made as to the question of closing. The Chair would consider it, as a general proposition, that the chairman of the committee would have the right to close the debate.

Mr. MANN. Will the gentleman from Mississippi [Mr. HARRISON] yield to a question?

Mr. HARRISON. Yes.

Mr. MANN. I notice the amendment refers to the preceding paragraph.

Mr. HARRISON. I want to ask unanimous consent that the word "preceding" be stricken out in order to make the amendment applicable to this paragraph of the act.

The CHAIRMAN. Does the gentleman move to strike out the word "preceding" and substitute the word "this"?

Mr. HARRISON. This paragraph of this act.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi to have the paragraph modified?

Mr. STEPHENS of Texas. I ask to have it reported as it would read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 6, page 21, after the word "act," by inserting the following:

"*Provided, however*, That the provisions of this act with respect to the Choctaw Tribe shall not be operative until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma."

The CHAIRMAN. Is there objection to the gentleman from Mississippi modifying his amendment as indicated?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, will it read "this paragraph" or "this act"?

Mr. MANN. No; "this paragraph."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Is it the ruling of the Chair that I must proceed for 20 minutes, if I want to avail myself of that privilege?

Mr. MANN. You can proceed and reserve part of your time, and the others will have to take it or not take it at all. They are entitled to close.

Mr. HARRISON. May I ask the Chairman another parliamentary inquiry? May I talk as long as I want to and reserve the balance of my time?

The CHAIRMAN. The Chair understands that the gentleman has that right.

Mr. HARRISON. Mr. Chairman, the provision of this bill that we are opposed to is the per capita payment of $200 to the Oklahoma Choctaws. The amendment that I have proposed does not ask for anything to be done by Congress with respect to reopening the rolls. Our only desire is at this time that Congress do not distribute any of the moneys in the funds of the Choctaw Nation, for the very potent reason that the differences existing between Indians in Mississippi who lay claim to the right to be enrolled and the Choctaws in Oklahoma should first be fairly settled. That has not been done. I shall later on in the argument present to you not what I may myself say about the claims of the Mississippi Choctaws, but I will present to you what the chairman of the Committee on Indian Affairs said about their rights, after the rolls were closed in 1907, and how badly and unjustly they were treated, and I shall read to you what was said by a distinguished citizen of Oklahoma who now occupies a seat in the Senate of the United States [Mr. OWEN]. He knows more about these claims of the Mississippi Choctaws than any man in the country. I shall present to you what he says with respect to these claims and these rights of the Mississippi Choctaws. If these claims are fictitious, if they are no good, if there is nothing to them, then let me say that you must say he is wrong, because I shall read to you from his pen and his mouth the most convincing arguments and facts about their claims. And his utterances were made only a few years ago, four or five years after the rolls were closed.

These are the character of arguments that I shall present to you, in order that you may know that they are not partisan statements tinctured with partiality for my people. However, in the face of all these facts that I shall present we are only asking Congress to withhold this money at this time, so that these claims of the Mississippi Choctaws might be fairly considered by Congress or might be presented to the Court of Claims and be passed upon.

I submit to you, sirs, that when we ask Congress simply to withhold this distribution we are not asking too much. We are trying to protect the Treasury of the United States, because the Oklahoma Members would have this Congress pass laws for the benefit of the Mississippi Choctaws, but they want it appropriated out of the Treasury of the United States. I do not want that. I want it to come out of the funds of the tribe. I do not want any claims to come up in the future from these Mississippi Choctaws against the Government of the United States.

Now is the time to settle the question between the Oklahoma Choctaws and the Mississippi Choctaws, not after these funds are all distributed; and I submit that it would be folly for this Congress to go ahead under the circumstances and distribute these funds.

I shall later on submit to you a letter that my good friend from Oklahoma [Mr. CARTER] wrote to his constituents, saying that this was the way they wanted to deplete the Treasury of those funds and to distribute them so that there would be nothing left.

Mr. CARTER. Mr. Chairman, I do not think the gentleman should say that. I do not think I made any such statement as that.

Mr. HARRISON. Well, virtually that. I reserve the balance of my time, Mr. Chairman.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield to me at this point?

Mr. HARRISON. No; I reserve the balance of my time.

The CHAIRMAN. The gentleman from Mississippi reserves the balance of his time. The gentleman from Oklahoma [Mr. CARTER] is recognized.

Mr. CARTER. Mr. Chairman, I yield 12 minutes to the gentleman from Oklahoma [Mr. FERRIS].

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized for 12 minutes.

Mr. FERRIS. Mr. Chairman and gentleman of the Congress, the House of Representatives and all people interested in the nonresident Mississippi Choctaw claimants, so called, residing in Mississippi, are entitled to know the truth regarding this controversy which is to-day annoying the Congress.

I will in the time allotted to me present facts, historical data, treaties, laws, regulations, decisions of courts, the decision of the Dawes Commission, and provisions in the patent, that I think will simplify this case so that every man will understand that the nonresident Mississippi Choctaw claimants, so called, have neither in law nor equity any claim whatsoever against the Oklahoma Band of Choctaws.

HISTORICAL DATA.

Ninety-five years ago, in 1820, the Choctaw Tribe of Indians in toto resided in the State of Mississippi. They owned approximately 15,000,000 acres of land in Mississippi, and all resided there. By the treaty of 1820, which was a treaty between the Choctaw Tribe and the Federal Government, these Indians exchanged 4,000,000 acres of their Mississippi lands for certain lands west of the Mississippi River, which now comprises that section of the State of Oklahoma known as the Choctaw and Chickasaw Nation. It was, up until statehood, designated as the southeastern part of the Indian Territory, and since statehood may well be described as comprising the southern and southeastern portion of the State of Oklahoma.

Ten years later an additional treaty was entered into between the same tribe and the Federal Government, which was intended to more effectually carry out the treaty of 1820. This treaty was designated as the Dancing Rabbit treaty of 1830 between the Choctaw Indians and the United States Government. It contains the fourteenth article of the treaty on which the so-called Mississippi nonresident Choctaws base their purported claim for a share in the property of the Oklahoma Indians. Under this treaty of 1830, 15,000 of the 18,000 Indians moved west and took up residence in the then Indian Territory, in strict compliance with the terms of the treaty they had made. Some three or four thousand of the tribesmen refused to move to Oklahoma under the provisions of the treaty and remained in Mississippi, accepting land, land scrip, and money in lieu of going to Oklahoma and participating in that estate. The approximately 4,000 Indians who remained in Mississippi from 1830 to 1842 had the privilege, under the treaty, of taking up residence on and being allotted any part of the 10,000,000 acres left in Mississippi that they desired. Under the fourteenth article of the treaty each head of a family was entitled to 640 acres of land, each child over 10 years of age 320 acres, and each child under 10 years of age 160 acres. At that time land was of little or no value in Mississippi. The Indians cared nothing for the land, and during that period of 12 years only 143 families were induced to take lands from the 10,000,000 acres left in Mississippi. The remaining Indians, up until 1842, had therefore not received directly any benefits under the treaty, so the Government took the matter in hand, pursuant to an act of Congress passed for that express purpose, and identified 3,885 of these Indians who had refused to take allotments during the 12-year period, and delivered in person to each of them land scrip and money equivalent in value to 640 acres for every head of a family, 320 acres for every child over 10 years of age, and 160 acres for every child under 10 years of age. The muster rolls of the Indian Office show that this land scrip and money was actually delivered to the Indians in person and that they actually received it and got the benefits of it, and a list of their names will be incorporated in my remarks later.

It will, therefore, be conclusively shown that the Indians who remained in Mississippi actually received more benefits than did the treaty Indians who removed west. They really had a larger patrimony than the Indians who moved on to the frontier at the instance of the Government to what was then a savage, hostile, dangerous country. Those who moved west at that time were subject to the hardships and outrages inflicted upon them by the wilder tribes of Indians who then lived upon the prairie sections of the State and who preyed upon their peaceful neighbors and committed all manner of outrages against them. It will be remembered that the Choctaws were always a peaceful people and never warlike, as were the other uncivilized tribes.

It will also be interesting to observe that of the 4,000 Indians who remained in Mississippi, up until the issuance of patent in 1842 by President Tyler, 3,400 of them actually emigrated between the years 1830 and 1855 and took up residence with their brethren in Oklahoma, were again allotted land, and either they or their descendants are now members of and participating in all the property and benefits incident to tribal citizenship with the Oklahoma Choctaws. It will be observed with interest, I think, that these 3,400 Mississippi Choctaws who

emigrated West therefore received double patrimony and that only 700 of the old treaty Indians who lived at that time failed to receive any share in the Oklahoma property. Of course it will be remembered that these 700 received the land scrip or the land itself and the money that went with it to make up the equivalent of their full allotments.

I think I will be able to show that the Oklahoma Indians have had a solemn patent from the Federal Government to their lands for 73 years; I think I will be able to show that the Oklahoma Indians have been in possession of their lands in Oklahoma for 85 years; I think I will be able to show that the original Mississippi Choctaws who signed the treaty of 1830, and who refused to move West, are long since dead, and although the rolls of the Oklahoma Indians were open from 1830 to 1890, a period of 60 years, each day the Mississippi Choctaws refused to come and be enrolled and become a part of the Oklahoma Band or Tribe of Indians; I will also be able to show that Congress itself divested the Oklahoma Tribe of Indians of their power to make the rolls and took full charge of the matter itself, and that after they held the rolls open for a period of from 12 to 14 years that Congress itself, under the act of April 26, 1906, by solemn enactment closed the rolls, to take effect on March 4, 1907, and that the rolls are affirmatively closed. I will be able to show that the patent issued under President Tyler in 1842 to the Oklahoma Indians prescribes that residence upon the land was absolutely necessary, and not only that, but that they must initiate residence and remain residents of the territory, otherwise the land would be forfeited. I will be able to show that the rights of these people have been passed upon, first, by President Tyler when he issued the patent in 1842; second, by the Indian tribal government which then under the law had power to make their own rolls; third, by the Dawes Commission, which consisted of a board of lawyers created by Congress for the express purpose of determining this proposition; fourth, by the Federal court; and fifth, by the Congress itself in the act of April 26, 1906. I will be able to show that practically all of the Indians who participated in that treaty are dead; that the remnant band who remain in Mississippi are the descendants of the original parties to the treaty, who received their patrimony and disposed of it.

I will be able to show by Government reports that most, if not quite all, of this remarkable and unusual activity which seeks to break down treaties between the Federal Government and the Oklahoma Indians, which seeks to override the decisions of courts, which seeks to upset Indian laws and treaties for almost a hundred years back, is brought about by some unconscionable, unscrupulous, grafting, shyster attorneys who are seeking to enrich their own pocketbooks at the expense of the Oklahoma Indians. The truth of this assertion will be established by the report of Maj. James McLaughlin, one of the oldest inspectors in the Indian Service, who went to Mississippi in person, was there on the ground where this work was going on, made an investigation, and presents a statement of facts which is more scandalous and far-reaching than any thoughtful person can fathom or understand.

Without further preliminary remark at this time I will present to the Congress the treaties and laws in connection with these transactions, which will make it possible for those desiring to know the facts to get hold of them, read them for themselves, and understand them.

TREATY WITH THE CHOCTAWS, 1820.

A TREATY OF FRIENDSHIP, LIMITS, AND ACCOMMODATION BETWEEN THE UNITED STATES OF AMERICA AND THE CHOCTAW NATION OF INDIANS, BEGUN AND CONCLUDED AT THE TREATY GROUND, IN SAID NATION, NEAR DOAK'S STAND, ON THE NATCHEZ ROAD.

Preamble.

Whereas it is an important object with the President of the United States to promote the civilization of the Choctaw Indians by the establishment of schools amongst them and to perpetuate them as a nation by exchanging for a small part of their land here a country beyond the Mississippi River, where all who live by hunting and will not work may be collected and settled together; and

Whereas it is desirable to the State of Mississippi to obtain a small part of the land belonging to said nation, for the mutual accommodation of the parties and for securing the happiness and protection of the whole Choctaw Nation, as well as preserving that harmony and friendship which so happily subsists between them and the United States, James Monroe, President of the United States of America, by Andrew Jackson, of the State of Tennessee, major general in the Army of the United States, and Gen. Thomas Hinds, of the State of Mississippi, commissioners plenipotentiary of the United States, on the one part, and the mingoes, head men, and warriors of the Choctaw Nation in full council assembled, on the other part, have freely and voluntarily entered into the following articles, viz:

ARTICLE 1. To enable the President of the United States to carry into effect the above grand and humane objects the mingoes, head men, and warriors of the Choctaw Nation, in full council assembled, in behalf of themselves and the said nation, do, by these presents, cede to the United States of America all the land lying and being within the boundaries following, to wit: Beginning on the Choctaw boundary east of Pearl River at a point due south of the White Oak Spring on the old Indian path; thence north to said spring; thence northwardly to a black oak standing on the Natchez Road about 40 poles eastwardly from Doake's fence, marked "A. J." and blazed with two large pines and a black oak standing near thereto and marked as pointers; thence a straight line to the head of Black Creek, or Bouge Loosa; thence down Black Creek, or Bouge Loosa, to a small lake; thence a direct course so as to strike the Mississippi 1 mile below the mouth of the Arkansas River; thence down the Mississippi to our boundary; thence around and along the same to the beginning.

ART. 2. For and in consideration of the foregoing cession, on the part of the Choctaw Nation and in part satisfaction for the same, the commissioners of the United States, in behalf of said States, do hereby cede to said nation a tract of country west of the Mississippi River, situate between the Arkansas and Red Rivers and bounded as follows: Beginning on the Arkansas River where the lower boundary line of the Cherokees strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due south to the Red River; thence down the Red River 3 miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to the beginning.

ART. 3. To prevent any dispute upon the subject of the boundaries mentioned in the first and second articles it is hereby stipulated between the parties that the same shall be ascertained and distinctly marked by a commissioner or commissioners to be appointed by the United States, accompanied by such person as the Choctaw Nation may select, said nation having 30 days' previous notice of the time and place at which the operation will commence. The person so chosen by the Choctaws shall act as a pilot or guide, for which the United States will pay him $2 per day while actually engaged in the performance of that duty.

ART. 4. The boundaries hereby established between the Choctaw Indians and the United States on this side of the Mississippi River shall remain without alteration until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation.

ART. 5. For the purpose of aiding and assisting the poor Indians who wish to remove to the country hereby ceded on the part of the United States and to enable them to do well and support their families the commissioners of the United States engage, in behalf of said States, to give to each warrior a blanket, kettle, rifle gun, bullet molds, and nippers, and ammunition sufficient for hunting and defense for one year. Said warrior shall also be supplied with corn to support him and his family for the same period and while traveling to the country above ceded to the Choctaw Nation.

ART. 6. The commissioners of the United States further covenant and agree on the part of said States that an agent shall be appointed in due time for the benefit of the Choctaw Indians who may be permanently settled in the country ceded to them beyond the Mississippi River, and at a convenient period a factor shall be sent there with goods to supply their wants. A blacksmith shall also be settled amongst them at a point most convenient to the population, and a faithful person appointed whose duty it shall be to use every reasonable exertion to collect all the wandering Indians belonging to the Choctaw Nation upon the land hereby provided for their permanent settlement.

ART. 7. Out of the lands ceded by the Choctaw Nation to the United States the commissioners aforesaid, in behalf of said States, further covenant and agree that 54 sections of 1 mile square shall be laid out in good land by the President of the United States and sold for the purpose of raising a fund to be applied to the support of the Choctaw schools on both side of the Mississippi River. Three-fourths of said fund shall be appropriated for the benefit of the schools here, and the remaining fourth for the establishment of one or more beyond the Mississippi, the whole to be placed in the hands of the President of the United States, and to be applied by him expressly and exclusively to this valuable object.

ART. 8. To remove any discontent which may have arisen in the Choctaw Nation in consequence of $6,000 of their annuity having been appropriated annually for 16 years by some of the chiefs for the support of their schools, the commissioners of the United States oblige themselves, on the part of said States, to set apart an additional tract of good land for raising a fund equal to that given by the said chiefs, so that the whole of the annuity may remain in the nation and be divided amongst them. And in order that exact justice may be done to the poor and distressed of said nation, it shall be the duty of the agent to see that the wants of every deaf, dumb, blind, and distressed Indian shall be first supplied out of said annuity and the balance equally distributed amongst every individual of said nation.

ART. 9. All those who have separate settlements and fall within the limits of the land ceded by the Choctaw Nation to the United States and who desire to remain where they now reside, shall be secured in a tract or parcel of land 1 mile square, to include their improvements. Anyone who prefers removing, if he does so within one year from the date of this treaty, shall be paid their full value, to be ascertained by two persons to be appointed by the President of the United States.

ART. 10. As there are some who have valuable buildings on the roads and elsewhere upon the lands hereby ceded, should they remove it is further agreed by the aforesaid commissioners, in behalf of the United States, that the inconvenience of doing so shall be considered and such allowance made as will amount to an equivalent. For this purpose there shall be paid to the Mingo Puckshenubbee, $500; to Harrison, $200; to Capt. Cobb, $200; to William Hays, $200; to O'Gleno, $200; and to all others who have comfortable houses a compensation in the same proportion.

ART. 11. It is also provided by the commissioners of the United States, and they agree in behalf of said States, that those Choctaw chiefs and warriors who have not received compensation for their services during the campaign to Pensacola, in the late war, shall be paid whatever is due them over and above the value of the blanket, shirt, flap, and leggins which have been delivered to them.

ART. 12. In order to promote industry and sobriety amongst all classes of the red people in this nation, but particularly the poor, it is further provided by the parties that the agent appointed to reside here shall be, and here is hereby, vested with full power to seize and confiscate all the whisky which may be introduced into said nation, except that used at public stands or brought in by the permit of the agent or the principal chiefs of the three districts.

ART. 13. To enable the mingoes, chiefs, and headmen of the Choctaw Nation to raise and organize a corps of light horse, consisting of 10 in each district, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed that the sum of $200 shall be appropriated by the United States for each district annually and placed in the hands of the

agent, to pay the expenses incurred in raising and establishing said corps, which is to act as executive officers in maintaining good order and compelling bad men to remove from the nation who are not authorized to live in it by a regular permit from the agent.

ART. 14. Whereas the father of the beloved Chief Mushulatubbee, of the lower towns, for and during his life did receive from the United States the sum of $150 annually, it is hereby stipulated that his son and successor, Mushulatubbee, shall annually be paid the same amount during his natural life, to commence from the ratification of this treaty.

ART. 15. The peace and harmony subsisting between the Choctaw Nation of Indians and the United States are hereby renewed, continued, and declared to be perpetual.

ART. 16. These articles shall take effect and become obligatory on the contracting parties so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

This treaty was the first contractual relation between the Federal Government and the Mississippi Choctaws. It did not accomplish all that was desired, and the treaty of 1830 was entered into to more fully carry out the terms thereof.

TREATY WITH THE CHOCTAWS, 1830.

A TREATY OF PERPETUAL FRIENDSHIP, CESSION, AND LIMITS ENTERED INTO BY JOHN H. EATON AND JOHN COFFEE, FOR AND IN BEHALF OF THE GOVERNMENT OF THE UNITED STATES, AND THE MINGOES, CHIEFS, CAPTAINS, AND WARRIORS OF THE CHOCTAW NATION, BEGUN AND HELD AT DANCING RABBIT CREEK ON THE 15TH OF SEPTEMBER, IN THE YEAR 1830.

Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he can not protect the Choctaw people from the operation of these laws; now, therefore, that the Choctaw people may live under their own laws in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi and have accordingly agreed to the following articles of treaty (this paragraph was not ratified):

ARTICLE 1. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, chiefs, and warriors of the Choctaw Nation of red people; and that this may be considered the treaty existing between the parties, all other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ART. 2. The United States, under a grant especially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present treaty shall be ratified.

ART. 3. In consideration of the provisions contained in the several articles of this treaty, the Choctaw Nation of Indians consent and hereby cede to the United States the entire country they own and possess east of the Mississippi River; and they agree to move beyond the Mississippi River early as practicable and will so arrange their removal that as many as possible of their people, not exceeding one-half of the whole number, shall depart during the falls of 1831 and 1832, the residue to follow during the succeeding fall of 1833. A better opportunity in this manner will be afforded the Government to extend to them facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ART. 4. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from and against all laws except such as from time to time may be enacted in their own national councils not inconsistent with the Constitution, treaties, and laws of the United States, and except such as may and which have been enacted by Congress to the extent that Congress under the Constitution are required to exercise a legislation over Indian affairs. But the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws any white man who shall come into their nation and infringe any of their national regulations.

ART. 5. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the United States for defense or for wrongs committed by an enemy on a citizen of the United States shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the United States to fight an enemy such Choctaw shall receive the pay and other emoluments which citizens of the United States receive in such cases: *Provided*, No war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full council and to be approved by the United States unless it be in self-defense against an open rebellion or against an enemy marching into their country, in which cases they shall defend until the United States are advised thereof.

ART. 6. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the United States or join any war party against any neighboring tribe of Indians without the authority in the preceding article, and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the United States, if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases by the laws of the United States; but if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ART. 7. All acts of violence committed upon persons and property of the people of the Choctaw Nation, either by citizens of the United States or neighboring tribes of red people, shall be referred to some authorized agent, by him to be referred to the President of the United States, who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

ART. 8. Offenders against the laws of the United States or any individual State shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of the United States, but in all such cases application must be made to the agent or chiefs, and the expense of his apprehension and delivery provided for and paid by the United States.

ART. 9. Any citizen of the United States who may be ordered from the nation by the agent and constituted authorities of the nation and refusing to obey or return into the nation without the consent of the aforesaid persons shall be subject to such pains and penalties as may be provided by the laws of the United States in such cases. Citizens of the United States traveling peaceably under the authority of the laws of the United States shall be under the care and protection of the nation.

ART. 10. No person shall expose goods or other articles for sale as a trader without a written permit from the constituted authorities of the nation or authority of the laws of the Congress of the United States under penalty of forfeiting the articles, and the constituted authorities of the nation shall grant no license except to such persons as reside in the nation and are answerable to the laws of the nation. The United States shall be particularly obliged to assist to prevent ardent spirits from being introduced into the nation.

ART. 11. Navigable streams shall be free to the Choctaws, who shall pay no higher toll or duty than citizens of the United States. It is agreed further that the United States shall establish one or more post offices in said nation, and may establish such military post roads and posts as they may consider necessary.

ART. 12. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected, and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man, a citizen of the United States, the offender shall be punished; and if a white man unlawfully take or steal anything from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offense against the laws of the United States, if unable to employ counsel to defend him the United States will do it, that his trial may be fair and impartial.

ART. 13. It is consented that a qualified agent shall be appointed for the Choctaws every four years, unless sooner removed by the President; and he shall be removed on petition of the constituted authorities of the nation, the President being satisfied there is sufficient cause shown. The agent shall fix his residence convenient to the great body of the people, and in the selection of an agent immediately after the ratification of this treaty the wishes of the Choctow Nation on this subject shall be entitled to great respect.

ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty, in such case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

ART. 15. To each of the chiefs in the Choctaw Nation, to wit, Greenwood Laflore, Nutackachie, and Mushulatubbe, there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement and the other two located where they please, but on unoccupied, unimproved lands; such sections shall be bounded by section lines, and, with the consent of the President, they may sell the same. Also to the three principal chiefs and to their successors in office there shall be paid $250 annually while they shall continue in their respective offices, except to Mushulatubbe, who, as he has an annuity of $150 under a former treaty, shall receive only the additional sum of $100 while he shall continue in office as chief; and if in addition to this the nation shall think proper to elect an additional principal chief of the whole to superintend and govern upon republican principles, he shall receive annually for his services $500, which allowance to the chiefs and their successors in office shall continue for 20 years. At any time when in military service and while in service by authority of the United States the district chiefs, under and by selection of the President, shall be entitled to the pay of majors; the other chief under the same circumstances shall have the pay of lieutenant colonel. The speakers of the three districts shall receive $25 a year for four years each, and the three secretaries, one to each of the chiefs, $50 each for four years. Each captain of the nation, the number not to exceed 99, 33 from each district, shall be furnished upon removing to the West with each a good suit of clothes and a broadsword as an outfit, and for four years, commencing with the first of their removal, shall each receive $50 a year for the trouble of keeping their people at order in settling, and whenever they shall be in military service by authority of the United States shall receive the pay of a captain.

ART. 16. In wagons and with steamboats, as may be found necessary, the United States agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef or pork for themselves and families for 12 months after reaching their new homes.

It is agreed further that the United States will take all their cattle at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes, or other cattle, such as may be desired, shall be furnished them, notice being given through their agent of their wishes upon this subject before their removal that time to supply the demand may be afforded.

ART. 17. The several annuities and sums secured under former treaties to the Choctaw Nation and people shall continue as though this treaty had never been made.

And it is further agreed that the United States, in addition, will pay the sum of $20,000 for 20 years, commencing after their removal to the West, of which, in the first year after their removal, $10,000 shall be divided and arranged to such as may not receive reservations under this treaty.

ART. 18. The United States shall cause the lands hereby ceded to be surveyed, and surveyors may enter the Choctaw country for that purpose, conducting themselves properly and disturbing or interrupting

none of the Choctaw people. But no person is to be permitted to settle within the nation or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this treaty the lands hereby ceded are to remain a fund pledged to that purpose until the debt shall be provided for and arranged. And, further, it is agreed that in the construction of this treaty, wherever well-founded doubt shall arise, it shall be construed most favorably to the Choctaws.

ART. 19. The following reservations of land are hereby admitted: To Col. David Fulsom four sections, of which two shall include his present improvement and two may be located elsewhere on unoccupied, unimproved land.

To I. Garland, Col. Robert Cole, Tuppanahomer, John Pytchlynn, Charles Juzan, Johokebetubbe, Eaychahobia, Ofehoma, two sections, each to include their improvements and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others, not provided for, may be provided for, there shall be reserved as follows:

First. One section to each head of a family not exceeding 40 in number who during the present year may have had in actual cultivation, with a dwelling house thereon, 50 acres or more.

Second. Three quarter sections after the manner aforesaid to each head of a family not exceeding 450, as shall have cultivated 30 acres and less than 50, to be bounded by quarter sections of survey and to be contiguous and adjoining.

Third. One half section as aforesaid to those who shall have cultivated from 20 to 30 acres, the number not to exceed 400.

Fourth. A quarter section as aforesaid to such as shall have cultivated from 12 to 20 acres, the number not to exceed 350, and one-half of that quantity to such as shall have cultivated from 2 to 12 acres, the number also not to exceed 350 persons. Each of said class of cases shall be subject to the limitations contained in the first class and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article than is stipulated for under the limitation prescribed, then and in that case the chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Fifth. Any captain, the number not exceeding 90 persons, who, under the provisions of this article, shall receive less than a section, shall be entitled to an additional quantity of half a section adjoining his other reservation. The several reservations secured under this article may be sold with the consent of the President of the United States, but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the United States will, on his removing, pay 50 cents an acre after reaching their new homes, provided that before the 1st of January next they shall adduce to the agent, or some other authorized person to be appointed, proof of his claim and the quantity of it.

Sixth. Likewise, children of the Choctaw Nation, residing in the nation, who have neither father nor mother, a list of which, with satisfactory proof of parentage and orphanage, being filed with agent in six months, to be forwarded to the War Department, shall be entitled to a quarter section of land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

ART. 20. The United States agree and stipulate as follows: That for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated, under the direction of the President and at the expense of the United States, 40 Choctaw youths for 20 years. This number shall be kept at school, and as they finish their education others to supply their places shall be received for the period stated. The United States agree also to erect a council house for the nation at some convenient central point after their people shall be settled, and a house for each chief, also a church for each of the three districts, to be used also as schoolhouses until the nation may conclude to build others; and for these purposes $10,000 shall be appropriated; also $50,000, viz, $2,500 annually shall be given for the support of three teachers of schools for 20 years. Likewise there shall be furnished to the nation three blacksmiths, one for each district, for 16 years, and a qualified millwright for 5 years; also there shall be furnished the following articles: Two thousand one hundred blankets; to each warrior who emigrates, a rifle, molds, wipers, and ammunition; 1,000 axes, plows, hoes, wheels, and cards each, and 400 looms. There shall also be furnished 1 ton of iron and 2 hundredweight of steel annually to each district for 16 years.

ART. 21. A few Choctaw warriors yet survive who marched and fought in the Army with Gen. Wayne, the whole number not to exceed 20.

These, it is agreed, shall hereafter, while they live, receive $25 a year, a list of them to be as early as practicable and within six months made out and presented to the agent, to be forwarded to the War Department.

ART. 22. The chiefs of the Choctaws who have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have a delegate on the floor of the House of Representatives extended to them. The commissioners do not feel that they can under a treaty stipulation accede to this request, but at their desire present it in the treaty, that Congress may consider and decide the application.

THE FOURTEENTH ARTICLE.

Particular attention is invited to the fourteenth article of the treaty of 1830, which is the sole basis of the claim of the Mississippi Choctaws. It is as follows:

ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty, in such case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Under these treaties 15,000 removed west immediately after the signing of the treaty of 1830; approximately 4,000 remained in Mississippi.

From 1838 to 1855, of the 4,000 Choctaws who remained 3,400 emigrated and took up residence in Indian Territory, were enrolled, and are now a part of the Oklahoma Band or Tribe. Thus, only 700 were left behind.

NAMES OF THOSE WHO RECEIVED PATENTS.

Under the fourteenth article of the treaty, of the 4.000 who remained 143 received patents to the remaining 10,000,000 acres of land in Mississippi. The names of those receiving patents are as follows:

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of article 14 of the treaty of September 27, 1830 (7 Stat. L., 333–335).

Patentee.	Date of patent.	Remarks.
Ab-be-ho-kah	Jan. 13, 1846	
Afa-ma-tubbe	Sept. 3, 1846	
Agnes	Sept. 9, 1846	
Ah-be-nah-tubbe	Jan. 20, 1846	
Ah-chee-non-tubbe	Sept. 7, 1846	
Ah-chuk-mah-tubbe	Aug. 18, 1846	
Ak-kah-po-tubbe	do	
Ah-la-mo-tubbe	Dec. 4, 1845	
Ah-no-sa-cubbe	Oct. 14, 1846	
Ah-num-po-lah	Dec. 24, 1845	
Ah-to-nee	Dec. 4, 1845	
Ah-to-ble-cha	Jan. 5, 1846	
Ah-took-lah-ho-nah	Sept. 4, 1846	
Ah-pa-sah-too-nah	Sept. 7, 1846	
Ah-woon-te-nah	Dec. 24, 1845	
Ah-wan-to-nah	Mar. 30, 1846	
Al-la-tah-ho-yo	Jan. 13, 1846	
Amah	Sept. 3, 1846	
Anolah	Feb. 4, 1857	And 2 children over 10 years of age and 3 children under 10 years of age at date of treaty.
A-nok-ae-tubbe	Nov. 3, 1837	
Anthle-Honah	Sept. 4, 1846	
Asholata	Sept. 3, 1846	
Aun-ah-che-mah	Oct. 14, 1846	
Aun-to-tubbe	Dec. 24, 1845	
Bah-ne-tubbe	Aug. 18, 1846	
Beams, Betsey	Nov. 23, 1846	In her own right and to "Vicey," her child over 10 years of age, and to "Amy" and "Kitty," her children under 10 years of age at date of the treaty.
Bell, Robert	Dec. 14, 1846	
Bo-le-ho-nah	Jan. 5, 1846	
Brashears, Alexander	Sept. 17, 1841	
Brashears, Delilah	Dec. 8, 1842	In her own right and for her 3 children over 10 and her 3 children under 10 years of age at date of the treaty.
Brashears, Rachel	June 21, 1841	
Brashears, Zadock (commonly called Zadock, jr.).	Mar. 29, 1842	
Bryant, Louis	Jan. 29, 1840	
Buchanan, Charles	Aug. 20, 1841	
Buckles, Betsy	Feb. 17, 1838	
By-ana	Feb. 3, 1847	
Cah-mul-le	Jan. 13, 1846	
Carney, Jeremiah	Apr. 13, 1848	
Cha-fa-ho-na	Sept. 3, 1846	
Chanahajo (alias Oake Chanahajo).	Dec. 14, 1846	
Cha-tambee	Sept. 9, 1846	
Che-caw (or Che-caugh)	Jan. 5, 1846	
Che-mah-yo-ka	do	
Chuck-po-tubbe	Dec. 28, 1846	
Christie, William	Sept. 21, 1841	
Cobb, Samuel	Mar. 20, 1846	For himself and for his children.
Con-chi-hee-tubbe	Dec. 5, 1845	
Con-na-ho-te-mah	Jan. 20, 1846	
Coon-oou-tah-te-mah	Oct. 14, 1846	
Cun-e-mah-tubbe	Aug. 18, 1846	
Cun-oon-tam-be	Sept. 2, 1846	
Daniel	Apr. 13, 1848	
Durant, Fisher	Apr. 12, 1848	
Durant, Pierre	May 13, 1848	
Durant, Risseze	Dec. 14, 1846	
E-ah-pil-lah	Dec. 24, 1845	
Eahambee	Feb. 3, 1847	
Eahoo-ka-chubbee	do	
Eha-hah-tomah	Oct. 14, 1846	
Ela	Feb. 3, 1847	
Ela-ba-tubbe	Sept. 7, 1847	
Do	Dec. 14, 1846	
Elah-chubbe	Aug. 18, 1846	
Ela-pahoka	Feb. 3, 1847	
Ela-nam-tubbee	Sept. 9, 1846	
Eli-o-tubbe	Mar. 30, 1846	
Eliza	Sept. 4, 1846	
Emah-ho-to-nah	Jan. 13, 1846	
Emanoatona	Sept. 9, 1846	
E-me-sha	Jan. 13, 1846	
E-minta-ham-be	Sept. 8, 1846	
E-mok-lam-be	Oct. 14, 1846	
E-muck-a-to-na	Aug. 12, 1845	And to Ko-na-la-hona, Sa-ho-yo, and Ta-na-cubbee, her children over 10 years of age; and E-la-pa-ho-ka, her child under 10 years of age at date of treaty.

List of Mississippi Choctaw Indians, etc.—Continued.

Patentee.	Date of patent.	Remarks.
Ey-ya-tubbe	Dec. 21, 1837	
E-ya-la-ko-noh	Sept. 7, 1846	
Falissa	Sept. 9, 1846	
Feb-e-mah-ho-nah	Mar. 30, 1846	
Fe-le-ka-chubbe	Dec. 1, 1845	
Foster, William	June 6, 1844	In his own right and to his 2 children under 10 years of age at date of treaty.
Garvin, Henry	July 7, 1842	
Garwin, Benjamin W	Aug. 11, 1845	For himself and 3 children under 10 years of age at date of treaty.
Graham, Susan or Susanna	Feb. 7, 1846	And her child over 10 years of age at date of treaty.
Ha-cubbe	Dec. 6, 1845	
Ha-la	Jan. 5, 1846	
Hall, William	June 29, 1841	
Hancock, Caroline D	June 28, 1850	
Hancock, Jubal B	....do	
Hancock, Mary M	....do	
Hancock, William M	....do	
Hardaway, Hartwell	Nov. 23, 1841	
Harris	Apr. 13, 1848	
Heccatambe	Sept. 9, 1846	
He-o-te-mah	Oct. 14, 1846	
Hin-o-la	....do	
Hi-a-tubbee	Dec. 21, 1837	
Hoecalahoma	Sept. 8, 1846	
Ho-ka	Sept. 9, 1846	
Hok-la-homa	Dec. 28, 1846	
Hok-o-lo-chubbe	Dec. 4, 1845	
Homer, John	June 29, 1841	
Hotalahhona	Sept. 9, 1846	
Hotah	Dec. 21, 1837	
Ho-ta-mah	Oct. 14, 1846	
Ho-te-mah-lah	Mar. 30, 1846	
Ho-te-mah	Sept. 8, 1846	
Ho-te-nah-chubbe	Sept. 4, 1846	
Hotiah, Abbah (otherwise written Hoter).	Jan. 2, 1851	And to her 2 children (1 over 10 years and 1 under 10 years of age at date of treaty).
Ho-ti-yah	Mar. 30, 1846	
Ho-to-mah	Sept. 4, 1846	
Ho-to-man-ka	Mar. 30, 1846	
Ho-tubbe	Dec. 6, 1845	
Hoo-tubbe	Oct. 14, 1846	
Howell, Calvert (alias Calvin H.).	May 9, 1840	
Hoyo	Sept. 3, 1846	
Ho-yubbe	Dec. 11, 1845	
I-am-in-tubbee	July 17, 1845	
I-ath-le-pah	Dec. 24, 1845	
I-bah-osh-tah	....do	
Ille-ho-nah	Sept. 7, 1846	
Im-ah-ho-yo	Jan. 5, 1846	
Im-ma-no-a-ho-ka	Mar. 30, 1846	
Im-un-no-ubbe	Jan. 5, 1846	
I-o-pon-na	Dec. 11, 1845	
Isaac	Feb. 3, 1847	
Isha (or Ayaha)	Dec. 14, 1846	
Ish-man-tubbe	Mar. 30, 1846	
Ish-mi-ah	....do	
Ish-no-ak-ke	Jan. 30, 1846	
Ish-ta-bo-le	Oct. 14, 1846	
Ish-te-la-mah	Aug. 18, 1846	
Ish-te-o-nah	Mar. 30, 1846	
Ish-ti-hok-ta	Jan. 5, 1846	
Ish-tim-e-le-chubbe	Mar. 30, 1846	
Ish-tim-lah-homah	....do	
Ish-to-niah	Jan. 13, 1846	
Ish-to-nah	Mar. 30, 1846	
Ispia	Jan. 2, 1841	
Is-te-ubbe	Jan. 5, 1846	
Is-to-noka	Dec. 28, 1846	
Jacob	Mar. 30, 1846	
James, Adam	Sept. 30, 1844	
Jemmy	Dec. 14, 1846	
Jenkins, Jack	Oct. 10, 1842	
John	Oct. 14, 1846	
Joel	Sept. 9, 1846	
Johnson, George	Aug. 11, 1845	For himself and 7 of his children, and to S. D. Johnson, 1 of his children.
Johnson, Mary	....do	For herself and 2 children under 10 years of age at date of treaty.
Jonas	Apr. 13, 1848	
Jones, John	Aug. 18, 1842	
Jones, Tennessee	Jan. 5, 1846	
Kan-che	Sept. 4, 1846	
Kanoon-tubbe	Dec. 14, 1846	
Kan-o-to-nah	Sept. 4, 1846	
Ko-na-la-ho-na	Dec. 28, 1846	
Koo-cha	Dec. 11, 1845	
Labrouse, Mathew	Jan. 12, 1839	
Lah-bah-tubbe	Jan. 5, 1846	
Lah-tubbe	Mar. 30, 1846	
Lap-pa-te-mah	Jan. 13, 1846	
Lapissa	Sept. 8, 1846	
Lightfoot, William	Mar. 10, 1843	
Lila	Apr. 13, 1848	
Lox-ah-ho-ka	Mar. 30, 1846	
Lu-ock-ho-mah	Apr. 30, 1848	
Lush-ho-min-tubbe	Oct. 14, 1846	
Machaia	Sept. 8, 1846	
Mah-la	Apr. 12, 1848	
Martha	Apr. 13, 1848	
Matona	Sept. 3, 1846	
McGilbry (alias McGilverry), John.	June 21, 1839	

List of Mississippi Choctaw Indians, etc.—Continued.

Patentee.	Date of patent.	Remarks.
McGilbry (alias McGilverry), John.	Apr. 8, 1845	As he had 4 children over 10 years of age at date of treaty, instead of 3 children.
McGilbry (otherwise called McGilvery), Lucy.	Mar. 20, 1845	And to Susie, her child.
McGilbry (otherwise called McGilvery), Turner.	Apr. 8, 1845	And to his 2 children under 10 years of age at date of treaty.
McGilvery, Gordon	Nov. 18, 1851	
Me-ah-shan-tah	Jan. 5, 1846	
Me-ah-she-cubbe	Dec. 6, 1845	
Me-he-tim-ah	Aug. 18, 1846	
Me-she-mah	Sept. 4, 1846	
Me-hah	Oct. 14, 1846	
Mima	Apr. 13, 1848	
Min-ta-ham-bee	....do	
Mol-a-tubbe	Sept. 4, 1846	
Mol-la	Dec. 4, 1845	
Muncrief, Sampson	Oct. 24, 1838	
Murphy, George	Jan. 29, 1840	
Na-con-sha	Dec. 1, 1845	
Nah-ho-to-nah	Mar. 30, 1846	
Nail, Benjamin	Sept. 2, 1846	
Nail, Greenwood L	....do	
Nail, Marceline	....do	
Nelson	Sept. 9, 1846	
No-ah-ho-nah	Oct. 14, 1846	
No-a-timah	Nov. 3, 1837	
Nok-e-ne-ham-be	Aug. 18, 1846	
Nok-o-an-tubbe	Dec. 11, 1845	
No-que-ah	Apr. 13, 1848	
No-wah-ho-na	July 17, 1845	For herself and for 3 children over 10 years of age and 2 children under 10 years of age at date of treaty.
Oak-la-yubbe	Dec. 11, 1845	
Ogalaima	Sept. 8, 1846	
Ogleasta	Sept. 9, 1846	
Ohoya (or Ohoyo Tom)	Jan. 20, 1888	
O-ka-in-check-mah	Sept. 2, 1846	
Ok-is-tam-bee	Mar. 30, 1846	
Ok-la-ho-ya	Jan. 13, 1846	
Ok-lah-kah-ho-yo	Sept. 7, 1846	
Oklanowah	Sept. 9, 1846	
O-na-ham-be	Jan. 2, 1841	
Ona-hain-taiah	Sept. 8, 1846	
Oon-ah-tubbe	Dec. 5, 1845	
Oun-tah-che-ah	Dec. 24, 1845	
Oxberry, James	Mar. 24, 1841	
Pah-lubbe	Dec. 14, 1846	
Paneebba	Sept. 3, 1846	
Paress, Antony or Anthony	Oct. 11, 1843	
Pa-sa-chubbe	Sept. 2, 1846	
Pa-shah-ho-nah	Dec. 11, 1845	
Pebworth, Henry	May 14, 1842	
Pe-his-tubbe	Jan. 20, 1846	
Pe-tah-ah-mah	Aug. 18, 1846	
Pie-yah	Sept. 7, 1846	
Pinson, Betsey	July 2, 1842	
Pis-ah-ha-mah	Sept. 2, 1846	
Pish-tah-o-nah	Jan. 13, 1846	
Riley, Patrick	Oct. 11, 1843	
Robertson, Lewis	Sept. 28, 1842	
Sahoyo	Dec. 28, 1846	
Sa-lah-ma	Mar. 10, 1843	
Sampson	Dec. 28, 1846	
Shota	Sept. 3, 1846	
Sho-tubbe	Sept. 4, 1846	
Silas	Sept. 8, 1846	
Shallahohoka	Dec. 28, 1846	
Sock-a-to-nah	Jan. 20, 1846	
Socke-tubbe	Jan. 13, 1846	
Sow-ah-tubbe	Dec. 24, 1845	
Stabohla (alias Stapolelona)	Dec. 28, 1846	
Stanton, Allan	....do	And to his 2 children under 10 years of age at date of treaty.
Su-Sa	Aug. 18, 1846	
Syllin	Sept. 8, 1846	
Ta-ho-ba	Sept. 7, 1846	
Tah-ho-pe-ah	Dec. 4, 1845	
Tah-lah-mo-tubbe	Sept. 8, 1846	
Tah-te-nah	Jan. 20, 1846	
Tah-pa-nis-sto-nah-ho-nah	Nov. 23, 1846	In his own right and to Cun-nah-ho-yo-E-lah-no-la, and Ona-tubbee, his children over 10 years of age, and to O-quah-ha-nah and Cun-nah-la-tubbee, his children under 10 years of age at date of the treaty.
Tallawahomibbee	Feb. 3, 1847	
Tanacubbee	Dec. 28, 1846	
Tilly	Sept. 9, 1846	
Te-he-cubbee	Aug. 12, 1845	And to Hota-tubbee, his child over 10 years of age, and Iota-tubbee and E-mo-konah, his children under 10 years of age at date of treaty.
To-bla-chubbe	Dec. 1, 1845	
Toby (alias Tobba), James	....do	
Tom, Jim	Feb. 26, 1841	
Tom, Jack	Apr. 4, 1849	And to Sinai Tom, Sophia Tom, Levicy Tom, and Hamah Tom, his 4 children under 10 years of age at date of the treaty.
Tomahoka	Sept. 9, 1846	
To-ne	Mar. 30, 1846	
Took-lah-tubbe	Oct. 14, 1846	
Turnbull, William	Oct. 11, 1843	
Tus-ka-ah-tubbe	Oct. 14, 1846	
Tuskiaha	Dec. 14, 1846	
Tussaka	Dec. 28, 1846	

List of Mississippi Choctaw Indians, etc.—Continued.

Patentee.	Date of patent.	Remarks.
Tu-wah-kee	Oct. 14, 1846	
Tu-wa-tu-cha	Mar. 10, 1843	Patent surrendered and new patent issued July 14, 1848.
Tu-wa-tu-cha	July 14, 1848	
Ub-aheni-ah	Dec. 5, 1845	
Un-ah-han-tubbe	Sept. 2, 1846	
Un-ah-tubbe	Jan. 13, 1846	
Un-ta-hi-o-che	Dec. 4, 1845	
Un-tim-ah-ho-nah	Sept. 7, 1846	
Walker, John	June 29, 1841	
Ward, Tobias	Sept. 3, 1846	
Wa-tubbe	Dec. 24, 1845	
Wes-hock-she-homa	Sept. 3, 1846	
Wesley	Feb. 3, 1847	
Ya-ha-mah	Sept. 2, 1846	
Yem-e-tubbe	Dec. 24, 1845	
Yem-ma-hubbe	Sept. 2, 1846	
Yem-o-ho-nah	Sept. 7, 1846	

ISSUANCE OF SCRIP.

Of the 4,000 Choctaws remaining in Mississippi 3,885 of them, due to the fact that land at that day was considered of little value, refused to take up land as provided for them under the fourteenth article of the treaty of 1830. In lieu of this they were given, under the act of August 23, 1842 (5 Stat. L., 513), one-half the amount of land provided for in land scrip, which was capitalized at $1.25 per acre, which in the aggregate amounted to $872,000. It is to be noted that both land and scrip was actually delivered to them by the Federal Government—see records in Indian Office. The names of those who received land and money under this act are as follows:

LIST OF MISSISSIPPI CHOCTAW INDIANS IN WHOSE BEHALF SCRIP WAS ISSUED UNDER THE PROVISIONS OF THE ACT OF CONGRESS OF AUGUST 23, 1842 (5 STAT. L., 513), IN LIEU OF LAND TO WHICH THEY WERE ENTITLED UNDER ARTICLE 14 OF THE TREATY OF SEPTEMBER 27, 1830 (7 STAT. L., 333-335).

Anolata.
Aletisteia.
Anonitama.
Ashahoma.
Alonesa.
Anontamia (or Anotaioubbee).
Anontona.
Anointubbee.
Anatambee.
Ataiahona.
Alamantubbee.
Alahoma.
Anaintubbee.
Alanantubbee.
Ahotema.
Akomotubbee.
Anocwaatonah.
Atanahajo.
Apatubbee.
Athpota.
Antamba.
Aleisteia.
Alahotema.
Anokcheto.
Apolo-apah.
Ashatema.
Akostellatubbee.
Alchma.
Atakohubbee.
Altona.
Anahoyo.
Atabotema.
Ashahema.
Alanintubbee.
Apala-hoka.
Ancubbee (or Ooncubbee).
Alatahoma.
Athtolahoka.
Anontee-na.
Allah-ho-te-mah.
Ah-fah-mo-ah.
Ah-te-ubbee.
Ah-pock-ah-mah-tubbee.
Ah-tah-chubbee.
Ah-te-uh-la-ho-ka.
A-o-nah-ha-mah.
A-low-a-ho-nah.
Ah-pock-ar-mah.
Ah-chah-fah-tubbee.
An-no-sa-tubbee (or Pessahtubbee).
A-bon-wa-te-mah.
Ah-ta-hah.
A-he-ah-tubbee.
Ah-ne-la-ho-yo.
Ah-took-ko.
Ah-po-to-tubbee.
Ah-no-yo-ka.
Ah-chah-fah-le-mah.
Ah-ho-te-mah.
Ah-lah-ka-tubbee.
Ah-fah-mo-ah.
Ah-no-ah-ka.
Ah-la-mah-ho-nah.
Ah-na-sa.
Ah-no-le-che-mah.
Ah-pok-ah-nan-tubbee.
Ah-pa-sah.
Ah-no-lah.
Ah-lock-ka-cha.
Ah-to-nubbee.
Ah-la-chubbee.
Ah-to-shoubbee.
Ah-min-tubbee.
Ah-pah-lah-ho-nah.
Ah-lo-co-tubbee.
Ah-took-la.
Ah-pah-tubbee.
Ath-tubbee.
Ah-mesa-cubbee.
Ah-pah-sah-te-mah.
Ah-mo-gla-tubbee.
Ah-chi-ah-tubbee.
Ah-be-hah-tah.
Ah-sha-la-tubbee.
Ah-ho-la-to-nah.
Ah-chah-pa-tubby.
Ah-na-chubbee.
Ah-no-fa-nubbee.
Abba-ho-nah.
Ah-nook-tah-lubbee.
Ah-moon-pis-ah-cha (or He-tuck-loo-ah).
Ah-to-lah.
Ah-no-ka.
Ah-to-nan-ka.
Ah-took-ah-lah.
Ah-to-no-ham-bee.
Ah-hath-la.
Ah-pe-sah-tubbee.
Ah-lo-min-chubbee.
Ah-mak-hani-ubbee.
Ah-no-ah-ha-cubbee.
Ah-no-skoo-nah.
Ah-ho-tu-nah.
Ah-no-ho-tim-ah.
An-tim-ah.
Ah-na-hoak-ho-nah.
Ah-chuck-ma.
Al-me-ho-ye.
Ah-ho-nah.
Ah-na-tim-ah.
Al-moon-tubbee.
Al-e-he-mah.
Ah-la-che.
An-un-tim-ah.
As-she-ap-ki-ka.
Ah-kah-ne-ubbe.
Ah-no-le-chubbe.
An-thle-no-nah.
Ah-be-ho-ka.
Ah-chaffa-ho-nah.
Ah-che-lah.
Ah-be-ne-tubbe.
Ah-moon-to-nah.
Ah-took-co-la (alias Andrew Wier, i. e., Ware).
Ah-take-ah-ho-nah.
Ah-ish-tim-ah.
Ah-bah-ka-tubbee.
Ah-be-ho-nah.
An-o-ok-mah.
Abit-ish-tiah.
Ah-to-ko-tubbe.
Al-be-ish-to-nah.
Ah-che-to-nah.
Ah-look-lin-tubbee.
A-mah.
Ah-no-le-ho-na.
Ah-cho-ah-ho-ka.
Ah-sha-ho-ka.
Ah-bah pil-a-ba-ka.
Ah-kas-te-ma-tubbee.
Ah-noo-se-ho-nah.
Ah-to-chubbe.
Ah-fab-moon-tubbee.
Ah-te-ko-fubbe.
Ah-nubbe.
Ah-took-ah-li-ah.
Ah-he-o-ke.
Ah-tah-ho-nah.
Ah-lo-me.
Amah.
Ah-pe-la-tubbe.
Ah-be-tah-tah.
Ath-la-ho-yubbe.
Ah-che-tubbe.
Ah-toke-ah-to-nah.
Ah-che-ah-tubbe.
Ah-che-bah
Ah-mok-le-tubbe.
Ah-he-kah-ho-nah.
Ah-yo-mah-te-kah.
Ah-lo-mah-tubbe.
Ah-hooklin-tubbe.
Ah-shal-in-tubbe.
Ah-muk-fil-le.
Ah-lo-ko-tubbee.
Ah-took-la-ho-ka.
Ah-fa-ko-me-ho-nah.
An-it-im-ah.
Al-mo-tubbe.
Ah-ho-la-tim-ah.
Ah-thlup-pik-chi-ah.
Al-be-hah-tubbe.
Al-be-ho-chi-ah.
Ah-ki-sah.
Ah-ho-nah.
Ah-chuck-mah-he-ah.
Ah-ko-moon-tubbee.
Ah-look-la-tubbe.
Ah-ka-ko-tubbe.
Ah-lo-te-shubbe.
Ah-la-chun-ah.
An-ha-tun-ah.
Ah-tho-me-ho-nah.
Ah-e-nah.
Ah-kah-pul-e-tubbe.
Ah-to-bo-tubbee.
Ah-be-ho-nah.
Ah-pa-sah-ho-ka.
Ah-pa-la-ho-nah.
Ah-tah-ho-nah.
Ah-che-ah.
Al-moon-to-nah.
Ah-fah-moon-tubbe.
Ah-sho-me-kah.
Ah-ash-tubbe.
Ah-no-ah-ham-bee.
Ash-ha-cam-bee.
Ah-ha-to-nah.
Ah-no-sa.
Ah-be-ne-tubbe.
Al-be-ho-nah.
Ah-to-la-te-mah.
Ah-tah-le-ho-nah.
Ah-chiah.
Ah-chah-ah-tubbee.
Ah-wah-te-ah.
An-tubbe.
Ah-lo-sho-mo-tubbe.
Ah-ho-te-nah.
Al-be-te-ah.
Ah-tah-le-ah.
Ah-noo-tom-be.
Ah-nook-wah-ah-too-nah.
Ah-tah-be-le-ho-nah.
Ah-to-catch-a.
Ah-unk-fa-la.
Ah-no-ah-ta-cubbe.
Ah-e-o-ka-tim-ah.
Ah-pe-le-tubbe.
Ah-che-ah-ho-nah.
Ah-to-no-ho-nah.
Ah-pa-la-ho-nah.
Ah-no-ah-tam-be.
Abbe-to-ble-tubbe.
An-uk-fil-le-te-mah.
Ab-it-is-te-ah.
Ah-sha-chin-ah.
Ah-le-ho-ka.
Ah-tubbe.
Ah-ne-ho-te-mah.
Ah-pis-sal-la.
Ah-ho-yo.
Ah-mi-yah.
Ah-cha-pa-ho-nah
Ah-she-lah.
Ah-pa-sa-tam-he.
Ah-la-che.
Ah-wa-che-ho-nah.
Ah-puk-yo-hubbe.
Ab-be-ish-ti-yah.
Atuk-lam-be.
Ah-pah-lah-ho-nah.
Ab-ti-ti-yah.
Ah-fah-mah.
Ah-fa-ko-ma-to-nah.
Ah-chuk-ma-tubbe.
Ah-took-la-ho-mah.
Ah-no-la-ho-nah.
Ah-koo-chun-tubbe.
Ah-che-le-tah.
Ah-cho-mah-kah.
Ah-lo-mah.
Ab-be-ho-nah.
Ah-lah-nah-tubbe.
Ah-no-ah-tubbe.
Ah-took-lah-tubbee.
Ah-nook-we-ah-che.
Ah-ka-che-ho-nah.
Ah-nook-lah.
Ah-lo-mah-tubbe.
Ah-to-la.
Ah-cha-fo-tubbe.
Ah-che-lah.
Ah-pa-sa-ho-nah.
Ah-nook-fille.
Ah-ne-po-tubbe.
Ab-it-ik-ah-ne-wah.
Ah-pa-san-tubbe.
Ah-fa-ko-me.
Ah-cha-le-tah.
Ah-che-ah.
Ah-pe-lah.
Ah-cha-fo-ho-nah.
Ah-nook-fille-hoka.
Ah-ne-hoon-tubbe.
Ah-che-to-nah.
Ah-hak-po-tubbe.
Ash-tubbe.
Ahe-min-tubbe.
Ah-fa-no-tubbe.
Ah-cha-po-tubbe.
Ah-nook-we-ah.
Ah-no-sa-tubbe.
Ah-po-to-he.
An-cha-to-nah.
Ah-no-la-tubbe.
Ah-pa-sa-ho-nah.
Ah-no-si.
An-tubbe.
Abbe-took-chi-ah.
Ah-che-ah-so-nah.
Ah-took-li-ah.
Al-a-te-mah.
Ah-nook-fil-la.
Ah-nook-hum-ah.
Ah-lo-mah-ho-nah.
Ah-chuk-mo-ho-yo.
Ah-che-ah.
An-tah-ho-nah.
Ah-look-le-tubbe.
Ath-ta-lam-la.
An-ta-te-mah.
Ah-noon-tubbe.
Ah-took-lan-tubbe.
Abbe-neen-tubbe.
Al-noon-tubbe.
Ah-cha-kah-hoo-nah.
An-chok-to-nubbe.
Ah-the-ho-nah.
Ah-pa-sah-ho-ka.
Ah-no-si.
Ah-fa-ma-ho-ka.
Ah-nook-cha-mah-ho-nah.
Al-be-chef-fah.
Ah-che-ubbe.
Ah-no-la-ham-bee.
Ah-wa-che-ho-nah.
Ah-wah-che (alias Ah-wah-che-ho-nah).
Ah-nook-che-to.
Ath-ko-la.
Ah-tah-she-nah (alias Hash-tah-sho-nah).
Ah-po-tubbe.
Ah-hom-lah.
Al-moon-tubbe (or Oon-an-cha-tubbe).
Ah-man-to-nah.
Ah-pok-a-mah.
Ah-took-ah-lan-tubbe.
Ash-ka-ma.
Ah-be-ti-ah-ho-ka.
Ah-yo-ah-ho-nah.
Abbe (or Ah-nah-be).
An-an-to-mah.
Ah-ne-he-nah.
Ah-chah-le-ho-nah.
Ah-fum-ah-took-a-lo.
Ah-to-ga-te-mah.
Ah-ne-he-mah.
Ah-nook-we-ubbe.
Ah-pa-lah-to-nah.
Ah-toog-la-he-nah.
Ah-le-ho-tonah.
Ah-to-ble-cha.
Ash-chin-tubbe.
Ash-te-ah-ho-nah.
Ah-chi-ah.
Ah-chin-tubbe.
Ah-chuck-mah-tubbe.
Abbe-ho-yo.
Ash-ho-nah.
Ah-wan-tubbe.
Ah-po-to-le.
Ah-took-ah-lan-tubbe.

Ah-la-mah-ho-mah.
Ah-man-tubbee.
Al-o-ma-cha.
Ah-pe-hah-tubbe.
Ah-chuck-mish-tubbe.
Ah-no-ha.
Ah-to-be-tubbe.
Ah-no-la-che-mah.
Ah-took-ah-lah.
Ah-chuck-mah-to-tubbe.
Ah-to-kah.
Ah-take-ah-te-mah.
Ah-to-bah-tubbe.
Ah-pis-ta-ka-tubbe.
An-ta-ha-mah.
Ami-yah (or Emi-yah).
Ah-wa-tu-nah.
Ah-to-lah-tubbe.
Ah-che-to-nah.
Ah-chick-mah-ho-nah.
Ah-lo-wa-tubbe.
Ah-hum-me.
Al-be-ti-yah.
Ah-po-la-chubbe.
Ash-wak-tubbe.
Ah-ho-nah.
Ah-ca-no-tubbe.
Ah-che-toma.
Ah-che-le-tubbe.
Ah-cho-ah.
Ah-no-wah-tubbe.
Ah-moon-ti-yah.
Ah-chuk-mah-to-ka-tubbe.
Ah-onk-tim-ah.
Ah-oon-tam-be.
Ah-tuk-la-me-ho-nah.
Ah-ha-tam-be.
Ah-ta-hubbe.
Ah-ho-yo-tubbe.
Ah-ho-gla-cha.
Al-is.
Ah-cha-fon-tubbe.
Ah-pa-san-tubbe.
Ah-be-chunk-tah.
Ah-chu-nan-tubbe.
Ah-pa-sam-la (or Pa-sam-lee).
Ah-ho-nah.
Ah-fah-nah.
Ah-fun-ne.
Ah-pul-e-chubbe.
Ah-ho-ka.
Ah-kah-me-zubbe.
Ah-cah-lah-honubbe.
Ah-pa-nam-tim.
Ah-chuf-fah-take-ubbe.
Ah-chunk-ma-ho-ka.
Ah-po-la (or Big Billy).
Ah-nook-chin-to.
Ah-pa-sa-ka.
Ah-the-o-hubbe.
Ah-ka-na-la-tubbe.
An-ta-ho-na.
Allice.
Ah-to-ko-ah.
Alth-to-ca-ho-nah.
Ah-chuk-a-la.
Ah-can-non-tubbe.
Ah le-noon-tubbe.
Ah mo-te-ah.
Ah-pah-ta-tubbe.
Ab-be-ho-ka.
Ah-pa-kah-tubbe.
Al-ca-in-ta.
A-num-brilla.
Ak-an-ubbe.
A-che-ho-ka.
Augustin.
Ala-ti-ya (alias Ho-le-te-a).
A-be-ha-ya.
Ah-nook-fa-lah.
Ah-to-sho-tubbe.
Ah-pa-hah (alias Johny Walk).
Ah-pis-ah-te-mah.
Ah-nah-ho-te-nah.
Ah-min-tubbe.
Ah-no-sa-cubbe (or No-sa-cubbe).
Ah-cha-can-tubbe.
Ah-lah-ho-ka.
Ah-pa-lah-ho-nah.
Ah-lah-ta-mah.
Ah-pa-san-tubbe.
Ah-took-ah-lah-him-ah.
An-a-in-ta.
At-ta-tam-ca.
An-ti-kubbe.
A-to-ni-cubbee.
A-cha-i-a-tubbe.
An-ti-cub-kubbee.
Ah-be-hat-tah
Ah-fo-kah-tubbe.
Ah-ne-te-mah.
An-ok-che-to.
Ab-a-wa-la.
A-po-la-tubbee.
Achi-a.
Al-a-la-ko-la.
Ash-o-mo-ta.
A-hath-la.
An-na.
A-ya-to-na.
Ah-o-la-ta.
Ah-la-ha-ma.
Al-a-te-ma.
Ano-la-ho-na (alias Yin-ma-ne-la).
A-cha-la.
Ah-be-coo-chah.
An-thle-hubbe.
Ans-coon-la-tubbe.
Ah-tuk-la-me-ho-nah.
Ah-cho-man-tubbe.
Ash-tubbe.
An-tu-nah.
Aush-tubbe.
Ah-hi-o-tubbe.
Ah-chuck-a-la-mah.
A-hu-ta.
Amos.
An-un-tubbe.
Ah-fa-koma.
Al-it-o-nah.
Bun-na-ho-na.
Bo-leho-na (alias To-lo-le-ho-na).
Binia.
Butah.
Bling-a-tubbe.
Ba-maha.
Beck-y.
Bi-a-ta.
Bil-la.
Bah-fo-cubbe.
Bah-pis-sah.
Be-lin-go-nah.
Beckey.
Bun-na-chubbe.
Bah-sa.
Be-lin-kat-tah.
Be-nah.
Be-nan-cha-ho-ka.
Bah-fun-kah.
Ben.
Bun-ah-tu-nah.
Bum-ah-tah-ka (or Tik-be-ubbe).
Becka.
Bessy.
Buch-ah-hono.
Be-nan-che.
Bah-la-ho-nah.
Bah-ho-te-nah.
Bah-te-nah.
Bah-ah-nubbe.
Bo-la.
Bah-na-tubbe.
Ba-ho-nah.
Ba-ha-ka.
Bah-ka-tubbe.
Be-nin-tubbe.
Bah-nubbe.
Bell David.
Basey.
Becky.
Bu-mah.
Bat-sey.
Be-lin-go-nah-gohn.
Bah-nah-tubbee.
Bah-tubbee.
Bah-na-che.
Be-na-tam-le.
Boh-tubbe.
Boh-cha-lah.
Bi-o-glah.
Bo-ha-le.
Bah-na-tubbee.
Bob Captain (alias Mingo-ho-nah).
Belink-at-tah.
Can-a-ho-yo.
Chompah.
Che-mo-na.
Chickasa.
Cun-nea-ho-na.
Cun-nea-tubbee.
Charles.
Con-sha-tubbee
Chis-he-ho-ma (alias Capt. Red Post Oak).
Conam-o-mubba.
Chonk-choo.
Can-on-e-ta-la.
Cun-ne-a-tubbee.
Chom-pa.
Chok-ma-he-ma.
Can-che-te-ma.
Cunnam-an-tubbee.
Can-cha-to-na.
Chil-le-tam-la.
Can-cha-ho-ka.
Chonnis.
Chuffa-to-na.
Can-pa-lubbee.
Che-hom-bee.
Co-cha-tubbee.
Cun-na-cha.
Cun-ne-chubbee.
Cah-to-nah.
Che-no-lah.
Charles.
Chuffa-ta-no-la.
Co-lick.
Cun-ne-chubbe.
Cah-la-tubbee.
Cun-ne-ubbee.
Cun-ne-ah-tubbe.
Cah-la-tubbee.
Cun-ne-o-nah.
Cun-ne-ah.
Chuffa-tubbee
Cun-ah-he-mah.
Carson.
Cah-to-nah.
Com-pal-tubbee.
Con-noon-tam-lee.
Chamis.
Cun-ne-ish-to-nah.
Charles.
Cah-la-ho-na.
Cun-ne-che-nah.
Cun-a-la-to-nah.
Cun-ne-mo-nubbee.
Ce-lia.
Cun-ne-ubbee.
Cun-na-see.
Cun-ne-ho-chubbee.
Co-chubbee.
Cun-noon-ta-mah-ho-nah.
Cun-noon-tah-cubbee.
Cun-noon-tah-cubbee.
Creesay.
Cun-ne-tam-bee.
Con-che-te-mah.
Chah-ley.
Cun-no-ma-tubbee.
Cus-cahtick lah (or Yock-a-na-ho-mah).
Chille-tah.
Cun-na-mam-lee.
Chin-sah.
Cun-noon-tah-chubbee.
Chum-tah.
Cun-ah-ha-mah.
Cun-e-mam-la.
Cun-e-mah-tim-ah.
Cun-un-tah-lee.
Can-un-tah-mah.
Cun-e-ubbe.
Cun-e-mam-lee.
Cun-e-me-yubbe.
Co-ah-ho-mah.
Cun-e-mah.
Chaffa-to-nubbe.
Cun-e-o-te-kah.
Che-kah.
Cun-e-mah-ho-nah.
Chin-alle.
Chille.
Captain Bob (or Mingohoma).
Che-ma-ho-ka.
Co-tah.
Chal-le.
Chak-al-e-che.
Cun-e-te-mah.
Con-cheto-nah.
Che-po-lah.
Chah-hubbe.
Cun-e-ish-tu-nah.
Cun-e-o-te-mah.
Can-e-tam-le.
Chul-le.
Coon-oon-tan-te-mah.
Cun-noon-to-mah-la-ho-ka.
Chah-ah-tubbe.
Con-ah-la-chubbe.
Che-ho-nah.
Chum-pah-te-mah.
Cun-ne-mah-chubbe.
Che-ho-te-mah.
Cun-ubbe.
Chuf-ah-tam-be.
Con-che-ho-ka.
Cun-e-mah-tim-ah.
Cun-ah-min-chubbe.
Chane.
Cun-e-mo-nubbe.
Chan-le.
Cun-e-me-tim-ah.
Cun-u-ta-cubbe.
Con-she-ho-yo.
Chef-fa-to-nah.
Charles.
Chit-o-kubbe.
Chif-fa-ti-yah.
Chuf-fa-ho-ka.
Chook-mam-le.
Cha-le-ho-nah.
Chaf-ubbe.
Cheffa-to-nah.
Che-co-tubbe.
Cha-wah-te-ah.
Chick-a-mah.
Chef-fa-to-no-wah.
Cha-lan-tah.
Chick-a-sah-ho-ka.
Chef-fo-ti-yah.
Cho-ho-ka (or Ah-chu-wah).
Che-mah.
Chuk-fy-noo-sa.
Chil-le-tam-be.
Chuf-fa-tu-nubbe.
Chef-fa-ho-ka.
Chick-oon-tubbee.
Chif-fo-ti-ya.
Chuf-fa-tubbee.
Chef-fah-hin-lubbe.
Cun-ne-tam-be.
Che-lok-kee.
Chick-e-mah-ho-yo.
Chum-pah-te-mah.
Can-o-me-tubbe.
Cun-e-ah-he-mah.
Cun-e-ah-hok-tah.
Cun-e-moon-tubbe.
Con-oon-te-mah-homah.
Cum-un-mubbee.
Cun-e-ah-ston-ah.
Cousin.
Con-ah-la-cha.
Con-sha-lah.
Cun-oun-tam-be.
Cun-e-mah-tubbee.
Con-e-moon-tubbee.
Con-sha-ho-ka.
Cun-e-mo-nubbee.
Choom-pah.
Chum-pah-ho-ka.
Chah-e-te-mah.
Cun-ne-ah-ho-nah.
Con-che-ton-nah.
Chum-pah-te-mah.
Cun-e-o-to-nah.
Cun-ne-te-nah.
Che-cah-ta.
Cah-po-la.
Chick-a-sha.
Che-mi-o-ka.
Cut-tah-ho-chubbee.
Che-ah.
Chief-fah-tam-lee.
Cun-ne-tubbe.
Cun-ne-o-to-nah.
Chubbee.
Chah-la.
Com-pa-lubbee.
Cun-ne-tam-bee.
Cut-a-po-la.
Chik-mah-em-ah-tubbee.
Cun-e-me-to-nah.
Cole-Coleman.
Colbert.
Cham-a-ha-jo.
Che-po-ka.
Cah-te-mah.
Cha-fahn-to-nah.
Can-cha-ho-nah (or Tan-cha-ho-nah).
Cuffah-ka.
Cun-ne-mah.
Co-chubbee.
Cun-oon-ta-mah.
Cun-oon-ta-bee.
Che-ni-la-ho-ka.
Con-o-he-mah.
Con-sha-ho-nah.
Cun-oon-ta-kah.
Chuf-fa-tubbee.
Che-ho-a-to-na.
Cha-cha.
Cha-co-nubbee.
Co-cha-tam-co.
Carson (or Ka-chi-en).
Chuf-fa-ta-no-la.
Cham-pa-ya (or Sham-pi-n).
Choom-pa-ho-ka.
Chuffa-tubbee.
Cobb Pickens.
Cobb, Any.
Cobb, Molly.
Chuffa-to-ke-ubbe.
Chook-ah-tal-le.
Cush-o-nah.
Chil-le-ta.
Cun-con-tick-cah.
Cune-me-tim-ah.
Chok-tah-ho-ma (or Pis-it-ti-yah).
Chas-po-ho-nah.
Che-mah-le-ho-ka.
Cut-te-o-to-mah.
Cun-ne-me-ubbe.
Caleb, John.
Con-she-ho-ka.
Cole, Colbert.
Cole, John.
Cole, Augustin.
Dyer, Lucinda.
Dyer, Nelly.
Dyer, Jeremiah.
David.
Dixon.
Davis.
Dennis.
Durant, Pierre.
Durant, George.
Durant, Vina.
Durant, Sylvester.
Durant, Jefferson.
Durant, Isham.
Durant, Sophia.
Durant Charles.
Dyer, Polly.
E-o-ta.
E-mait-cha-tubbee.
Esteeupunna-koka.
E-la-ho-yo-ta-ma.
E-mach-o-nubba.
Em-a-la.
E-mam ba.
E-la-to-nubbee.
E-li-che-to.
Ea-to-na.
Een-puk-a-nubbee.
Eli-lubbee.
Ea-ish-ya.
E-muth-pa-sa-lubbee.
E-me-she-ho-na.
E-lo-tu-ne.
Ema-ho-na.

E-yo-ko-tubbee.
E-laah a ho-na.
Eli-an-ne-ho-nah.
E-a-chub-bee.
E-a-han-tubbee.
E-man-o-a-tubbee.
Ea-ho-na.
E-la-is-te-ma.
E-la-cha.
E-ma-ho-na
E-lah-ho-te-mah.
E-lah-so-quah.
E-yok-a-ma-tubbee.
E-mock-mahn-tubbee.
Ebo-ah-to-nah.
Eah-la-ho-nah.
E-ho-yo.
E-ah-ho-ke-ta.
Emah-ho-kah.
E-lah-moon-tubbee.
E-a-mock-in-tubbee.
E-mo-mah-ho-ka.
E-ah-ho-nah.
Eah-ho-nubbee.
E-man-te-ah-ho-ka.
E-ah-chubbee.
E-lam-bee.
E-ah-tubbee.
E-o-tubbee.
E-lah-nubbee.
E-low-e-te-mah.
E-yosh-moon-tubbee.
E-o-nah.
E-coffe-tubbee.
E-ah-ha-cubbe.
E-o-kah-tubbe.
E-o-kah-tubbe.
E-mak-ko-nubbe.
E-lah-ho-to-nah.
E-lu-nah-tubbe.
E-me-la-chubbe.
E-mish-toe-nah.
E-lah-e-shubbe.
E-lo-nah.
E-o-tim-ah.
E-la-yo-kak-tubbe.
E-mi-ah-tubbe.
E-math-la-cubbe.
E-la-pe-ah.
Ela-pe-sa-ho-ka.
E-le-ah-ho-nah.
E-lah-pun-ah-ho-yo.
E-la-pam-le.
E-mah-yah-ste-mah.
E-lah-took-am-be.
E-la-po-nubbe.
E-la-ho-tubbe.
Em-ma-le-ho-ka.
E-la-ho-ta-ka.
E-le-ho-yo.
E-ok-tam-bee.
E-mith-lubbe.
E-mish-ah-ho-nah.
E-ah-ho-chubbe.
E-lu-nubbe.
Eah-kiah-ho-ka.
E-ah-ho-nah.
E-lap-o-tim-ah.
E-male-le.
E-lah-ho-tim-ah.
E-lah-u-kah.
E-ca-we-che.
E-lah-pish-te-ah.
E-lah-ho-ka.
E-lah-in-im-ah.
E-ah-ho-ka-tubbe.
E-yak-o-tubbe.
E-lah-tam-be.
Eah-to-chubbe.
E-ah-ho-kah-tubbe.
E-lah-ne-ho-nah.
E-glen-ubbe.
E-lu-nah-tubbe.
E-le-no-ah-chubbe.
E-ah-tah-ah-ho-mah.
E-le-mah-ho-nah (or La-mah-ho-nah).
E-mo-nubbe.
E-lah-u-kah.
E-cah-le-ho-nah.
E-li-o-te-ka.
E-klen-ah-tah (or E-glen-ah-tubbe).
E-ah-ho-ka.
E-ki-o-nubbe.
E-lah-ha-cubbe (or Il-ah-he-kah).
E-ah-to-nah.
E-li-o-te-mah.
E-lap-no-wah.
E-ah-ho-nubbee.
E-ah-ho-tim-ah.
E-li-yubbe.
E-yal-a-ho-ka.
E-la-pa-subbe.
E-la-lo-ma-tubbe.
E-lah-ho-nah.
E-mah-to-kah.
E-le-ah-tubbe.
E-la-cha-te-mah.
E-ah-he-tubbe.
E-ha-la-to-nah.
E-la-ho-te-mah.
E-me-la-to-nah.
E-mock-he-tubbe.
E-lah-he-kah (alias E-la-ha-cubbe).
E-ah-tubbe.
E-ho-ah-to-nah.
E-la-pe-wah-ho-nah.
E-ma-che-ah-ho-nah.
Eah-eah-tim-ah.
E-lah-fe-tu-nah.
E-ah-to-nah.
E-ah-an-tubbe.
E-lah-tah-tubbe.
E-as-tu-ubbe.
Eli-pipa.
E-oh-tah.
E-ah-ha-tubbe.
E-lah-pah-nubbe.
E-ah-le-ho-tim-ah.
E-Cah-tah.
E-lap-in-tubbe.
E-yah-ah-to-nah.
E-la-shubbe (or Billy N-kon-Shaw).
E-ya-ka-tubbe.
E-mish-te-ubba.
E-mo-nubbe.
E-ne-cun-e-ubbe.
E-yah-hubbe.
E-cha-pah-no-nah.
E-lah-ho-yubbe.
E-mack-lubbe.
E-li-che-tubbe.
E-mah-tall-ah.
E-mah-sha.
E-li-chuf-cubbe.
E-me-ha.
E-cha-po-tubbe.
E-lo-ok-chi-ah.
Emo-nubbe (alias Im-mo-nubbe).
E-lan-tubbe.
E-mah-no-wah.
E-mah-ho-to-nah.
E-sha-ho-ka.
E-lah-tah-to-nah.
E-ho-ah-tubbe.
E-lah-he-nubbe.
Edmund.
E-yak-tubbe.
E-yah-he-tubbe.
E-mish-tubbe.
Elah-pah-ne.
E-lah-pis-ubbe.
E-le-o-nah.
E-lah-pe-kah.
E-yah-ish-to-nah.
E-chah-pah.
E-lo-ma-him-mah.
E-ah-ham-be.
E-lah-tubbe.
E-lah-ho-yubbe.
E-mah-a-lubbe.
E-yak-a-che.
E-li-ho-kubbe.
Esta-ho-yo.
E-lah-lo-ma-tubbe.
E-cha-po-tubbe.
E-lan-to-nah.
E-as-ta-ho-nah.
E-bak-ah-tubbe.
E-yah-tu-nah.
E-mi-ya-tubbe.
E-mo-na-ho-ka.
Ey-ah-li-yah.
E-lak-che-te-mah.
E-li-yubbee.
E-bah-took-lah.
E-lah-o-tubbe.
E-ah-ho-nubbe.
E-yan-to-ho-ka.
E-lah-po-chubbe.
E-min-te-ho-nah.
E-lah-he-mah.
E-la-ho-te-ah.
E-ah-ho-nubbe.
E-lah-pish-ti-yah.
Este-mil-le.
E-yak-a-tubbe.
E-yi-ho-yo.
E-yah-hah-tubbe.
E-mal-ho-mah (alias E-mah-le-ho-mah).
E-mah-tam-bee.
E-lah-ko-tubbe.
E-lah-ke-mah.
E-lah-te-ubbe.
E-lah-ho-yo.
E-li-to-nubbe.
E-ya-le.
E-ah-tom-bee.
E-li-chin-tubbe.
E-li-he-nubbe.
E-la-ba-cubbee.
E-lap-no-an-tubbe.
E-lah-che-ho-nah.
E-yah-ham-bee.
E-ah-ho-ka-te-mah.
Elice.
E-sha-to-nah.
E-hu-e-te-tubbe.
E-ah-cah-to-nah (or Cah-to-nah).
E-mis-tubbe.
E-ah-ho-te-mah.
E-man-che.
E-me-to-ho-nah.
E-mo-no-la-cho-nah.
E-ho-ah-tam-be.
E-le-o-ka-te-mah.
E-lah-yo-kah-to-nah.
E-ah-ham-bee.
E-lo-mah.
E-lah-pish-ah.
E-cah-no-ah-ho-nah.
E-ah-ho-ka.
E-lah-to-nah.
E-mam-be.
E-mah.
E-lo-nah.
E-yah-ham-ba.
E-hi-o-cubbee.
E-man-cha.
E-mah-nin-che.
E-yak-ki-ah
E-yah-ham-ba.
E-ham-bee.
E-ma-cha-tubbe.
Eli-cha-tubbe.
E-lah-pa-ah.
E-liza.
E-mah.
E-li-tubbe.
E-lah-e-mah.
E-lo-yah-tubbe.
E-lik-hon-ah.
E-lah-pio-ubbe.
Em-bo-tah.
E-ah-te-mah.
E-o-kah-tubbe.
E-cha-po-tubbe.
E-li-an-ne-ho-nah.
Ex-ah-kah-ho-tubbe.
E-lam-bee.
E-mah-lah-te.
E-no-wah.
E-him-mah-la-tubbe.
E-ah-sha-tubbee.
E-lah-ho-yo-ho-nah.
E-ah-lo-ho-nah.
E-lo-mon-to-cubbee.
E-me-le.
E-li-za.
Eah-che-hubbe.
E-lah-tim-ah.
E-o-cutch-ah.
E-chah-pah.
E-mah-shah-chubbe.
E-ah-ham-bee.
E-lah-pe-ah-ho-nah.
E-mah-om-be.
E-te-pok-a-nah.
E-meen-tah-ho-nah.
E-li-oon-ah.
E-lah-tubbe.
E-lap-ik-e-bah.
E-yon-tah.
E-mipah.
E-mo-thah-tubbe.
E-li-o-te-mah.
E-lan-tubbe (or Tish-o-pi-a).
E-a-chubbe.
E-la-ha-lu-ta.
E-lo-ni-ah.
E-lo-ho-ka.
E-liza.
E-mo-na-tubbe.
E-o ca-tubbe-to-nah (or To-cubbe).
E-whah-to-nah.
E-ah-kah-tubbe.
E-lah-ma-tubbe.
E-la-ha-cubbe.
E-la-te-mah.
E-mah-lubbe.
E-ah-tahn-tubbe.
E-ah-ki-ah-to-nah.
E-ah-ho-nubbe.
E-li-o-nubbee.
Eatamia Charles.
E-mil-la.
E-la-ho-tema.
E-lan-tubbe.
E-la-ta-i-ho-na.
Ea-ish-tubbe.
E-math-lo-la.
Een-ta-ho-ka.
E-ma-lubbee.
E-no-ka.
E-li-za.
E-lo-wa-tubbe.
Eliza.
E-la-took-e-la.
E-lo-ma-chubbe.
E-la-pa-nubbe.
Elijah.
Ellen
E-o-tah.
E-lah-pam-la.
E-lah-we-tubbe.
E-ye-me-tubbe.
E-loom-ah-ho-kah.
E-li-emah.
E-lah-pa-lubbe.
E-no-wah.
E-me-le-hubbe.
E-la-u-ka-tubbe.
E-lah-pun-te-mah.
E-me-la-ho-na.
Faya
Fannubbe.
Falle-cheto.
Fal-a-min-chubbee.
Fe-ma-la.
Fa-nubbee.
Fe-tick-ah-chubbe.
Fil-e-ah-tubbe.
Fo-kah-lin-tubbe.
Fe-temah-ti-mah.
Fe-le-kah.
Fal-ah-moon-tubbe.
Fe-le-nubbe.
Fe-le-tah.
Fe-laka-tubbe.
Fil-e-ah-tim-ah.
Fo-ko-lin-tubbe.
Fah-hah-mah-ho-nah.
Full-o-mo-tubbe.
Fil-e-mam-le.
Fal-lal-moon-tubbe.
Ful-le-ho-mah.
Fun-ne-ho-mah.
Fa-la-moon-tubbe.
Fil-e-ti-yah.
Fe-lah-moon-tubbe.
Fil-e-tubbe.
Fo-look-a-che.
Fish-o-ho-cubbe.
Fo-le-na-te-mah.
Fa-lam-e-tubbe.
Fish-u.
Fil-e-cutch-e.
Fa-lam-a-tubbe.
Fal-am-a-tubbe.
Fal-am-ah-ho-ka.
Fil-e-tah-ho-nah.
Fal-ah-mo-tubbe.
Fille-moon-tubbe.
Fallo-ah-ham-be.
Fil-e-mah.
Fil-e-to-nah.
Fe-le-moon-tubbe.
Fe-lem-e-tubbe.
Fin-min-tubbe.
Fille-tah.
Fut-cha.
Fil-le-ca-tubbe.
Fille-man-tubbe.
Fah-lah-mah.
Fan-e-ubbe.
Fo-lub-be-chubbe.
Fo-look-a-che.
Fitch-ik-no-wah.
Fish-ah-he-lubbe.
Fah-lam-bee.
Fillubbee.
Fil-e-mon-e-ti-ma.
Fil-e-mah-tubbe.
Fa-lo-mah.
Fee-chubbe.
Foster, Thomas W.
Foster, George H.
Foster, Elija G.
Frazer, Sweeny.
Fo-ca-tubbee.
George.
Gibson.
Go-ma-chubbee.
Gibson.
Gowin, Betsey.
Hol-la-chee.
Him-mo-ka-to-na.
Hoya (or Ahoya).
Hothma.
Ha-ma-yo-lubbee.
Hoth-ta-ma.
Hok-a-tubbe.
Ha-o-cho.
Hillubbee.
Hoy-e-ta-na.
Hoyo-ho-tubbee.
High-i-ho-na.
Hol-la-chubbee.
Hem-a-che-na.
Ho-pa-ka-che.
Hus-he-Mingo.
Ho-ka-lo-che.
Ho-te-ma-ta.
Ho-ti-a-ka.
Ho-te-mo-na-ho-ka.
Hul-tuk-ho-ma.
Hollah.
Hi-a-ca-to-na.
Han-nubbee.
Hia-cutch-ee (or Hi-yo-ca-chee).
Ho-ta-cubbee.
Ho-but-a-ka.
Hi-a-tubbee.
Ho-te-o-a.
Ho-let-tah-ho-nah.
Ho-te-nah-chubbee.
Hi-ack-co-nubbee.
Hick-a-tom-bee.
Hi-a-la.
Hal-la.
Ho-che-fo.
Ho-te-mah.
Hop-pa-la-tubbee.
He-ne-ah-ho-nah.
Ho-to-man-eha.
Ho-ta.
Ho-tah-ho-nah.

Ho-tam-bee.
Ho-lah-tubbee.
Han-nah.
Ho-ha-cubbee.
Hith-ah.
Ho-cubbee.
Him-mock-ah-bee.
Hi-ah-la-ho-mah.
Ho-te-man-chubbee.
Ha-chah.
Ho-pa-na.
Ho-gla.
Ha-cho-na.
Hick-a-te-n-ah.
Ho-tan-te-ni-ah.
Hi-o-tah.
Ha-la.
Ho-te-nubbee.
Ho-to-nah.
Ha-cubbee.
Hi-o-te-mah.
Hun-o-nah-tubbee.
Ho-pi-an.
Ho-te-ah.
Ho-bah-cha-ho-nah.
Ho-te-ah-ho-nah.
Ho-yo-pa-tubbe.
He-kah-tubbee.
Ha-cha.
Ho-chubbe.
Ho-nah.
Ho-ta-che-ho-nah.
Ho-lima.
Hah-tak-lam-ah.
Hock-la-ho-nah.
Hun-nubbe.
Ho-tim-ah.
Ho-tah-at-tubbe.
He-kah-tubbe.
Ha-le-tubbe.
Hi-oun-ubbe.
Ho-lah-bah-ho-nah.
He-kah-ti-mah.
Ho-tan-yah.
Ho-tish-tam-be.
Ho-tish-im-ah.
Ha-ka-a-ho-mah.
Hal-le.
He-kak-ti-mah.
Hok-la-ho-nah.
Ha-o-le-tim-ah.
Ho-tim-e-ah.
Hah-tak-ubbe.
Ha-tick-illa.
Ho-tik-ia.
Ho-tah-tah.
Hi-ne-ubbe.
He-cubbe.
Ho-te-ah.
He-u-ah-le-tubbe.
Ho-to-nah.
Ho-ne-tam-be.
Hol-ba-tubbe.
Ho-ne-mah.
He-nah-ho-mah.
Hook-e-la.
Hi-ah-ka-tubbe.
Hath-la.
Hi-o-tubbe.
He-yo-ho-nah.
Hool-lo.
Ho-ka.
Ho-cha.
Ho-te-mi-ah.
Hon-oon-tam-ba.
Hi-ah-ka-tubbe.
Hi-e-le-ho-nah.
Ha-lubbe.
Ho-tim-ah-che.
Ha-la-che.
Ho-te-an-ah.
Hota-tim-ah.
Ho-lis-ah-tubbe.
Ho-yo-ubbe.
He-challe.
Ho-pak-o-nah.
Ho-te-ah.
Hik-it-e-ah-ho-nah.
Ho-tin-lubbe.
Ho-yo.
Hon-ah-ho-tubbee.
Hah-be-nah.
Ho-yo-nubbe.
Ho-bah-tam-tubbe.
Hok-e-lo-tubbe.
Ha-took-lubbe.
Ho-te-tubbe.
Hush-e-ho-mah.
Hi-yo-la.
Hol-le.
Hi-een-ah-tubbe.
Ho-le-ti-ah.
Holla-ti-yah.
Hok-lo-tubbe.
Ho-bah-to-mah.
Ho-tan-tu-nah.
Hi-o-to-nah.
Ho-te-mah.
Hill-a-tubbe.
Ho-lis-so-ho-nah.
Hos-to-no-che.
Hio-gale.
Hi-yah-kubbe.

Ho-chubbe.
Han-tubbe.
Hush-shook-ho-mah.
Ho-te-mah.
He-kah-tubbe.
Ho-te-mah.
Hus-ke-ah-hooc-ta.
Heo-te-mah.
He-lubbe.
Ho-yubbe.
Hah-la-le.
Ho-te-nah.
Hool-bah-tubbe.
Hushe-te-mah.
Hok-sa-gee.
Hi-yok-ah.
Hi-ape-ha-sa.
Ho-pi-yah.
Hoo-sah-tubbe.
Hoo-che-mah.
Heith-lah-tho-nah.
Ho-tubbe.
Ho-mok-o-nubbe.
Ho-to-pah-le.
Hoth-te-nubbe.
Ho-be-ti-yah.
Hin-che.
Ho-te-kubbe.
Hoth-te-nubbe.
Ho-tubbe.
Ho-pah-ka-ho-nah.
Hush-hook-ho-nah.
Hi-tuke-pa-ho-ma (or Yak-i-ah).
Hush-e-no-wah.
Hi-em-e-te-mah.
Hi-o-tubbe.
Hi-a-lee.
Ho-yubbe.
Hash-ah-i-ta-nah.
Hi-a-lee.
He-ki-yuable.
Ho-te-nah.
Hi-en-e-chubbe.
Hah-mook-la-ho-nah.
Ho-chon-chubbe.
Ho-pa-hin-tubbe.
Ho-tish-le-ah.
Ho-te-yah.
Ho-te-mah.
Ho-yo-ho-nah.
Hoy-ubbe.
Hi-ak-ah.
He-yape-ah-ha-jo.
Hi-yak-hubbe.
Ho-che-fo-tubbe.
Hol-la-ho-nah.
Han-ah-to-nah.
Hi-ah-co-nubbe.
He-no-nah-tubbe.
Hool-bah-tubbe.
Ho-nah.
Ha-ba-nah.
Ho-nah.
Ho-pah-ka-tubbe.
Ho-lah-cha.
Ho-lah.
Ham-bee.
Ho-ni-o-nubbee.
Ho-te-mah.
Ho-yo-an-tubbe.
Han-ah-mock-ah-yah.
Ho-to-ak-ah.
Ho-tah-ho-nah.
Hon-to-nah.
Ho-lah-te-mah.
Hoo-nah.
Ho-me-ho-tubbe.
Ho-bah-tam-bee.
Hah-nubbee.
Hi-ak-e-tubbee.
Han-nubbe.
Hool-bah-ho-nah.
Hik-e-yah.
Ho-nah.
Hi-ah-ka-tubbe.
He-lubbe.
Ha-man-che.
Ho-kubbe.
Hik-ah-che.
Him-ah-ubbe.
He-ka-che-ho-nah.
He-ah-ka-ish-to-nah.
Ho-ka.
Hun-nuk-ubbe.
Ho-ba-tubbe.
Him-mock-am-bee.
Ho-te-mah.
Hi-a-to-nah.
Ho-yo-pah.
Ho-ta-ho-nah.
Ho-tah-lah-ha-mah.
Ho-le-ba-chubbee.
Ho-che-nah.
Ha-ta-mah-ho-nah.
Ho-ka.
Ho-te-nah-ho-nah.
Ho-pah-kah.
Ho-pi-ah-tubbe.
Ho-shin-she-ho-mah.
Ho-yo-pa.
Ho-e-o-na.
He-a-ka-ti-na.
Hotch-a-ka.

Ho-ba-te-i-a.
Ha-tubbee.
Hoh-tah.
Hi-ah-ko-nubbe.
Hi-ah-ka-mah-tubbe.
Ho-le-to-pah.
Ho-ta-cubbe.
Hick-a-tubbe.
Ho-yo-ka.
Ho-to-nah.
Hetty.
Ho-te-mah.
Ho-pi-ah-ho-mah.
Ho-no-que-ah.
Hun-oon-pah.
Ho-pah-cubbe.
Ho-chah.
Hong-ki-o.
Ha-cubbe.
Hoth-te-ma-ho-yo.
Hoth-te-ma-ho-yo.
Ho-ma-a-che.
Hik-in-tubbe.
Hick-a-tubbe.
Ha-yo-pa.
Hall-son.
Ha-to-na.
Ho-ba-tish-ubbe.
Ho-ti-kah.
Hok-ta.
Ho-ka-lo-tubbe.
Hush-to-nubbee (alias Ae-ma-to-cubbe, alias O-gle-ish-ti-a).
Ho-yo-ho-nubbee.
Ho-lin.
Ho-na-chi-to.
Ho-cha.
Ho-cha.
Ho-te-ock-a.
Ho-yo.
Hol-la.
Ho-e-ho-nah.
He-ke-ah-ho-nah.
He-kah.
Ho-ba-te-yah.
Ho-to-nah.
Ho-chubbe.
Ha-mook-lah-tubbe.
He-to-nah.
Ho-te-mi-ah.
Ho-yubbee.
Ho-tam-bee.
He-in-tim-ah.
Hoo-too-nah.
Hoo-la-te-i-a.
Hock-lo-hatt-ah.
Ho-ba-lah.
Ho-yo-ki-ah.
Hock-a-la-tubbee.
Hash-ta-sho-nah.
Is-te-a-ka-ia-ho-na.
Is-tam-ba.
Is-tilla-bala-tubbee.
Ia-ma.
Is-ti-e-a-tubbe.
Ish-kumma.
Is-tam-ba-la-bee.
Ista-pe-ca-nubbee.
Ish-te-mei-a-nubbee.
Is-tam-cha.
Is-tim-a-la-ho-na.
Is-o-gla-te-ma (alias Oclatema-Im-mil-o-ho-na).
Is-tam-tubbee.
Ish-tam-yah.
I-ubbee.
Is-tam-to-na.
Is-ta-ho-la
Iste-man-cha-ho-na.
I-o-wa-che.
Ick-a-na.
Im-ubbee.
I-a-tubbee.
Im-mish-to-nah.
I-a-mah.
I-sum.
Ish-a-tubbee.
I-sim.
Ish-te-mahn-a-chubbee.
Im-mah-la-hubbee.
Im-mi-e-ho-to-nah.
I-ah-nin-tubbee.
Ish-wa-chubbee.
I-to-tubbee.
Ish-to-mah-ho-nah.
Im-sey.
Im-moch-fo-quah-tubbee.
Ish-ton-te-mah.
Ick-neth-lo.
I-a-hubbee.
Ish-tim-a-so-yo.
Im-mah-tha-chubbe.
Is-un-mah.
I-o-glah-tubbe (or Hustuk).
I-a-mah.
Illa-ho-nah.
Ish-ta-ka.
Ooos-ta.
Ish-ta-ho-nah.
Ish-sham-bee.
I-orth-la.
Illa-ho-ka.
Illa-glah-to-nah.

I-a-mah.
Ish-te-lah-mah.
Ish-wah-ki-yo.
Ish-te-mah-ka.
I-con-nah.
Im-mah-no-wah-ho-nah.
Im-mock-kah-ho-nah.
Io-pun-na-chubbee.
Im-mish-ti-yah.
I-o-ke-a-to-nah.
Ish-tah-shubbee.
Ish-tah-lah
Im-me-ho-ba-tubbee.
Ish-to-mahlone-chubbee.
Ista-min-cha-tubbee (or Mincha).
Im-mah-lah-te-mah.
Illa-con-a-tubbee.
I-ok-lo-tubbe.
I-e-ne-tim-ah.
In-pak-nah-ho-nah.
Im-ah-illa.
Iye-le-he-mah (or I-la-ho-nah).
Isaac.
Im-my.
Ik-o-nah-te-mah.
Ish-te-ah-ho-nah.
Ish-te-lah-ne.
Ish-tah-ho-va-ho-nah.
Im-ah-le-ho-nah.
Ish-lah-ho-ka.
Ish-ta-mah-ho-nah.
It-a-pe-sah.
Ish-te-mi-ah.
In-lah-tim-ah.
Im-al-to-va.
Im-e-lubbe.
Ish-te-mah.
Ish-to-me.
Is-tubbe-hattah.
Ish-tu-nah-tubbe.
Ish-ta-ah-ho-nah.
Ish-taho-nah.
Io-ka-to-nah.
Im-pun-ah.
Is-shan-ke-ho-yo.
Ish-ho-ni-ye.
Ish-tubbe-ho-ka.
Im-an-o-tik-a
Ish-tan-we-che.
Im-ah-ho-nah.
Ish-to-nah-che-ho-nah.
In-lah-tubbe.
Im-om-ubbe.
Ish-tah-lubbe.
Im-ah-ho-yo.
Illa-ho-yubbe.
Insh-kam-ah.
Ish-tal-ath-i-ah.
Ish-tal-lah-ho-nah.
Im-ah-ho-ka.
Is-ho-ka (or Ath-le-ho-ka).
Ish-tah-yo-co-nah.
In-am-be.
I-yo-nah.
Ish-pah-lah-te.
In-am-be.
I-yo-nah.
Ish-pah-lah-te.
Im-ah-tish-e-ho-nah.
Ish-im-ah-ho-ka.
Ish-te-mi-o-nah.
In-lah-to-nah.
Im-pun-ah.
Ish-ti-ah.
Ish-tam-mo.
Ish-te-me-le-ho-ka.
Ish-ti-ah.
I-ath-le-pah.
Im-ah-le-ho-nah.
Ish-ta-lubbe.
Ish-te-mi-ah-ho-ka.
Is-te-che.
In-lah-ho-nah.
I-ah-che-ho-nah.
Im-ah-tah-ho-nah.
Ish-to-ni-ye.
Ish-tem-bo-la.
Im-uk-tah-nubbe.
Ille-tubbe.
Im-ah-chi-ah.
Ish-mi-ah-ho-nah.
Is-sta-cha.
Ish-ton-ok-eu-ah (or Ish-ton-ah-kue-ah, or Nok-we-ah).
I-yok-e-tubbe.
Ish-un-ah-ho-ka.
Im-mah.
I-e-ah-ho-nah.
Im-ho-ah-to-nah.
Im-i-e-ah-ha-tubbe.
Ish-to-ka-ho-tim-ah.
Ish-te-me-lubbe.
Ish-ho-yo.
Im-ok-po-to-tubbe.
Ish-tubbe.
Ik-ic-ne-nah.
Ish-ta-lo-la-tubbe.
Is-tubbe.
Ish-no-wah.
Isaac.
In-lah-cubbee.
Ish-ah-hok-ta.
Im-ah-ho-yo.

Ish-tah-ham-me.
Ish-ta-uek-la.
I-tun-la-tubbe.
Is-te-me-chubbe.
Im-ah-no-an-tim-ah.
Ish-tah-tubbee (or Big Jacob).
Is-til-i-ah-ho-ka.
Ish-ti-o-pa.
I-yo-co-nubbe.
Ish-te-ah-ho-ka.
Im-al-tah-ho-nah.
I-ok-la.
Ish-tah-hook-tah.
Ish-tah-tubbe.
Ish-ti-ah.
Il-ah-chaf-fubbe.
I-a-nah.
Im-uth-ta-ha-to-nah.
Ish-li-vah.
I-o-ko-nubbe.
I-map-kan-che.
Itte-ho-mis-tubbe.
Im-mo-nubbe.
Illah-ish-te-mah.
It-ta-mith-ubbe.
Im-me-ho-nah.
I-tu-nah.
It-ah-ho-bo.
Ish-me-ah.
Ib-ah-no-wah.
In-chuk-mah-ho-yo.
I-bak-ah-hubbe.
I-lah-yo-kubbe.
I-ha-kon-bee.
Illah-no-la.
Iha-gah-tubbe.
Ish-te-ma-ho-nah.
In-too-lah.
I-ha-kah-tubbe.
I-lap-im-hah.
Im-ah-talle.
I-ape-ah-tubbe.
I-ik-len-ah.
I-yo-ke-nubbe.
I-hik-e-tubbee.
I-mut-te-ah.
I-ok-Che-ho-ka.
Im-ah-yah.
I-em-ma.
In-tu-la-ho-ka.
Ish-to-pah-nubbe.
I-lap-o-nah.
Ish-tan-te-mah.
Ish-ko-chubbe.
I-o-pa-chee.
Ish-la-ho-ka.
Ish-ta-bo-la.
Im-o-na-ho-ka.
I-it-tu-lah.
Ish-te-mak-ah.
Ik-tah-te-mah.
Ish-te-mi-yah.
Ish-te-ma.
It-e-lak-na.
Ik-be-tubbe.
Il-ah-ish-to-nah.
Ish-tik-ah-tubbe.
In-sha-la-tubbe.
Io-yah-hubbe.
I-yah.
Ish-tah-pak-mah.
I-ask-ka-mah.
Il-le-ho-ka.
I-oath-ah.
Il-ah-e-mah.
Im-ish-too-nah.
I-m-ah-tha-kah.
Im-ah-i-sha.
I-m-mil-le.
Ik-lan-ah-tah.
Im-ish-le-ah.
I-a-che-ho-nah.
Ish-ti-o-nah.
I-hool-bah-tubbee.
I-lah-ho-tubbe.
I-hi-o-tubbe.
I-lah-ha-be-to-nah.
I-bah-wa-che.
Il-ah-ish-te-mah.
I-een-la-hubbe.
I-o-ga-be.
I-o-kubbe.
I-sham.
Isk-te-kubbe.
I-ha-ne-ubbe.
It-e ok-chak-ko.
Ish-tah-ho-ho-tubbe.
I-yo-mah-ho-ka.
I-o-gle-te-mah.
Ish-tah-ho-cubbe.
Ish-te-mah-le-chubbe.
I-yo-nah-te-mah.
Ish-tah-ho-nah.
I-lik-e-tubbe.
I-al-ba.
Ish-tan-tubbe.
In-tah-hubbe.
Im-ah-no-wabbe.
Ish-tal-lah.
In-lah-tubbe.
Ish-tah-tubbe.
Is-te-mi-o-nah.
Ish-tesh-tan-be.
I-yo-nan-te-nah.
Ish-tah-ho-nah.
Ik-ham-ah.
I-ath-le-pah.
Ish-tan-to-nah.
Ish-ta-ne-mah-tubbe.
I-orth-lah.
I-yo-ko-mah.
Ish-ta-hem-ah.
I-e-ton-lah.
Ish-te-mah-ho-nah.
I-math-pis-a-tam-be.
Ish-ho-ya.
Ish-tah-a-mah.
Ish-tah-he-mah.
Ish-tah-ah-ho-mah.
I-tin-lah-him-ah.
Is-chaf-ubbe.
I-yo-lah.
Ish-tah-ho-nah.
Ish-ton-tin-ah.
I-kah-po-lubbe.
Im-me-ho-ka.
I-an-ta-tubbe.
Ish-tah-ho-nah.
Ish-ti-o-klu.
Ik-lan-ubbe.
Ish-to-ho-yo.
I-o-bon-ubbe.
Ish-ten-eah-to-nah.
Ik-len-ah.
Ish-to-nan-chi.
Ish-pah-na.
Ish-tim-mi-ho-ya.
Ish-a-ho-nah.
Io-ka-chubbe.
Il-la-con-nah-tubbe.
Ish-tin-mo-na-chubbe.
I-co-mah.
Im-ubbe.
Im-moon-tubbee.
Ik-ko-nah-ho-nah.
Il-la-mo-to-nah.
Im-mah-ho-nah.
Illa-ho-chubbee.
Im-il-le.
Im-ah-ho-tonah.
Is-tim-ah-ham-be.
I-o-pan-ubbe.
In-ah-lubbe.
In-ish-tam-be.
Ish-to-me-hah-tubbe.
I-it-ah-nubbe.
Im-ah-to-nah.
I-ok-lo-hubbe.
In-no-tubbe.
Ish-ta-ho-lubbe.
I-wa-tu-nah.
I-ah-ka-ho-che.
I-yo-ho-nah.
Im-ah-no-le-ham-be.
It-e-mi-ya- (or Man-ya).
I-yo-wa.
Ish-te-chubbe.
Il-le-no-wa.
Ish-no-wa.
Im-ma-no-le-ho-yo.
Is-stubbee.
Im-po-nah.
Im-mogla-chubbe (or O-glah-chubbe).
Im-me-yah-ho-nah.
Im-mo-nah-ho-ka- (alias Na-wa).
Im-pi-ah.
I-o-mah.
I-o-gla.
Ish-tim-mah-la.
I-a-min-tah-ho-ka.
Ish-ta-ah-ha-cubbe.
Im-mah-sho-mah.
Il-la-che.
Ish-tah-ho-pah.
Ish-tah-lubbe.
It-tah-low-echah.
Im-mo-nah-to-nah.
Im-mo-na-tubbe.
Ish-te-mah.
Ish-tahn-tah.
Im-mah-tiyah.
Ish-ti-a-mah.
I-a-nah.
Im-me-sha.
Ish-tah-ho-we-cha.
Ish-stanthly
Is-te-me-i-a.
Im-mo-na-ho-yo.
I-cha.
Im-ma-to-ho-ho-na (or A-to-ba).
Im-mah-sah-che.
Is-ton-a-ka.
I-o-glah.
Ick-glen-a-hee-cha.
Ish-te-maho-nah.
Il-le-o-tubbe.
Im-al-to-bah.
Im-ah-lah-ho-nah.
I-o-koon-ah.
Ik-be-ho-nah.
Im-mah-na-chubbee.
Im-mis-te-mah.
I-mah-pi-sah-timah.
I-mah-tah.
I-o-ka.
I-o-a-ho-ma.
Illah-payn-to-nah (or To-nah).
I-ah-ho-to-nah.
Ish-te-mah.
I-la-tubbe.
I-o-ma.
Jackson.
Jack (alias Ona-lubbee).
Joshua.
Jones, Jenny.
Joel.
John.
John.
John-im-mey.
Jackson.
Josephus.
Jipie.
Jackson.
Jep.
Jefferson.
Josey.
Jum-pah (or Chum-pah).
Johny.
Jake.
Jinny.
Jo-se.
Jim.
Joses.
Johny.
John.
Jepe.
Jim-Tom.
John.
Jinny.
Jackson.
Jones, Levi.
James.
Kan-she-ho-to-ma.
Kan-cha.
Kunnea.
Ke-yo-cubbe.
Kon-the-tubbe.
Kan-oon-tubbe.
Kon-che-ho-ka.
Kan-oon-tubbe.
Kan-che-to-nubbe.
Kon-che-tam-be.
Kun-e-moon-tubbe.
Kom-pil-lah.
Kon-e-toon-tubbe.
Kon-che-ti-ah.
Kan-che-ti-ah.
Kan-oon-ta-tubbe.
Kan-oon-ubbe.
Kon-me-mah-ubbe.
Kon-oon-tah-tubbe.
Ko-tah.
Ka-chubbe.
Kis-ah-nah.
Kon-che-tubbe.
Kan-an-ren-tin-tubbe.
Kem-ish-to-nah.
Kam-pa-lubbe.
Kooch-abbe.
Ko-mubbe.
Kan-che-le.
Kun-ne-ahto-nah.
Ka-ne-tim-be.
Kun-nal-le-tubbe.
Kan-cha-tubbe.
Kan-che-ma-ha.
Kah-ne-tah.
Ko-nan-chubbe.
Ka-tha-ho-nah.
Kan-che-tam-be.
Kah-no-ma-ho-nah.
Kis-tubbe.
Kan-che.
Kun-ne-ah-ho-nah.
Koos-ta-na.
Kut-tah-hah.
Kah-il-le.
Ka-tubbe.
Kah-non-te-ubbe.
Kanche-ho-ka.
Kun-e-tah-ho-nah.
Kah-po-tubbe.
Ke-ille.
Kun-ne-a-tubbe.
Kam-pe-tubbe.
Ka-to-nah.
Kah-tam-bee.
Ka-yu-hubbe.
Kush-oon-an-che-hubbe.
Kun-ne-ah-ho-nah.
Ka-ha-le-ho-nah.
Ko-bah-tom-bee.
Kal-so-tah.
Kush-ah-nam-bee.
Ke-lis-ta.
Kah-lo-tubbe.
Kik-e-te-mah.
Ke-yo-ho-nah.
Kan-ah-to-nah.
Kun-e-mah-ho-nah.
Kush-oon-a-mus-tubbee.
Ka-yo-he-mah.
Kal-po-tubbe.
Koo-chubbe.
Ka-o-cubbe.
Kun-e-tom-be.
Kam-pillah.
Kam-pilla.
Kon-kah-noos-ko-bo.
Kush-oon-an-cha-ha-ba.
Ko-noo-tubbe.
Kun-e-ah-to-nah.
Ke-ah-na-chubbe.
Ko-tah.
Kan-sho-nun-she-hubbe (or Billy John).
Kun-ne-ah-ho-nah.
Ka-no-yo-he-kubbe.
Koo-tah.
Kan-cha-tom-la.
Kan-che.
Kuth-lee-lee.
Kun-e-an-che-ha-la.
Kun-ah-ho-tubbe.
Ko-na-chubbe.
Ka-le-ho-na.
Ko-ke-i-a.
Ka-o-tubbe.
Ko-chubbee.
Kan-a-ho-te-ma.
Kish-u-mus-tubbe (or Ka-lubbee).
Kon-che-ho-nah.
Ka-sa.
Ke-ka.
Kan-alle.
Koo-cha-tiyah.
Kan-che-ho-nah.
Kah-no-me-he-mah.
Kush-ah-hooc-ta.
Kun-o-te-ma.
Kurney, Charles.
Kon-e-moon-tah.
Ken-che-to-ah.
Kearney, Creesay.
Kearney, Wilson.
Kearney, Josephus.
La-pin-tubbe.
Lewis.
Loma.
Look-fan-cha.
Laris.
Lo-sho-ma.
Lushta.
Lo-ka.
Lo-mo-ka.
La-pa-sa.
Lo-mah-ka.
Li-la.
Lis-mah.
Li-la.
Lah-sa.
La-man.
Lah-pah-ho-nah.
Lucy.
Lo-ma.
Low-ch-te-mah.
La-sho-mah.
La-mah.
Li-za.
Lah-sa.
Lah-po-ka.
Lo-mah-ta-ka.
Lah-pah-te-mah.
Lush-pam-le.
Look-o-la-tubbe.
La-po-te-mah.
Le-ah-ho-nah.
Lo-man-to-nah.
Lucy.
Lo-sho-mah.
La-mah-ho-nah.
Lo-ma-tubbe (alias E-la-lo-ma-tubbe).
Lo-mah.
Lah-wah-ho-nah.
Lo-ko-tam-be.
Lo-sho-na.
Low-ah-tubbe.
Lah-ta-kah (or Tom Billy).
Lo-ho-no-tubbe.
Low-wa-tubbe.
Loo-sa.
Lah-ha-nubbe.
Lo-mah-to-nah.
Lap-ah-la.
Lo-mah.
Lah-pa-sa-ho-nah.
Lah-habbe.
Lash-pah.
Lah-nah-che-ho-nah.
La-sho-ma.
Le-neah-ho-nah.
Low-ah-che.
Lah-mah-ha-cubbe.
Lap-oon-ah-hah.
Lo-mah.
Low-a-chubbe.
Low-um-che.
Lo-ma.
Lah-pahn-la.
Lo-mah-ho-shul-bee.
La-fah-tah.
Li-wea.
Lewis.
Lo-mah-tubbee.
Le-ah-ho-ka.
Lah-pah-ma-tu-mah.
Lucy.
Lo-wa-to-na.
Lo-wa-ho-ka.
Lo-ma-ho-na.
La-ho-na.

Lo-wa.
Lub-bee.
Lirea Ann.
Lo-ma-ka.
Lovie.
Lo-mah.
La-ti-ma-sha.
Low-a-tam-ba.
La-sin.
Li-la.
La-i-e-ma-ho-na.
La-pa-ta-ma.
Lah-ma.
La-pish-no-wah.
Loo-ak-ish-tubbe.
Lap-ah-hove-ta.
Lah-pim-a-ho-ka.
La-pa-chubbee.
Lucy.
Lo-wa-tubbe.
Low-in-cha.
La-po-nubbee.
Ma-ha-to-na (or Wahatona).
Molly.
Min-ta-ho-to-na.
Manc-che.
Mon-in-tubbe.
Min-te-nubbe.
Mak-kee-ha-to-na.
Ma-al-e-he-ma.
Mut-ta-ho-na.
Mul-tubbee.
Mal-cho-na.
Mon-to-na.
Mal-a-ke-tubbe.
Mach-ca-ho-na.
Man-sha-tubbee.
Ma-hubbee.
Ma-to-na (alias Ona-to-na).
Me-hi-a-te-na.
Ma-ho-la-tubbee.
Me-ah-te-ubbe.
M-le-ah.
Mal-le-te-ah.
Me-ah-tubbee.
Mi-yah.
Mo-min-tubbee.
Mock-an-tubbee.
Mason.
Mina.
Mon-tah.
Me-mock-a-wah.
Me-ha-to-nubbee.
Mah-la-ho-na.
Me-ah-sho-nah.
Mary Ann.
Me-ah-sham-tubbee.
Meah-sho-tubbee.
Mock-ah-to-nah.
Me-la-ho-nah.
Mo-me tim-ah.
Me-ha-tubbe.
Mok-a-chubbee.
Mah-no-te-mah.
Me-ah-ish-tam-be.
Mak-ah-le-ho-nah.
Math-la.
Ma-che-tubbe.
Min-tah-hubbee.
Mah-han-tubbe.
Me-la.
Mak-ah-hi-ah.
Me-ah-sho-tubbe.
Me-ash-e-mah.
Mak-a-le-ho-ke.
Mo-min-tubbe (alias Mo-ma-cha).
Mah-to-nah.
Mah-ke.
Mah-ye (alias Ok-lih-mi-ah).
Mah-he-cubbe.
Me-he-yo-ka-lubbe.
Me-ah-shu-nah.
Min-te-hubbe.
Moc-ah-be.
Mal-le-tubbe.
Me-he-le-ho-nah.
Mah-ah-tah-ho-nah.
Me-o-chubbe.
Mi-ah-tubbe.
Muk-ah-ho-tim-ah.
Me-he-o-tim-ah.
Mak-e-ubbee.
Me-hah-tah-tah.
Me-he-looth-tubbe.
Mingo-homa. See Capt. Bob.
Me-tah.
Me-ash-fane-ubbe.
Me-ah-che.
Me-hah-tish-te-ah.
Min-te-ho-yo.
Me-ah-shin-tubbe (or Me-ash-in-tubbe).
Me-ah-ho-ka-tubbe.
Me-she-mah-tubbe.
Mah-le-le-ho-nah.
Me-chubbe.
Mi-ah-tim-ah.
Me-yo-to-nah.
Mo-nah-tubbe.
Mish-tah-tubbe.
Min-to-cubbe.
Malic.
Min-te-nubbe.
Mah-ho-nah.
Me-ah-i-ah-chu-nah.
Min-to-ha-nah.
Min-ta-chubbe.
Me-ah-sho-nah.
Mis-e-an-ha-tubbe.
Ma-hi-ye.
Mah-ha-cubbe.
Me-ah-chubbe.
Mah-le-le.
Mi-ah-tubbe.
Me-hah-kah-tim-ah.
Man-chubbe.
Mo-sho-le-tubbe.
Me-shun-tah-tubbe.
Mish-een-ah-to-nah.
Mah-le-ah.
Min-te-chubbe.
Me-ah-she-mah.
Me-hah-tim-ah.
Ma-la-he-yo-che (or Math-le-hi-o-ja).
Me-ah-to-co-nah.
Me-he-ah-chubbe.
Mo-min-tubbe (or Billy Jackson).
Mo-min-che.
M-ha-che.
Me-ha-te-kubbe.
Me-cam-bee.
Mo-sha-kal.
Mue-la-le-chubbe.
Mingo-hapia (alias Ne-ta-cubbe).
Me-sham-bee.
Mi-o-nubbe.
Mi-yah-ho-nah.
Mo-shu-lak-a.
Mah-to-nah.
Mam-bah.
Mo-min-che.
Mul-la-le-ho-nah.
Me-ash-pal-lah.
Mah-li
Moon-tah.
Me-ha-tubbe.
M-she-he-kubbe.
Me-ha-che.
Mush-a-lah-kah.
Ma-he-tubbe.
Mul-a-tubbe.
Mah-lah.
Minte-ho-nah.
Ma-ko-ka.
Man-tubbe.
Mo-nim-tubbe.
Me-tah-lah.
Mi-yah-tubbe.
Mah-ka-tubbe.
Mah-yah.
Me-hat-e-she.
Mah-ko-cha.
Mah-ho-tubbe.
Muk-am-bee.
Mulla-tubbe.
Mi-ya-cubbe.
Me-ha-che-tubbe.
Me-yah-tubbe.
Ma-ha-te-tubbe.
Maho-ka.
Me-ho-te-ah.
Me-she-mah-ho-nah.
Muk-in-tubbe.
Me-ha-to-nam-bee.
Me-haw.
Me-shom-ti-yah.
Me-ha-che-to-nah.
Muttul-bee.
Me-ah-sho-ka.
Mah-la-ho-ka.
Me-sham-le.
Me-ha-took-ho-nah.
Mah-le.
Mab-e-ti-yah.
Mal-as-ho-nah.
Ma-sho-la.
Ma-chubbe.
Me-he-mah.
Me-ah-she-mah.
Me-sha-tubbe.
Me-sha-tubbe.
Me-shone-tah-tubbe.
Me-ho-te-mah.
Moon-tubbe.
Me-han-to-tubbe.
Me-ah-sho-nah.
Me-ah-sho-tubbee.
Me-he-o-tubbee.
Mok-in-lubbee.
Me-mah-tam-be.
Me-ah-to-chubbee.
Me-sham-be.
Me-hah-to-nah.
Me-ah-she-nah.
Mah-la.
Mus-shu-le-lah.
Me-ah-tubbee.
Min-te-lubbee.
Math-la-tubbe.
Me-shune-tubbee.
Mi-hah-tim-ah.
Mo-nim-tom-ba.
Me-ash-oon-te-mah.
Me-ha-la-ho-nah.
Me-ha-to-nah.
Mish-oon-tubbe.
Mah-la-ho-nah.
Me-ash-in-tubbe.
Mok-o-nubbe.
Mok-a-tubbe.
Me-she-mah-tubbe.
Me-hah.
Me-shoon-tah-tah.
Mah-le-ho-ka.
Me-he-ah-te-mah.
Me-ah-shu-nah.
Me-ah-ho-nah.
Me-hi-o-tubbee.
Min-ta-hubbee.
Moon-ta.
Moon-tah.
Me-la.
Ma-ha-lo-ma-tubbee.
Min-ta-ho-ka.
Ma-hen-to-nah.
Ma-ha-cha.
Mah-ho-nah.
M-ah-sho-nocka.
Moon-tubbee.
Me-o-tubbee.
Mah-le-ah-tah.
Min-te-hubbee.
Ma-an-too-nah.
Mal-la-le-ho-nah.
Ma-lo-la-ho-nah.
Ma-lubbee.
Mis-to-bo-yea.
Mook-ka-fa.
Mi-yah.
Min-tah-chubbe.
Min-te-ho-yo.
Me-he-tam-be.
Ma-ha-to-na.
Min-ta-hubbe.
Me-ah-shia.
Me-ha-to-na.
Mish-sham-be (or Me-ash-am-be).
Me-a-tube.
Mal-la-ho-ka.
Muth-toon-bah.
Mock-ah-hi-yah.
Mah-la (or Suckey).
Mah-han-to-nah.
Moon-tubbe (or Moon-tah).
Mah-la-tubbe.
Mint-tubbee.
Ma-ka-le.
Muk-a-to-na.
Mas-sa-la.
Me-lin-ga-li-ah.
Mat-he-chubbee.
Mis-ta-i-a-ho-ka.
Ma-ho-lut-ubbe.
Ma-lis-sa.
Mi-ha-ya-tubbe.
Molly.
Moon-tah.
Mary.
Maa-shem-a-ho-ka.
Me-ah-tim-mah.
Moon-tubbee.
Me-he-ubbe.
Mis-tubbe.
Ma-ham-bee.
Me-shom-kubbe.
Mul-la-le-ho-nah.
Me-hah-to-nah.
M-ha-che-ho-nah.
Ma-ha-tai-omubbee.
Me-hi-a-tubbee.
Min-tubbee.
Na-i-o-ka.
Nancy.
No-a-te-ma.
Nat.
Nancy.
Ne-take-in-lubbee.
No-wa.
Nok-o-nubbee.
Nok-any-ta-ya.
Nin-ta-ho-ma.
Nock-ubba.
Nock-ne-mi-yubbee.
Nol-a-tubbee.
Nok-ne-a-tubbe.
Nah-na-e-mah.
Nah-sa.
Nock-a-way-chubbee.
Nock-a-la-ho-te-mah.
No-se-ho-nah.
Ne-hi-ah-to-nah.
No-ah-ho-tubbee.
Nock-a-che-tubbee.
Nock-a-na-ho-nubbee.
No-la.
No-ah-to-nubbee.
Ne-la.
Nock-a-na-chubbee.
Nock-a-nubbee.
Nock-e-a-chubbee (or Chub-bee).
Na-chubbe (or Nock ne-chubbee).
Nokis-tah-ahah.
Nan-to-wah-yo.
Nook-a.
No-ke-mo-nubbe.
No-wah-ho-ka.
Nok-e-ne-ti-yah.
Nock-un-am-be.
Nock-e-mah-shubbe.
Nok-is-ni-ubbe.
Nok-se-ka-tubbe.
Nok-ish-to-nah.
Nok-e-ne-ubbe.
Nok-ko-ah-ho-mah.
Ne-tock-oosh-tah.
Nok-ish-tah-ok-la-tubbee.
Nancy, or Un-an-che.
Nok-ne-ho-tubbe.
Na-po-le.
Ne-le.
Nok-e-na-tam-be.
Nok-e-mo-nubbe.
Nok-ne-to-lubbe.
Nok-ah-pe-sah.
No-la.
Nock-fa-lah (alias Ah-nook-pa-la).
No-wah-ho-cubbe.
Na-tubbe.
Nock-i-o-tubbe.
Nok-in-tambe.
Nok-ne-hah-tah-e.
Nuk-ok-ah-ho-mah.
No-ah-ho-nah.
Nok-e-chubbe.
Nok-ne-ha-tubbe.
Nok-ish-ti-yah.
Nok-i-ne-lah.
No-wah-te-mah.
Ne-tock-am-be.
Nok-is-tubba.
Nok-ish-to-nubbe.
Nu-wa-ho-ka.
Nook-tah-lubbe.
Nok-ho-mah.
Nok-na-thub-be.
Na-wabbe.
Ne-tah-cubbe.
Ne-tuk-o-ka.
Na-o-ka.
Nok-we-tah.
Nok-e-wa-tubbe.
Nok-ish-ti-ubbe.
Nok-ho-tubbe.
Noon-chubbe.
Ne-tuk-ah-che.
Nok-ne-la.
Nok-e-ne-tubbe.
Nok-a-ne-la.
Nok-nam-be.
No-wa-hubbe.
Nok-a-shubbe.
Nok-a-chubbe.
Nok-ish-tah-shah.
Ne-nok-kinm-bee.
Nulth-la (or E-la-bo-ti-ah).
Nok-ish-te-ubbe.
Nok-neen-tubbee.
Nok-e-ne-fe-nah.
Ne-tuk-ah-chick-e-ma.
No-wah-tam-be.
Nuk-sho-pubbe.
Nok-ne-ti-yah.
Ne-ash-e-nubbe.
Nok-ish-tam-be.
Nok-a-man-che-ka-bee.
Nah-ho-lo-mustubbe.
Nok-ish-tubbee.
Nook-wa-tubbe.
Na-ho-sa.
Nok-me-hat-tubbee.
Nok-ho-ma-hajo.
Nok-ish-to-nah.
Nok-ne-o-ka-tubbee.
Nok-nin-che.
Nok-ni-ta-hubbe.
Nok-wan-be.
No-wah.
Nok-o-un-cha-hubbe.
Nok-chu-nubbe.
No-wah-ho-nah.
Nok-ne-tubbe.
No-la.
Nah-sho-lah-ho-nah.
No-sa-kah.
Nush-ko-ho-to-ko-lo.
Nock-e-ne-tubbe.
No-wah.
Nock-e-na-lah-nubbee.
Nock-ne-a-che.
Nok-ish-ti-yah.
Ne-tah-che-to.
Nock-fil-e-hi-yah.
Nuk-she-pa-ubbe.
Ne-tak-e-mah.
No-sa-kah.
Nok-ne-een-tubbe.
Nu-wa-tom-bee.
No-sa-kah.
No-ah-tubbe.
No-ah-hubbe.
Nah-min-ah-ho-ka.
No-h-ne-man-to-nah.
Nock-a-ne-lah.
Nah-ho-te-mah.
Nock-ish-to-nubbee.
Nan-no-ha-ho-nah.
No-le-ham-be.
Nok-ne-tubbe.

Noke-e-ne-ene-hubbe.
No-ko-she.
Nok-is-tom-be.
Ne-tuk-e-lubbe.
No-a-ham-ba.
No-kan-yo-ka-tu-na.
Na-ne-ma.
Nan-cha.
No-cum-mah-ho-ka.
No-ka-tah.
No-wa-yah.
No-wah-ta-kah.
Nock-ho-mah-hah-cho.
No-wa-ho-nah.
Nan-ne-ubbe.
No-sa-cubbe.
No-quo-ah-tubbe.
Nock-a-chook-ma.
Nock-pe-la-sa.
No-e-em-yea.
Nok-a-ha-la-jee.
No-la.
No-a-ho-na.
Nok-e-fil-la-ho-na.
No-la-ho-na.
Nok-pa-la.
No-wah-he-mah.
No-sho-bah.
Nook-chin-tubbe.
Na-wa-ho-ka.
Nok-ne-o-ka-tubbee.
Nok-an-e-tubbee.
Nim-nok-ha-cubbe.
No-wah-ho-ka.
Nok-ish-te-mah-yubbe.
Nook-fille or Fil-le.
Ona-tubbe.
Oak-la-te-a.
Oon-ta-che-a.
Oon-te-a-tubbe.
Ona-chee.
Ona-ho-ka.
Ok-pe-a-hubbee.
Ok-le-me-i-a.
Ogle-as-te-ma.
Oke-cha-te-ma.
Ona-tubbee.
On-wa-ka.
Ona-te-na.
On-a-to-ho-yo.
Og-lam-is-tubbee.
O-na-ho-ka
O-on-ta-cha.
O-nok-fil-la-tubbee (alias Fillatubbee).
O-gla-hubbee.
Oke-me-i-a.
Ok-a-ish-ba-la-la.
O-gle-a-te-ma.
Ooon-ka-hubbee.
O-glah-ho-nubbee.
Ooon-tim-to-ka.
O-nah-he-chubbee.
Oon-nah-tom-tubbee.
Ogle-ho-lah.
O-glah-non-nah.
O-na-chubbee.
Oo-nah-tubbee.
Oke-la-we-tubbee (or Ohe-lin-tubbee).
O-tim-po-nubbee.
O-nah-te-ah.
O-nah-tubbee.
Oon-nah-ho-ka.
Oon-a-tam-bee.
Ogle-mi-o-nah.
O-glah-no-wah-cha.
O-nah-hubbee.
Oon-na-ho-kee.
O-nubbee.
Oon-nah.
Ow-wah-te-ah.
O-gla-ham-bee.
Oon-ta-ho-yo.
O-quun-tah.
Oon-ta-mah-chubbee.
O-gla-ubbee.
Ow-we-chah.
O-lubbee-to-nah.
Oppa-sah-he-mah.
O-gla-ho-te-nah.
Oon-tah-zubbee.
O-thulck-a-ho-yo.
Oon-ta-kah.
Ok-lish-ti-ah.
Oas-te-nubbe.
Oon-ah-tubbee.
Ok-chubbee.
Ona-hin-lubbe.
O-mol-le-tubbe.
Oon-cha-la.
Oon-ah-chubbe.
Oon-ha-tubbe.
Ok-la-ho-tubbee.
Ok-che-tim-ah.
Ok-lah-o-mah.
Oon-te-ah-tubbee.
Ok-la-me-ash-ah.
Oon-ah-he-tubbe.
Ok-lah-tubbe.
Oth-la-ho-nah.
Oon-ah-chubbe.
Oon-an-che-ah-tubbe.
Ok-cha (or Ela-ok-chubbe).
Oc-chock-ah-tubbe.
Ok-in-to-la-ho-nah.
Oon-ta-tubbe.
Ok-lah-ho-tubbe.
Oon-ubbe.
Ok-ah-in-chuk-mah.
Ok-ish-te-mah.
Ok-lah-ha-mah.
Ok-ah-che-ah.
Ok-lee-han-tubbe.
Oon-te-ka-ah.
Onah-te-mah.
Ok-lah-le.
Ok-ish-tah-na.
Ok-ah-fa-ma-ho-nah.
O-na-te-ah.
Ok-lah-oka.
Ok-le-mi-ubbe.
Ok-lah-chubbe.
Ok-hah-che-tah.
Ok-i-yo-me-ho-nah.
Oon-ah-hubbe.
O-nah-hubbe.
Ok-lah-tim-ah.
Ok-po-ches-he-mah.
O-ma-tubbe.
Oon-ah-he-mah.
Ok-la-o-nah.
On-wak-ubbe.
Oon-ah-hook-ta.
Oon-wah-tubbe.
Ok-ish-ta-mah-ho-mah.
Ok-le-an-ne.
Ok-lam-ba.
Okish-ti-yah (or Ish-ti-ah).
Okis-tah-chock-ma-haka.
Ok-a-hubbe.
Ok-a-la-an-cha-hubbe.
Ok-cha-tubbe.
Ok-li-yah.
Ok-ti-e-che-mah.
On-te-ma-ho-zo.
Ok-le-mi-yah.
Okah-no-wah.
Oon-te-mah.
On-ti-o-mah.
Oon-te-ah-tubbe.
Ok-lu-hubbe.
Ok-ah-che-ah-honah.
Ok-la-to-nah.
O-kis-ti-yah.
Ok-la-che-ho-ka.
Ok-a-to-la-he-nah.
Oon-ubbe.
Ope-ah-kubbe.
Ok-la-ho-nah.
Okah-ta-ho-nah.
Okis-tah-la-ho-nah.
Ok-che-ha-to-nah.
O-chee.
Onem-chehubbe.
Ok-le-muttah.
Ok-lah-yah-ho-nah.
Ok-le-mah-che-ah-ho-nah.
O-na-che-hubbe.
On-ti-o-mah.
O-na-ha-tubbe.
Ok-la-bee.
O-fa-ho-mah.
Ona-ho-kah.
O-na-he-mah.
Oha-nubbe.
On-tah-e-mah.
O-nah-che-tim-ah.
On-te-i-tubbe.
On-te-kah.
Ota-kubbe.
O-te-ah-tubbe.
Oke-la-he-mah.
Ok-la-no-wah.
Ok-lah-he-yubbee.
Oon-ti-e-mah.
Ok-lak-in-tubbe.
Ok-lun-gee-hubbe.
Ono-che-hubbe.
Ok-li-ho-ka.
Ochee.
Ohe-nah.
Ok-cha-tubbe.
Ochee.
O-nah-che-ho-yo.
Osh-ta-hah-ba.
Ok-la-hubbee.
O-thah.
O-nah-tah.
Oath-la-che.
O-ka-ish-te-e-mah.
O-nah-be-mah.
Ok-la-ho-nubbe (alias Muk-o-nubbe).
Ok-cha-tubbe.
Ok-lah-she-ho-nah.
Oon-ubbe.
Ok-lah-he-mah.
O-nah-tubbe.
Ok-li-ah.
Oka-ish-te-mah.
Oon-ah-ho-chubbee.
O-ka-in-chuck-nah.
Oon-an-cha-hubbee.
Oon-ah-he-mah.
Ona-hook-ta.
Onan-che-hubbe.
Ok-cha-tubbe.
Ok-la-hubbe.
Ok-le-mo-mah.
Ok-lo-hah.
Ok-a-yo-mah.
Oo-naw-mah-e-tubbe.
O-man-too-nah.
Oun--tam-be.
Oun-ah-han-tubbee.
Oun-ah-ho-yo.
On-ta-cubbee.
Ok-la-kin-ah.
Oon-ah-hook-tah.
Ok-cha-tu-nah.
Oon-te-ah-tubbe.
Oon-ah-ho-nah.
O-kish-ti-me.
Ok-ah-sta-mah.
Ok-lah-che-ho-yo.
Ok-is-tan-tah.
Oo-tub-ba.
O-ne-mi-yah.
Oo-hah-tubbe.
Owa-tubbe.
O-nah-chubbee.
Oon-tah-hah-yo-tubbee.
Og-li-mi-a.
Oun-nubbee.
O-nah-cha-tubbee.
O-kah-che-ah.
Oon-take-ubbee (alias Take-ubbe).
O-lah-tin-tubbee.
O-gle-o-nah.
Ok-is-te-mo-nah.
Ok-la-ho-nah.
Ok-ish-tal-o-hah-ho-ka.
Onah-che-ham-be.
Outh-la-hubbe.
On-to-bah-nah.
Oke-lish-ti-yah.
Oon-a-ham-bee.
Oon-hik-ah.
Ok-lan-hoo-nah.
O-ta-she-mak.
Ok-labba (or Tap-pe-na-ho-ma).
O-na-ho-ka.
O-na-ham-bee.
O-na-he-ma.
Ok-la-ha-la.
O-nah-tick-ah.
O-nah-ha-mah.
Oon-shu-ah-ho-ka.
O-nubbe.
O-lah-hahn-cha.
O-kah-ho-te-mah.
O-nah.
O-glock-ka-yo.
O-glah-mah-ka.
Oon-nock-a-mah.
Oon-tock-ah-ne-ubbe.
Oak-is-ta-cha.
O-nook-cha (or Onook-chubbe).
Ok-i-a-cha (alias Tah-nap-pe-ho-ja).
O-mahn-sha.
Ow-wa-cha-ho-nah.
O-gle-a-tubbee.
Ok-a-ha-chubbee.
Oon-tan-tubbee.
Oth-la.
O-gla-o-ha-tubbe.
O-gla-ha-ma.
O-lut-le-to-na.
O-pe-ah-tubbe.
Ok-la-ho-tubbee.
O-ka-lan-che-hubbee.
Oh-la-lah.
Ok-is-tah-lo-la.
Ok-la-him-ah.
Ok-la-he-lubbe.
Ok-chil-e-he-ka.
Oth-la-chubbe.
On-ah-ta-kah.
Og-lah-ham-lee.
Ona-tubbe.
Ok-li-yok-ubbe.
Oli-o-ka.
Ok-lah-ho-nah.
Ohul-in-tubbe.
Ok-lo-hah.
Ok-a-la-che (or Ish-to-pah-nubbe).
Ok-lah-o-nah.
Oh-ne-ho-te-ma.
Ok-ish-tal-la-wah-ho-nah.
Oh-to-gah-lan-tubbe.
O-gli-o.
Oon-ah-tubbe (or Un-chu-tubbee).
O-na-tubbee.
O-gle-ash-ubbe.
Ok-la-ka-tubbee.
Ooclury, Pallas.
Ooclury, George.
Ooclury, Cyrus.
O-glish-ti-yah.
Oon-te-mah.
Ok-ain-to-la.
Pan-a-cha.
Po-sho-a-tubbe.
Pis-ubbe.
Phillis.
Pis-ha-lo-ti-ma.
Pis-am-ok-an-tubbee.
Pis-ak-a-chook-e-ma.
Pis-a-tubbe.
Pis-ah-o-te-ma.
Pa-lam-a-ho-ka.
Pa-shuth-lo-ke.
Pa-le-sa-ho-ka.
Paush-o-nubbee.
Pom-fillah.
Pis-ah-ke-a-tubbee.
Pah-nah.
Palla-machubbee.
Pah-hah-cho.
Pis-sah-hoke-ta.
Phil-le-ti-ah.
Pick-but-tah.
Pal-la.
Pusley.
Pusk-co-chubbee.
Phil-le-kah-ja.
Pis-sah-ha-mah.
Po-sha-to-nubbee.
Peggy.
Palla.
Phil-le-mah.
Peter.
Pal-wah-chubbee.
Pis-tick-e-ah.
Pah-lam-mah.
Pis-subbee.
Po-tah.
Po-nubbee.
Pah-sho-nah.
Pish-tan-ta-tubbee.
Pah-sha-ho-te-mah.
Pickens, Rachel.
Pe-lubba.
Pa-tubbe.
Pe-lubbe.
Pis-ah-to-ke-mah.
Pis-ah-ho-ka-tubbe.
Pis-ah-le-ho-ka.
Pis-ah-ho-ka-tubba.
Pah-nah.
Pis-ah-tik-cubbe.
Pis-ah-le-ho-ka.
Pis-ah-ho-ka-tubba.
Pah-nah.
Pis-ah-tik-cubbe.
Pok-o-chubbe.
Pe-sa-che-ho-nah.
Pis-ah-tim-lah.
Pis-ah-hom-be.
Pa-sa-chubbe.
Pis-a-ho-kah-tim-ah.
Pis-tek-e-ubbe.
Po-tubbe.
Pock-om-e-chubbe.
Pock-ah-ma.
Pe-le-ham-be.
Pel-le-sah-ho-nah.
Pis-ah-che-tubbe.
Pe-ah-hubbe.
Pith-le-le.
Po-te-le-chubbe.
Pis-te-ah-tubbe.
Pun-ah.
Pis-ah-tu-nah.
Phe-lin-tah.
Pis-ah-tim-ah.
Paunch-tunah.
Pis-ah-chan-tubbe.
Pis-ah-ho-chubbe.
Po-nok-to-Chubbe.
Po-shon-she-hubbe.
Pul-ke-tubbe.
Pis-ah-tam-be.
Pis-ah-tish-ubbe.
Phe-la-cha-ho-ka.
Pis-ah-tim-o-nah.
Pis-ah-chim-ah.
Pa-la-chubbe.
Pah-lubbe.
Pe-tam-o-tubbe.
Pis-ah-ho-tu-na.
Pis-ah-ho-ka-tim-ah.
Pis-is-tubbe.
Pah-lah.
Po-lah.
Pis-subbe.
Pis-ah-cho-ho-nah.
Pis-took-chubbe.
Pah-sah-che-mah.
Pah-yah.
Pul-ka-tubbe.
Pis-ah-ho-kah-tim-ah.
Pis-ah-mok-in-tubbe.
Pis-ah-ho-tim-ah.
Pe-he-le-tubbe.
Pah-sah-ho-nah.
Pon-these-tubbe.
Pa-la-sa-ho-mah.
Pis-ah-che-ho-yo.
Pash-ah-ho-mah.
Pa-sha-ho-nah.
Pis-ah-ho-nah.
Pis-ah-tubbe (alias Ah-pa-sa-tambe).
Phil-e-mo-yah.
Pis-a-ham-bee.
Pa-sah-te-mah.
Pe-yah-ho-ka.
Pis-ah-man-tubbe.
Pash-ah-ho-yo.
Puk-an-ho-ka.
Pi-yah-hooc-ta.
Phil-e-ah-ho-yo.

Phil-e mon-te-kah.
Pis-ah-cha-hubbe.
Pis-sah-te-mah
Pul-le-ho-nah.
Po-la-tubbe.
Pis-sa-che-ho-yo.
Pis-sa-ho-ka.
Po-ka.
Pah-lah-hubbe.
Pah-ta-tubbe.
Pis-sah-ho-nubbe.
Pis-sa-ham-bee.
Pis-sah-e-kah.
Pis-sah-ho-nah.
Pis-to-pun-ne.
Pis-sah-te-kah.
Po-tah.
Pis-e-ho-temah.
Pis-sah-lah-he-mah.
Pun-ubbe.
Paush-ok-chi-ah.
Pis-ah-to-nah.
Po-ta-mah.
Poush-is-nah-ho-mah.
Pis-ah-on-te-mah.
Pis-took-cha.
Pa-nubbe.
Pis-ah-to-she-mah.
Paush-ok-chea.
Poo-tah.
Poush-is-to-nubbe.
Pis-sah-che-te-mah.
Poush-is-te-nubbe.
Pa-sa-tubbe.
Pe-ha-tubbe.
Po-tah.
Phil-e-ma-hubbe.
Phil-e-moon-tubbe.
Pil-e-ho-nubbe.
Pa-sa-tom-ba.
Posh-e-mah.
Pis-a-cha-tubbe.
Posh-an-o-wabbee.
Pas-cum-me.
Paush-ik-ish-o.
Pul-ka.
Pis-sah-ka-to-nah.
Pis-ah-ta-cubbe.
Pis-te-ah.
Pash-i-o-nah.
Phil-e-moon-tubbe.
Pash-ish-te-ubbe.
Pis-i-to-kubbee.
Pis-took-chah.
Po-sis-ti-yah.
Pis-sah-te-mah.
Pul-lah.
Pis-sah-mock-an-tubbe.
Po-shah-tubbee.
Pa-sah-ho-nah.
Peg-ga.
Po-tho-tah.
Pa-sam-bee.
Phil-le-ah.
Pus-sah-kah.
Pis-sah-koke-ah-ta-mah.
Pis-ah-kah.
Po-shut-tah.
Pis-am-be.
Pe-le-chubbe.
Pis-ah-tim-ah.
Posh-a-ma-ta-ka.
Pis-ah-ti-ah.
Pis-ah-o-gla.
Po-tubbe.
Pa-sah-ho-nah.
Po-nah.
Pis-ah-ish-no-wah.
Pis-ah-ho-min-ah.
Pes-ta-ge.
Pah-na.
Pe-no-la-Perry.
Pis-a-tubbee.
Po-to-tubbe.
Pe-ah-shubbee.
Pis-sah-hah-tubbe.
Pah-sho-nah.
Pis-sah-nah-to-nah.
Po-shah-loke-ta (or Po-shock-ta).
Pockin-am-bee.
Pis-hubbee.
Pash-ho-mah.
Pocka-na-yah.
Pe-tah.
Pis-sah-tubbee.
Pan-shisk-tu-na.
Pi-al-e-ho-ka.
Pis-a-to-nubbee.
Pa-shub-ba-tubbee.
Po-cham-ba.
Pa-sa-chubbee.
Pis-a-be-tubbee.
Posh-a-mus-tubbee.
Pi-sa-te-a.
Pis-aho-ka-tubbee.
Peter.
Puck-chuubbee.
Puth-kin-tubbee.
Pan-she-o-na.
Pa-subbee.
Pah-ha-mah.
Peel-ah-tubbee.
Pis-ah-to-cubbee.
Po-tubbee.
Pis-tah-ho-nah.
Pis-ah-ho-nah.
Pis-ah-ho-ka-to-nah.
Pok-ah-la-ho-nah.
Pis-ah-te-mah.
Po-she-mah.
Pa-sha-ho-to-na.
Pis-ah-jah.
Poo-ah-loop-ka.
Pis-at-i-ah.
Pis-ah-che-ho-nah.
Pone-lah.
Pis-took-chah.
Poush-ish-to-nah.
Pis-ah-she-te-mah.
Pa-sah-ho-nah.
Pis-ah-han-bee.
Pis-sah-ho-to-mah.
Pis-sah-ham-be.
Po-to-tubbe.
Pis-at-am-te-mah.
Phil-e-men-tu-nah.
Pis-sah-che-hubbee.
Pil-ah-tubbe.
Poon-tah.
Peas-tubbe.
Pis-ah-ha-lubbe.
Pa-chubbe (or La-pa-chubbee).
Pis-ah-tubbee.
Po-she-mah.
Pen-mis-sah.
Polly.
Quah-na.
Quish-tut-tah.
Row-le.
Raybarn.
Sah-o-yo.
Syla.
Smith.
Shi-mi-ah.
Sukey.
Sophy.
Sampson.
Susa.
Shok-ta.
Socka.
Span-a-min-go.
Stela.
Stay matubbee.
Stan-ti-ma.
Si-e-na.
Syop-a-tubbee.
Shuk-a-tubbee.
Sta-ta-he-ma.
Ste-a-ho-te-ma.
So-kin-nah.
Stam-mah-han-to-mah.
Shock-ko-yea.
Shin-e-ah.
Sina.
Stim-ah-ha-tubbee.
Stah-tubbee.
Silis.
Sta-ah-nubbee.
Stil-la-chubbee.
Sha-ho-ka.
Sho-na-ho-ke-ta- (or Cush-ho-nah).
Sam.
Sarah.
Sho-mi-yah.
Suckey.
Sully-ho-yo.
Sto-nah-chubbee.
Sutte.
Stah-na.
Shum-to-nah.
Sah-ho-nah.
Shah-lah-tah.
Sofa.
Sho-mo-lahka.
Sah-la.
Sha-mah-ho-yo.
Sill-la-ho-nah.
Sak-e-tim-ah.
She-mah-la-to-nah.
Sha-ka-pa-ho-nah.
Sho-tubbe.
Sal-la.
Suck-a.
Sham-pa-no-ka.
Sam-me.
Sho-nah.
Sah-un-me-ho-ka.
Sho-tim-ah.
She-ko-pah-ho-mah.
Sah-tubbe (or Pisah-tubbe).
She-ne-po-tubbe.
Sho-te-mah.
Shum-pa-la (or Chumk-ul-a-ka).
Shan-io-tubbe.
Sham-pi-e.
Stah-nubbe.
Sho-nah.
Sile
Sha-ne-kia.
She-se.
Sham-ta-ho-ka.
Sho-moon-tah.
Sho-mah-la-tubbe.
Ste-mok-ka-yo.
She-mah-ho-yo.
Sha-ka-ho-mah.
She-mah.
Stah-ho-nah.
Shon-wa-no.
Suk-a-tubbe.
Shu-wak-ki-yah.
She-mi-yah.
Stoo-nok-a.
Ste-ma-lah.
Stu-na.
Sal-lie.
Stea-le.
She-ma.
Sho-tubbe.
So-kutchi.
She-co-pam-be.
Shi-ah-kah.
Sal-le-ok-ka.
Sok-ka-ti-ah.
Shah-ni-o-tubbe.
Sally.
Sal-lie.
Sho-ma-ho-ka.
Sham-bee.
Sak-ka-tubbe.
Sho-tubbee.
Sum-e-hah-chubbe.
She-co-pan-she-hubbe.
Sha-nook-a.
So-ma-ka.
Sock-ki-a.
Si-a-na.
Sah-chah-ho-nah.
Sal-la.
She-me-ho-ka.
She-co-pah-ho-mah.
Shim-to-nah.
Sa-ho-yo.
Shi-ka-jo-na-wa.
Ste-ma-ho-yo.
Solomon.
Shah-pa-ja.
Shi-yah.
Sham-pi-o-nah.
Sal-la.
Smith.
Shah-pah-ho-mah.
Shah-mah.
Sah-mi-o-ka.
Sho-nak.
Se-a-no-la.
Sta-fa-na.
Ste-a-tubbee.
Si-e-la.
Sta-lubbe.
Sally.
Sho-wa.
Ste-ma-ho-yo-ho-na.
Stan-cha (alias Ste-ma-ya, alias Kon-che).
Sham-pi-a.
Sti-ma-la.
Sa-ba-la.
Sinah.
Si-na.
Shah-nah.
Sham-tah-o-ka.
Sah-ho-ba.
Ste-ah-ho-ka.
Sho-tubbee.
Si-la.
Tan-a-bon-ubbe.
Tan-e-cha.
Tan-a-chee.
Tho-po-nubbe.
Tom-pe-i-a.
Tem-mepa-pona.
Tik-conubbee.
Tis-ho-chi-le-ta.
Tahubbee.
To-ta-ho-yo.
Ta-ho-na.
Te-i-ya.
Tik-pa-tubbee.
Tus-cubbee-ha.
Tus-ka-em-itta.
Tam-a-ho-ta-na (allas Stam-a-ho-to-na)
Tik-lo-nubbee.
Tis-pa-ham-ba (alias Tis-ho-ham-ba)
Tik-beia.
Tem-a-ka.
Tam-a-ho-na.
Tal-a-ho-na.
Tam-a-tubbee.
Tuk-a-la-ma-ho-na.
To-ta-ho-ma.
Tillo-watubbe.
To-lin-cha.
To-ah-e-min-tubbee.
Ti-yah.
Tish-o-ham-bee.
Thock-o-fa-tubbee (or Thock-o-tu-bee)
To-che-ah.
Tah-hock-a-ma-tubbee.
To-mah-la-chah.
Ta-cubbee.
To-ma.
Ta-hu-te-mah.
To-ko-tah.
Tish-o-pam-bee.
Tal-wah-ham-bee.
Tus-ki-ah-leek-ah.
Tick-a-lin-tubbee.
Tick-but-tah.
Tith-la-ho-nah.
Tim-am-ho-tubbee.
Tennepee.
Thompson.
To-no-wah.
To-nah.
Ti-ee-nah.
Tah-ho-yo.
To-cha.
Tock-ah-la-to-nah.
Ta-cubbee.
Tock-ki-ah-chah-ho-nah.
Tah-ho-nah.
Ta-mah.
Te-mi-yah-tubbee.
To-mah-ho-yo.
Tim-min-ta-hubbee.
Tah-ho-ka.
Tush-a-min-tubbee.
Tah-ho-la-tubbee.
To-ki-ah-Carnes.
Tish-ah-ho-nubbee.
Tick-lam-bee.
Tak-ho-ka.
To-pah.
To-mah-ho-nubbee.
To-no-te-mah.
Ta-ba-cha.
Tille-mah.
Tah-no-wah.
To-me-hattah.
Tick-be-too-lah.
To-tubbe.
Took-la-he-mah.
Tith-ho-tubbee.
To-ma.
Ton-ubbee.
Tah-pe-chubbe.
Tosho-ah-ho-nah.
Tak-a-lam-be.
Tha-o-hubbee.
Thlo-po-tubbe.
Tah-ish-cam-be.
Te-aske-ho-mah.
Tim-ah-ha-tubbe.
Tin-lah.
Tam-bee (alias Pis-tam-bee).
Tah-ho-nah.
To-ni-ya.
Tub-be-ee.
Tack-ah-lam-be.
Te-lan-ah-che.
Tah-ho-vah-ho-nah.
Tick-ba-ho-nah.
Tush-ho-nah-tah.
Tah-he-kah.
Te-me-ak-ke.
Ta-to-bah.
To-no-ho-ka.
Tik-e-tim-ah.
Tah-hah-ba.
Tah-bo-kah.
To-sho-yo-ho-nah.
Tan-ne-too-nah.
To-hubbe.
Tan-tubbe.
To-chubbe.
Tith-le-le.
Too-lah-tubbe.
Ta-cubbe.
To-ho-nah-te-mah.
Te-ho-bah-tubbee.
Tith-li-ah-ho-nah.
Tah-lo-wah.
To-nah.
Tah-pe-nah.
Tim-o-nah.
Tith-lo-o-mte-ah.
Tim-ma-la-ha-cha.
Tah-pah-lah.
Te-he-kah.
Te-ah-ho-nah.
Tith-le-le-ho-ka.
Tish-o-pi-ah.
Te-mah-lah-chee.
Tah-nah-ho-nah.
Te-mah-lah.
Thlo-pulla.
Tish-o-no-wah-tubbe.
Tik-ba-ho-tubbe.
Ta-nam-po-tubbe.
Tone-ubbe.
Tak-al-ah-tim-ah.
Ta-shu-tubbe.
Tik-ba-ho-tubbe.
Tah-ho-ye.
Tusko-lotto.
To-nah.
Tack-cubbe.
Te-mi-ah-ho-yo.
Tan-pe-na-hubbe.
To-la-ho-nah
To-ba.
Tish-u-no-wa-tubbe.
Tom-e-hi-yo.
Tim-ah-no-la.
Tik-bah-ho-nah.

Tan-oon-i-o-cubbe.
Took-a-chubbe.
Tick-e-bah.
Tick-lah-oo-nah.
Tan-up-pi-yah.
Tah-ho-nah.
Tah-Hubbe.
Took-a-loon-tubbe.
To-te-mus-tubbe.
Tik-li-yah.
Tal-lo-wah-ho-nah.
Took-la-ho-na.
To-bah-tam-ya.
Tah-neen-cha.
Tok-ka-la-too-nah.
Tah-ho-nah.
Te-mah-he-mah.
Tah-ka-la-to-nah.
Tah-hubbe.
Tal-wah.
Ta-hubbe.
To-ah.
To-ni-a.
Te-bah-noo-kubbe.
Tah-nin-to-nah.
Tik-e-lah.
Tah-ho-nah.
Tah-nap-ha-cubbe.
Te-mah-tam-be.
Tah-ne-ho-nah.
Tus-ka-a-to-kah.
Take-ho-yo.
Tah-hubbe.
To-bul-la.
To-te-pi-ya.
Tah-no-wah.
Tah-we-wah-ho-nah.
Tik-lo-nubbe.
To-noon-cha.
Te-me-ah-ho-nah.
To-pe-lah.
Toon-lah-ho-nah.
Tah-mah-hoke-chiah.
Tan-ke-yo.
Tah-mah-ha-lubbe.
To-te-ho-yo.
Tah-e-min-tubbe.
Tah-mah-le-lubbe.
Te-lubba.
Tellis.
Tik-bone-te-mah.
Tik-bah-he-mah.
To-me-hubbe.
Tib-bah-ubbe.
Took-la-ho-na.
Te-mo-nah.
Tish-ok-chia.
Tok-o-la-tubbe.
Tash-pa-ho-ka.
Te-mah.
To-kal-la-tubbe.
To-lah-tubbe.
To-kah-ho-nah.
Te-ho-yo.
Tike-be-ubbe.
Tim-e-tubbe.
Te-mi-yea.
To-pa-ho-mah.
Ti-yea.
Te-nah.
Tal-o-wah-ho-nah.
Tal-ne-ho-yo.
Te-mah.
Toon-la-ho-nah.
To-ho-lah.
Tah-ho-nah.
Te-mah.
To-lah-hubbe.
Ta-she-co.
Te-ok-ho-mah.
To-hee-le.
Tah-the-ho-nah.
Tash-pah-tubbe.
Te-meen-tah-ho-nah.
Tebbe-ho-mah.
Tus-co-chi-am-be.
To-kah.
Too-nah.
Tin-to-tubbe.
Tik-lah-tubbe.
Tam-mo.
Te-mam-ba.
Ta-bo-kah.
Ta-ho-nah.
Te-ho-yo.
Tush-pah-tubbe.
Tah-nubbe.
Tibbe-ho-nah.
Tith-i-o-tubbe.
To-lah-ho-nah.
To-ne.
Took-ah-lam-be.
To-wah-noo-hah.
Ta-wamp-ha-cubbe.
To-sho-yo-tubbe.
Tam-e-tubbee
Tim-ah-no-la-ho-nah.
Te-ah-ho-yo.
Tath-le-yo.
Take-un-i-ye.
Tan-u-wa-ho-nah.
Ti-o-nah.
Tus-ka-ha-kah.
Te-lo-way.
Te-the-ubbe.
Tush-kam-ba.
Tah-pe-nam-be.
Tish-o-mus-tubbe.
Ta-nam-pis-te-ubbe.
Te-lah-ho-nah.
Thla-ko-fa-che.
To-tam-bee.
Tush-pa-o-ka.
Ti-am-ba.
Tah-no-le.
Tah-ho-ye.
Tan-uth-la-che.
Ta-nam-pa-ha-ka.
Tith-lah-ho-nah.
Tonk-le.
Tal-wah-ho-nah.
To-pah-ho-nah.
Te-ho-mus-tubbee.
Tan-o-wa-tubbe.
Tik-lo-nubbee.
Tah-fa-mah.
To-nam-pish-ubbe.
Tah-nin-tubbe.
To-nubbee.
Te-cumseh.
Taylor, Peggy.
To-nah.
Ti-ock-he-im-lubbee.
To-ke-o-to-nah.
Taylor, Pirena.
Taylor, Hester A.
Taylor, David F.
Tal-wah-to-nah.
Te-mah-lah.
Te-a-he (or Is-te-an).
Ta-ka.
Tick-bone-tah-yubbe (or hubbe).
Tik-ah-lut-tah.
To-tubbe.
Te-me-ho-ka.
Ta-pe-ne-hubbe.
Tish-o-tubbe.
Tus-kam-bee.
Ta-nam-pa-cha.
Te-ah-ho-yo.
Tah-hubbe.
Tah-me-ne-lubbe.
Te-ma-yo-la.
Tap-pe-na-ho-ma.
Thomas.
Tan-ti-ma.
To-kubbee.
Tuk-a-lubbee.
Tock-o-la-tubbe.
Tus-ka-chuck-ah-mah.
Tah-la-ho-lubbe.
Tush-cubbe (or Tus-cuppa).
Tah-na-hin-po.
To-nubbe.
Tus-ka-ho-ma.
To-hah.
Ta-hol-ba-tubbe.
Tish-o-ham-bee.
Te-ah-pahn-tah.
Tah-li-yah.
Took-lah-bee.
Tus-sah-hah.
Tah-nap-pe-ho-ja.
Tith-le-tam-be.
Tho-po-tubbee.
Tus-sa-ha.
Tan-na-pish-wa.
Ta-mo-la-ho-na.
Tal-la-hubbee.
Tith-lo-ya.
To-ta.
Ta-hom-ba.
Tith-a-la.
Tish-a-ko-nubbee.
Ta-mo-a-ho-na.
Tap-pa-non-che-a.
Tus-ca-no-la.
Tal-la-wa-ho-na.
Tish-o-emitta.
Tish-o-chi-le-ta.
Tuk-a-la-nubbee.
Tom.
Tal-wah-ho-ke-ta.
Te-mah.
Un-me-hah-to-nah.
Un-ah.
Un-tah-she-mah.
Un-nah-che-he-mah.
Un-ta-ho-te-mah.
Un-tah-tubbe.
Ul-la-che-mah.
Un-ah-to-lubbe.
Un-te-ah-tubbe.
U-lan-le-tubbe.
Un-te-cum-e-ubbe.
U-we-te-mah.
Un-ah-to-lubbe.
Un-ah-le-ho-ka.
Un-te-ah.
Un-tah-tubbe.
Un-te-chubbe.
Un-che-le.
Ulth-la-ho-nah.
Un-te-mah-ho-nah.
Ush-wah-ho-nah.
Ut-tut-te-mah.
Us-tah-hi-ah.
Ulth-lo-tah.
Un-ah-timah.
Ut-tut-e-mah.
Ul-ah-we-lah (or Ah-bo-we-la).
Utul-bee (or His-tubbee, alias Mr. Shoat).
Ush-we-tubbee.
Up-pa-hubbee.
Un-ah-tubbee.
Wak-a-tubee.
Was-kin.
Wa-ta-ho-yo.
Washington.
Wesley
Wa-to-ho-yo.
Winna.
Wausa.
Wallace.
Wale.
Ward, Nicholas.
Wah-ha-chah.
Wilson, Tom.
Wi-o-ka.
Wah-ki-o-nubbee.
William.
Wilson.
Wah-ah-o-tubbe.
We-ah-ish-to-nah.
Wak-ah-che-ho-yo.
Wak-ah-tubbe.
Wah-kah-tubbe.
Wak-ah-ho-nah.
Wa-tubbe (or Oan-wah-tubbe).
Wah-kah-a-te-mah.
Wash-ko-mah.
Wa-li.
Wah-li (or Billy).
Wal-lee.
Wak-a-tu-nah.
Wa-te-mah.
Wak-i-chubbee.
Wak-i-e-to-nah.
Wak-i-o-tubbe.
Win-ne.
Wizy.
Wah-tubbe.
Wak-a-to-nah.
Wak-lo-nubbe.
Way-tubbe.
Way-ta-ho-nah.
Way-te-mah.
Wah-ki-ah.
Wa-la-ho nah.
William.
Wah-kin.
Willis.
Wah-tubbe.
Wak-is-tubbee.
We-tuck-eeu-lubbee.
Wak-ka-te-i-a.
Wak-i-ah-te-ah.
Walis.
Wak-kin.
William.
Washington.
Win-na.
Wak-a-tubbee.
Wa-ka-i-on-ubbee.
Wacka-ya.
Wa-a-ho-na.
Wa-chah.
Wah-ka-ho-ke-tah.
Wah-ki-o-tubbe.
We-ah-ho-nah.
Wa-te-mah.
Way-tubbe.
Yalla-ma.
Yim-me-tubbee.
Yaco tona.
Yo-k-odee-tubbee.
Yaccomma.
Ya-co-to-na.
Yak-on-tubbee.
Yo-ca-ta.
Yimma-ho-ka.
Yimma-tubbee.
Yac-o-tam-ba.
Yak-a-hajo
Ya-ka-pa.
Yim-ma.
Yim-min-tah.
Yock-a-tubbee.
Yock-a-ma-tubbee.
Yock-a-ma-tubbee.
Yocko-tah-nubbee.
Yo-kah, or Tiyah.
Yow-wah-to-nah.
Yun-ma.
Yon-ah-ti-kah.
Ye-min-tah-ho-nah.
Yok-o-tim-ah.
Yem-e-ti-ah.
Yim-ish-lah-nah.
Yok-o-tubbee.
Yok-ko.
Yok-o-me-too-nah.
Yok-o-me-cha-ho-nah.
Yem-e-ti-ah.
Yo-bah-tubbee.
Yim-mo-nubbee.
Yok-o-me-tim-ah.
Yok-io-tim-ah.
Yum-ah-to-nah.
Yem-ah-ho-ka.
Yok-ah-ho-nah.
Yo-ba.
Yew-o-nubbe.
Yok-ah-ham-be.
Yo-hubbe.
Yon-ah.
Yon-ah-tah.
Yon-wah.
Yun-e-chubbe.
Yok-a-tubbe.
Yan-ish-lak-nah.
Yok-ah-to-nah.
Yok-o-te-mah.
Yo-pal-lah.
Yok-me-tam-be.
Yol nubbe.
Yok-no-la.
Yem-ak-ah-tubbe.
Yem-e-tubbe.
Yok-ah-tubbee.
Ye-me-tubbe.
Yah-mak-in-tubbe.
Yam-moon-tubbee.
Ye-ah-tam-bee.
Yazoo-ho-pi-a.
Yok-me-tubbee.
Yah-kubbee.
Yem-e-tubbe.
Yok-a-tam-be.
Yok-mi-ti-ah.
Yock-ma-chubbee.
Yim-min-tubbee.
Yim-mah-ho-wah.
Yok-ko-me-ah.
Yock-ah.
Yok-a-tam-bee.
Yo-ka.
Yahk.
Yo-pul-lah-ho-nah.
Yok-o-ta-hah-chubbee.
Ya-ta.
Yo-ca-chubbee.
Yah-ho-ka-te-nah.
Yock-a-te-nah.

The proponents of the Mississippi Choctaw claimants have too often said in debate that the Mississippi Choctaws who remained in Mississippi received nothing; that they have been defrauded, treated badly, and so forth. This statement can not be borne out by the facts. On the contrary, they have received a larger patrimony, have received greater consideration, have received more land and more money than did the Oklahoma Choctaws at the time this transaction took place. Of course, the procedure which has transpired since that time has developed the fact that the Choctaws who remained in Mississippi sold their land, spent their money, and are now without funds. But the Oklahoma Choctaws moved West, obeyed their treaty stipulations, kept their lands, refused to sell their lands, and profited thereby.

It will also be observed that at this late day to permit the decendants of a band of people who have almost for a hundred years absented themselves and refused to move West and take up residence with their people, and who still refuse to do so—to permit them to reach their hand into the treasury of the Oklahoma Band of Indians and thereby enrich themselves from the fruits of labor, industry, and zeal of the Oklahoma Indians—would be a rule more harsh than any court, any Congress, or tribunal has ever exacted in the past, and, as I believe, more drastic than the Congress will do at this time. The Mississippi

Choctaws have simply had their patrimony, have eaten it up, and are now asking to participate in a fund that they did not help to create; are asking to take from the tribe in Oklahoma a thing which was given the Oklahoma Indians by the Federal Government under the treaties of 1820 and 1830, by a patent which was issued to them for their lands by President Tyler in 1842, and it is preposterous to even think of taking it from them at this late day in the face of the fact that they are estopped by treaties, laches, decisions of courts, acts of Congress, and all the rules of right, reason, and justice. The Oklahoma Indians have long since been entitled to their peace and Congress has so decreed, not once but often, by solemn enactment.

PATENT ISSUED TO OKLAHOMA CHOCTAWS.

President Tyler, on March 3, 1842, issued to the Oklahoma Choctaws a patent for the lands. The important part of this patent which ran to the Oklahoma tribe of Choctaws is the provision which requires them to (1) establish residence upon the land and (2) to remain upon it; otherwise, the patent would be forfeited. The particular provision referred to is as follows:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure to them, while they shall exist as a nation and live on it" liable to no transfer or alienations except to the United States or with their consent.

Here, it will be observed, that the patent itself specifically required that tribesmen should first move onto the land, and, second, remain on the land; otherwise the land was to be forfeited. Can any thoughtful man conceive of a construction to be read into any treaty or any law which would permit tribesmen who never moved on the land at all, as is the case with the Mississippi Indians, to share in an estate under a patent provision like the one just quoted? President Tyler, in issuing that patent, and the Land Office, at that time, of course, had before them the treaties of 1820 and 1830, and particularly the fourteenth section of the treaty of 1830, upon which these claims are based, and notwithstanding the existence of these treaties, issued a patent which required the tribesmen to live upon the land, and if they ever removed therefrom patent should forfeit. Even though we had no court decisions to follow or to guide us, it ought to be conclusive that the Mississippi claimants have no right to share in these lands for which patent was issued.

PUBLICATION OF NOTICES.

The article of the treaty of 1866 required that the Mississippi Choctaws should have notice:

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom selection is to be made, to become a bona fide resident in the said nation within five years from the time of selection, and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

The records of the Indian Office show that notices were published in newspapers throughout Louisiana, Texas, Arkansas, and Alabama, advising the Mississippi Choctaws of their rights and notifying them that they must come in and establish residence in Oklahoma in order to avail themselves of their rights under the treaty.

The Choctaws in Oklahoma resided upon their land and were in full possession and charge of their rolls from 1830 to 1890, a period of 60 years. They at all times, during these 60 years, notified their brethren in Mississippi to come to Oklahoma and take up residence, help carry on the government, help preserve the lands from the wilder tribes, share in the estate, and in all things become full members of the tribe.

The records in the Indian Office, the records of the Dawes Commission, and the records of the Federal court all show conclusively that the Oklahoma Choctaws were ever ready with wide-open arms to receive their brethren from 1830 to 1890, a period of 60 years, and that they repeatedly passed resolutions and even appropriated money from their own funds inviting the Mississippi Choctaws to come and live with them and to share in the estate. The Mississippi Choctaws for all these 60 years did steadfastly refuse to come; they remained in Mississippi; they still refuse to come; they still remain in Mississippi—at least their descendants do—and they are not entitled to share in the estate of the Oklahoma Indians. The later decisions of the courts all show conclusively that this was the correct course for the Oklahoma Indians to pursue, and these decisions have steadfastly been upheld by Congress. These decisions and acts referred to will be cited later within the course of my remarks.

The Dawes Commission, which was created by act of Congress, took over full charge of making the Oklahoma Choctaw rolls and superseded the tribal government thereby.

CREATION OF THE DAWES COMMISSION.

The Indian appropriation act for the fiscal year ending June 30, 1894, approved March 3, 1893, and found at page 645, Twenty-seventh Statutes, provides, in part, as follows:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within the said Indian Territory.

The commissioners so appointed shall each receive a salary, to be paid during such time as they may be actually employed, under direction of the President, in the duties enjoined by this act, at the rate of $5,000 per annum, and shall also be paid their reasonable and proper expenses incurred in the prosecution of the objects of this act, upon accounts therefor to be rendered to and allowed by the Secretary of the Interior from time to time. That such commissioners shall have power to employ a secretary, a stenographer, and such interpreter or interpreters as may be found necessary to the performance of their duties, and by order to fix their compensation, which shall be paid, upon the approval of the Secretary of the Interior, from time to time, with their reasonable necessary expenses, upon accounts to be rendered as aforesaid; and may also employ in like manner and with the like approval a surveyor or other assistant or agent, which they shall certify in writing to be necessary to the performance of any part of their duties.

Such commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiation with the several nations of Indians as aforesaid in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such an agreement shall have been arrived at, the said commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated; and, secondly, to procure the cession, for such price and upon such terms as shall be agreed upon, of any land not found necessary to be so allotted or divided, to the United States; and to make proper agreements for the investment or holding by the United States of such moneys as may be paid or agreed to be paid to such nation or tribes or bands, or to any of the Indians thereof, for the extinguishment of their claims therein. But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States, with a view to the admission of the same as a State in the Union.

The commissioners shall at any time, or from time to time, report to the Secretary of the Interior their transaction and the progress of their negotiations, and shall at any time, or from time to time, if separate agreements shall be made by them with any nation, tribe, or band, in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification.

For the purposes aforesaid there is hereby appropriated, out of any money in the Treasury of the United States, the sum of $50,000, to be immediately available.

Neither the provisions of this section nor the negotiations or agreements which may be had or made thereunder shall be held in any way to waive or impair any right of sovereignty which the Government of the United States has over or respecting said Indian Territory or the people thereof, or any other right of the Government relating to said Territory, its lands, or the people thereof.

It will be observed that from this time on the Oklahoma Choctaws had little or nothing to do with the making of their rolls, and the whole matter was intrusted to the Federal Government, which assumed the task, and the Dawes Commission and the courts then determined whose name should go on the rolls and whose name should not. These Indians also entered into two treaties with the Federal Government, which will be set out at length hereafter, providing for the making of the rolls, the disposition and sale of the surplus property, the distribution of the funds therefrom, and many other details which I shall not here reiterate.

I think it is not claiming too much to assert that from the time of the taking out of the hands of the tribal government the matter of making the rolls, if any errors were made thereafter it would be the errors of the Federal Government. I assert, however, that the acts of the Federal Government, the decisions of the courts, acts of Congress, while perhaps not entirely free

from mistakes, were probably administered as well as could be expected under the circumstances. I do not believe the proponents of the claims of the Mississippi Choctaws can sustain themselves in charging either bad faith against the Federal Government or the Oklahoma Indians. I think in the last analysis their case will resolve itself into the conviction that the Mississippi Choctaws were given their patrimony in Mississippi; that they accepted, ate it up, and are now bankrupt, a condition for which neither the Federal Government nor the Oklahoma Indians are responsible or to blame.

ACT AUTHORIZING THE COMMISSION TO FURTHER ACCEPT, CONSIDER, AND PASS UPON ENROLLMENT CASES.

The Indian appropriation act for the fiscal year ending June 30, 1897, approved June 10, 1896, and found in Twenty-ninth Statutes, 321, provides, in part, as follows:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act.

The said commission shall decide all such applications within 90 days after the same shall be made.

THE ATOKA AGREEMENT.

This agreement, by and between the Government of the United States, of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw Tribes or Nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, I. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation

ALLOTMENT OF LANDS.

Witnesseth, That in consideration of the mutual undertakings, herein contained, it is agreed as follows:

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribe so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

That all the lands set apart for town sites, and the strip of land lying between the city of Fort Smith, Ark., and the Arkansas and Poteau Rivers, extending up said river to the mouth of Mill Creek; and 640 acres each, to include the buildings now occupied by the Jones Academy, Tushkahoma Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and 10 acres for the capitol building of the Choctaw Nation; 160 acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harvey Institute, Rock Academy, and Collins Institute, and 5 acres for the capitol building in the Chickasaw Nation, and the use of 1 acre of land for each church house now erected outside of the towns, and 80 acres of land each for J. S. Murrow, H. R. Schermerhorn, and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw Nations since the year 1866, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw Nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town-site commission, to include all courthouses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw Tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved the value of the use of the necessary surface for prospecting or mining and the damage done to the other land and improvements shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same before operations begin. That in order to such equal division the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of the land: *Provided further*, That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw Tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress.

That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw Tribes so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same.

That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of 40 acres each shall be entitled each to land equal in value to 40 acres of the average land of the two nations.

That in the appraisement of the lands to be allotted the Choctaw and Chickasaw Tribes shall each have a representative, to be appointed by their respective executives, to cooperate with the Commission to the Five Civilized Tribes, or anyone making appraisements under the direction of the Secretary of the Interior in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisement as if in its original condition, excluding the improvements thereon.

That the appraisement and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

That each member of the Choctaw and Chickasaw Tribes, including Choctaw and Chickasaw freedmen, shall, where it is possible, have the right to take his allotment on land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed 21 years from date of patent, and each allottee shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent and which shall be inalienable for 21 years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

That all contracts looking to the sale or encumbrance in any way of the land of an allottee, except the sale hereinbefore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

That the United States shall survey and definitely mark and locate the ninety-eighth meridian of west longitude between Red and Canadian Rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

That as soon as practicable after the completion of said allotments the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof, except the land embraced in said patents, except also his interest in the proceeds of all lands, coal, and asphalt herein excepted from allotment.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw Tribes.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw Nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same, then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw Nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

TOWN SITES.

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the President of the United States. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, to be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy one residence and one business lot at 50 per cent of the appraised value of such improved property, and the remainder of such improved property at 62½ per cent of the said market value within 60 days from date of notice served on him that such lot is for sale, and if he purchases the same he shall within 10 days from his purchase pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the two members of the commission fail to agree as to the market value of any lot, or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission, who is not

interested in town lots, who shall act with them to determine said value.

If such owner of the improvements on any lot fails within 60 days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less 62½ per cent of said appraised value of the lot, and shall pay the 62½ per cent of said appraised value into United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of 60 days to make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw Tribes—freedmen excepted—and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws—freedmen excepted—each member of the two tribes to receive an equal portion thereof.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the laws of the United States in force in said Territory, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw Tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed 5 acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, $10 per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government to the proper improvement and care of said cemetery.

That no charge or claim shall be made against the Choctaw or Chickasaw Tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

That the land adjacent to Fort Smith and lands for courthouses, jails, and other public purposes, excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw Councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Ark., for police purposes.

There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed 50 feet front and 100 feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they ceased to be used shall revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw Nations shall remain and be the common property of the members of the Choctaw and Chickasaw Tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations, each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary.

All coal and asphalt mines in the two nations, whether now developed or to be hereafter developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

All contracts made by the national agents of the Choctaw and Chickasaw Nations for operating coal and asphalt with any person or corporation which were, on April 23, 1897, being operated in good faith are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire, subject to all the provisions of this act.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw Nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under 960 acres, which shall be in a square as nearly as possible, and shall be for 30 years. The royalty on coal shall be 15 cents per ton of 2,000 pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be 60 cents per ton, payable same as coal: *Provided*, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided.

All lessees shall pay on each coal or asphalt claim at the rate of $100 per annum, in advance, for the first and second years; $200 per annum, in advance, for the third and fourth years; and $500 for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made and shall be a credit as royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advance payments, and all persons having coal leases must pay said annual advanced payments on each claim whether developed or undeveloped: *Provided, however*, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of 60 days after the same becomes due and payable on any lease the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw Nations.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses or miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw Tribes.

That whenever the members of the Choctaw and Chickasaw Tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

It is further agreed that the United States courts now existing or that may hereafter be created in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw Tribes; and of all persons charged with homicide, embezzlement, bribery, and embracery, breaches, or disturbances of the peace, and carrying weapons, hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw Nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

And sections 1636 to 1644, inclusive, entitled "Embezzlement," and sections 1711 to 1718, inclusive, entitled "Bribery and embracery," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw Nations; and the word "officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the act of Congress, entitled "An act to establish United States courts in the Indian Territory, and for other purposes," approved March 1, 1889, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw Nations; and all members of the Choctaw and Chickasaw Tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a member of the Choctaw and Chickasaw Nations is indicted for homicide he may, within 30 days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted his affidavit that he can not get a fair trial in said court; and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for the western district of Arkansas, at Fort Smith, Ark., or to the United States district court for the eastern district of Texas, at Paris, Tex., always selecting the court that in his judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the case; and in all said civil suits said courts shall have full equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; but in no case shall suit be instituted against the tribal government without its consent.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals, after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within 30 days after their reception, approve or disapprove the same. Said acts,

ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw Nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

For arrears of interest, at 5 per cent per annum, from December 31, 1840, to June 30, 1889, on $184,143.09 cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, and for arrears of interest at 5 per cent per annum, from March 11, 1850, to March 3, 1890, on $56,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, $558,520.54, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw Nation and the Chickasaw Nation against the United States and the Wichita and affiliated bands of Indians, now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw Nations for the remaining lands in what is known as the leased district, namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian Rivers, leased to the United States by the treaty of 1855, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

It is further agreed that the Choctaws and Chickasaws, when their tribal government cease, shall become possessed of all the rights and privileges of citizens of the United States.

ORPHAN LANDS.

It is further agreed that the Choctaw orphan lands in the State of Mississippi yet unsold shall be taken by the United States at one dollar and twenty-five cents ($1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office.

In witness whereof the said commissioners do hereunto affix their names at Atoka, Ind. T., this the 23d day of April, 1897.

Green McCurtain, principal chief; J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, Choctaw Commission. R. M. Harris, governor; Isaac O. Lewis, Holmes Colbert, Robert L. Murray, William Perry, R. L. Boyd, Chickasaw Commission. Frank C. Armstrong, acting chairman; Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery, Commission to the Five Civilized Tribes; H. M. Jacoway, jr., secretary Five Tribes Commission.

Here it will be observed that the Federal Government entered into sacred contractual relations with the Oklahoma Choctaws to do certain things for them; here it will be observed that this agreement was enacted into law as a part of the Curtis Act of June 28, 1898, and was later ratified by vote of the tribe.

THE CURTIS ACT.

I will incorporate in my remarks at this point those portions of the Curtis Act of June 28, 1898, which have in any way a bearing on the subject at issue. For brevity's sake I will not incorporate the act in toto, as a large portion of it does not in any way pertain to this question. The portions which I will incorporate are as follows:

SEC. 11. That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the Dawes Commission, shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; but all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such lands shall carry the title to such oil, coal, asphalt, or mineral deposits; and all town sites shall also be reserved to the several tribes and shall be set apart by the commission heretofore mentioned as incapable of allotment. There shall also be reserved from allotment a sufficient amount of lands now occupied by churches, schools, parsonages, charitable institutions, and other public buildings for their present actual and necessary use, and no more, not to exceed 5 acres for each school and 1 acre for each church and each parsonage, and for such new schools as may be needed; also sufficient land for burial grounds where necessary. When such allotment of the lands of any tribe has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval: *Provided*, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress: *Provided further*, That whenever it shall appear that any member of a tribe is in possession of lands, his allotment may be made out of the lands in his possession, including his home if the holder so desires: *Provided further*, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for, by any of the courts of the United States in or for the aforesaid Territory, to have been illegally accorded rights of citizenship, and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws and have not surrendered possession thereof who may be found under the provisions of this act to be entitled to citizenship shall, within 90 days thereafter, refund the amount so paid them, with 6 per cent interest, to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and may be enforced by such tribe; and unless such person makes such restitution no allotments shall be made to him: *Provided further*, That the lands allotted shall be nontransferable until after full title is acquired and shall be liable for no obligations contracted prior thereto by the allottee, and shall be nontaxable while so held: *Provided further*, That all towns and cities heretofore incorporated or incorporated under the provisions of this act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same can not be secured otherwise than by condemnation, then the same may be acquired as provided in sections 907 and 912, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

SEC. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

SEC. 20. That the commission hereinbefore named shall have authority to employ, with approval of the Secretary of the Interior, all assistance necessary for the prompt and efficient performance of all duties herein imposed, including competent surveyors to make allotments, and to do any other needed work, and the Secretary of the Interior may detail competent clerks to aid them in the performance of their duties.

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the 3d day of February, 1896.

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw Nation, and all their descendants born to them since the date of the treaty.

It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw Tribes and their descendants born to them since the date of said treaty and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe, but if no such argreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due

time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: *Provided, however,* That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

SEC. 28. That on the 1st day of July 1898, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided,* That this section shall not be in force as to the Chickasaw, Choctaw, and Creek Tribes or Nations until the 1st day of October, 1898.

SEC. 29. That the agreement made by the Commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw Tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided,* That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further,* That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the Commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amended agreement is heretofore presented.

MISSISSIPPI CHOCTAWS GIVEN ADDITIONAL OPPORTUNITY TO BE ENROLLED.

Again Congress authorized the identified Mississippi Choctaws an opportunity to enrollment any time prior to the formal closing of the rolls. Listen to the following:

The Indian appropriation act for the fiscal year ending June 30, 1901, approved May 31, 1900, and which is found in Thirty-first Statutes, page 170, carried a provision as follows:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment."

DECISION OF THE DAWES COMMISSION IN THE MISSISSIPPI CHOCTAW CLAIMANTS' CASE.

During the fiscal year that ended June 30, 1899, and in the report of that year, at page 92, the Dawes Commission decided the Jack Amos case, which construed the rights of Jack Amos and 97 full-blood Choctaws residing in Mississippi, and asserted that the absent Mississippi Choctaws were not entitled to be enrolled as citizens of the Choctaw Nation. (See Sixth Annual Report of the Commissioner to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ending June 30, 1899, at page 92.) It is as follows:

In this case the proof shows that the claimants are Choctaw Indians by blood now living in the State of Mississippi; that neither they nor their ancestors have ever removed into the present Choctaw Nation.

The claimants base their right to be enrolled as Choctaw citizens upon the terms of the second and fourteenth articles of the treaty negotiated at Dancing Rabbit Creek on September 27, 1830, and of the conditions of the patent to the lands of the Choctaw Nation executed by President Tyler in the year 1842. * * *

The conditions of article 2 of the treaty, that the land should be conveyed "to the Choctaw Nation in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," are carried into the patent and are the only portions of that instrument which shed any light on the question now being considered, and therefore article 2 and the conditions of the patent may be considered together. * * *

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands.

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view of becoming citizens of that State. They and their descendants were to receive certain lands and, after living on them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate, and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove for removing, and for that reason forfeit his right to the annuity, because so long as he remained in Mississippi he was not entitled to any annuity, and therefore by removing he could not forfeit that which he did not have. If he removed he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then what are its uses? The very object of the treaty was to procure a removal of these people. The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were left behind were to retain, not this Choctaw citizenship but only the "privileges of a Choctaw citizen"; that is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty, how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer or a Mississippi Choctaw to receive so long as he remained in Mississippi and out of the limits of the Choctaw Nation?

By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw were to commit a wrong against the person or property of another, the right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen, or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Choctaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830, and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantees shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants; for, while the grant is to the Choctaw Nation, the people seem to be included both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits, it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. * * * There can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent. * * * was intended to convey a fee-simple title, burdened by two conditions subsequent, the one that the grantees should continue the corporate existence of their nation, and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor. * * *

This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands; and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. * * *

The word "successors" was omitted from the treaty, because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used, these Indians could understand it. They knew what they and their offspring were. It was to them—the people and their children—that the land was sold, and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal and a continual residence upon them.

When the fourteenth article of the treaty was framed, the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they were to live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly located nation. Understanding these conditions the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove (that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative), are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give to every word a meaning, and, in doing so, it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute.

Of course the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

* * * * * * *

To permit men with, perchance, but a strain of Choctaw blood in their veins who, 65 years ago, broke away from their kindred and their nation and during that time, or the most of it, had been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate it to their own use, would be unjust and inequitable.

It is, therefore, the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation. * * *

THE SUPPLEMENTAL AGREEMENT.

[Public—No. 228.]

An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes.

Be it enacted, etc., That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw Tribes of Indians on the 21st day of March, 1902, be, and the same is hereby, ratified and confirmed, to wit:

AGREEMENT BETWEEN THE UNITED STATES AND THE CHOCTAWS AND CHICKASAWS.

This agreement, by and between the United States, entered into in its behalf by Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckinridge, commissioners duly appointed and authorized thereunto, and the Choctaw and Chickasaw Tribes of Indians in Indian Territory, respectively, entered into in behalf of such Choctaw and Chickasaw Tribes, by Gilbert W. Dukes, Green McCurtain, Thomas E. Sanguin, and Simon E. Lewis in behalf of the Choctaw Tribe of Indians; and Douglas H. Johnston, Calvin J. Grant, Holmes Willis, Edward B. Johnson, and Benjamin H. Colbert in behalf of the Chickasaw Tribe of Indians, commissioners duly appointed and authorized thereunto—

Witnesseth that, in consideration of the mutual undertakings herein contained, it is agreed as follows:

DEFINITIONS.

1. Wherever used in this agreement the words "nations" and "tribes" shall each be held to mean the Choctaw and Chickasaw Nations or Tribes of Indians in Indian Territory.

2. The words "chief executives" shall be held to mean the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

3. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Choctaw or Chickasaw Tribe of Indians in Indian Territory, not including freedmen.

4. The term "Atoka agreement" shall be held to mean the agreement made by the Commission to the Five Civilized Tribes with the commissioners representing the Choctaw and Chickasaw Tribes of Indians at Atoka, Indian Territory, and embodied in the act of Congress approved June 28, 1898. (30 Stat., 495.)

5. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.

6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Commission to the Five Civilized Tribes for the Choctaw and Chickasaw Nations, for particular tracts of land.

7. Every word in this agreement importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

8. The terms "allottable lands" or "lands allottable" shall be deemed to mean all the lands of the Choctaw and Chickasaw Tribes not herein reserved from allotment.

APPRAISEMENT OF LANDS.

9. All lands belonging to the Choctaw and Chickasaw Tribes in the Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in determining such value consideration shall not be given to the location thereof, to any mineral deposits, or to any timber except such pine timber as may have been heretofore estimated by the Commission to the Five Civilized Tribes, and without reference to improvements which may be located thereon.

10. The appraisement as herein provided shall be made by the Commission to the Five Civilized Tribes, and the Choctaw and Chickasaw Tribes shall each have a representative to be appointed by the respective executives to cooperate with the said commission.

ALLOTMENT OF LANDS.

11. There shall be allotted to each member of the Choctaw and Chickasaw Tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 320 acres of the average allottable land of the Choctaw and Chickasaw Nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to 40 acres of the average allottable land of the Choctaw and Chickasaw Nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements. For the purpose of making allotments and designating homesteads hereunder, the 40-acre or quarter-quarter subdivisions established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a section.

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw Nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding 21 years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding 21 years from the date of certificate of allotment.

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after the issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

17. If, for any reason, an allotment should not be selected or a homestead designated by or on behalf of any member or freedman, it shall be the duty of said commission to make said selection and designation.

18. In the making of allotments and in the designation of homesteads for members of said tribes under the provisions of this agreement, said commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in paragraph 11 hereof.

19. It shall be unlawful after 90 days after the date of the final ratification of this agreement for any member of the Choctaw or Chickasaw Tribes to inclose or hold possession of in any manner, by himself or through another, directly or indirectly, more lands in value than that of 320 acres of average allottable lands of the Choctaw and Chickasaw Nations, as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children if members of said tribes; and any member of said tribes found in such possession of lands, or having the same in any manner inclosed after the expiration of 90 days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

20. It shall be unlawful after 90 days after the date of the final ratification of this agreement for any Choctaw or Chickasaw freedman to inclose or hold possession of in any manner, by himself or through another, directly or indirectly, more than so much land as shall be equal in value to 40 acres of the average allottable lands of the Choctaw and Chickasaw Tribes as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children, if they be Choctaw or Chickasaw freedmen; and any freedman found in such possession of lands, or having the same in any manner inclosed after the expiration of 90 days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

21. Any person convicted of violating any of the provisions of sections 19 and 20 of this agreement shall be punished by a fine not less than $100, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every $2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys for the districts in which said nations are situated are required to see that the provisions of said sections are strictly enforced, and they shall immediately after the expiration of 90 days after the date of the final ratification of this agreement proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same. And the Commission to the Five Civilized Tribes shall have authority to make investigation of all violations of sections 19 and 20 of this agreement, and make report thereon to the United States district attorneys.

22. If any person whose name appears upon the rolls, prepared as herein provided, shall have died subsequent to the ratification of this agreement and before receiving his allotment of land, the lands to which such person would have been entitled if living shall be allotted in his name and shall, together with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and practicable time, the Commission to the Five Civilized Tribes shall designate the lands thus to be allotted.

23. Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian agent at the Union Agency shall, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

24. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes to determine, under the direction of the Secretary of the Interior, all matters relating to the allotment of land.

EXCESSIVE HOLDINGS.

25. After the opening of the land office for allotment purposes in both the Choctaw and the Chickasaw Nations any citizen or freedman of either of said nations may appear before the Commission to the Five Civilized Tribes at the land office in the nation in which his land is located and make application for his allotment and for allotments for members of his family and for other persons for whom he is lawfully authorized to apply for allotments, including homesteads, and after the expiration of 90 days following the opening of such land offices any such applicant may make allegation that the land or any part of the land that he desires to have allotted is held by another citizen or person in excess of the amount of land to which said citizen or person is lawfully entitled, and that he desires to have said land allotted to him or members of his family as herein provided; and thereupon said commission shall serve notice upon the person so alleged to be holding land in excess of the lawful amount to which he may be entitled, said notice to set forth the facts alleged and the name and post-office address of the person alleging the same, and the rights and consequences herein provided, and the persons so alleged to be holding land contrary to law shall be allowed 30 days from the date of the service of said notice in which to appear at one of said land offices and to select his allotment and the allotments he may be lawfully authorized to select, including homesteads; and if at the end of the 30 days last provided for the person upon whom said notice has been served has not selected his allotment and allotments as provided, then the Commission to the Five Civilized Tribes shall immediately make or reserve said allotments for the person or persons who have failed to act in accordance with the notice aforesaid, having due regard for the best interest of said allottees; and after such allotments have been made or reserved by said commission, then all other lands held or claimed, or previously held or claimed, by said person or persons shall be deemed a part of the public domain of the Choctaw and Chickasaw Nations and be subject to disposition as such: *Provided*, That any persons who have previously applied for any part of said lands shall have a prior right or allotment of the same in the order of their applications and as their lawful rights may appear.

If any citizen or freedman of the Choctaw and Chickasaw Nations shall not have selected his allotment within 12 months after the date of the opening of said land offices in said nations, if not herein otherwise provided, and provided that 12 months shall have elapsed from the date of the approval of his enrollment by the Secretary of the Interior, then the Commission to the Five Civilized Tribes may immediately proceed to select an allotment, including a homestead for such person, said allotment and homestead to be selected as the commission may deem for the best interest of said person, and the same shall be of the same force and effect as if such selection had been made by such citizen or freedman in person, and all lands held or claimed by persons for whom allotments have been selected by the commission as provided, and in excess of the amount included in said allotments, shall be a part of the public domain of the Choctaw and Chickasaw Nations and be subject to disposition as such.

RESERVATIONS.

26. The following lands shall be reserved from the allotment of lands herein provided for:

(a) All lands set apart for town sites either by the terms of the Atoka agreement, the act of Congress of May 31, 1900 (31 Stats., 221), as herein assented to, or by the terms of this agreement.

(b) All lands to which, at the date of the final ratification of this agreement, any railroad company may under any treaty or act of Congress have a vested right for right of way, depots, station grounds, water stations, stockyards, or similar uses connected with the maintenance and operation of the railroad.

(c) The strip of land lying between the city of Fort Smith, Ark., and the Arkansas and Poteau Rivers, extending up the said Poteau River to the mouth of Mill Creek.

(d) All lands which shall be segregated and reserved by the Secretary of the Interior on account of their coal or asphalt deposits, as hereinafter provided. And the lands selected by the Secretary of the Interior at and in the vicinity of Sulphur in the Chickasaw Nation under the cession to the United States hereunder made by said tribes.

(e) One hundred and sixty acres for Jones' Academy.

(f) One hundred and sixty acres for Tuskahoma Female Seminary.

(g) One hundred and sixty acres for Wheelock Orphan Seminary.

(h) One hundred and sixty acres for Armstrong Orphan Academy.

(i) Five acres for capitol building of the Choctaw Nation.

(j) One hundred and sixty acres for Bloomfield Academy.

(k) One hundred and sixty acres for Lebanon Orphan Home.

(l) One hundred and sixty acres for Harley Institute.

(m) One hundred and sixty acres for Rock Academy.

(n) One hundred and sixty acres for Collins Institute.

(o) Five acres for the capitol building of the Chickasaw Nation.

(p) Eighty acres for J. S. Murrow.

(q) Eighty acres for H. R. Schermerhorn.

(r) Eighty acres for the widow of R. S. Bell.

(s) A reasonable amount of land, to be determined by the town-site commissioners, to include all tribal courthouses and jails and other tribal public buildings.

(t) Five acres for any cemetery located by the town-site commissioners prior to the date of the final ratification of this agreement.

(u) One acre for any church under the control and used exclusively by the Choctaw or Chickasaw citizens at the date of the final ratification of this agreement.

(v) One acre each for all Choctaw or Chickasaw schools under the supervision of the authorities of the Choctaw or Chickasaw Nations and officials of the United States.

And the acre so reserved for any church or school in any quarter section of land shall be located when practicable in a corner of such quarter section lying adjacent to the section line thereof.

ROLLS OF CITIZENSHIP.

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided: *Provided*, That no person claiming right to enrollment and allotment and distribution of tribal property by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotments of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said commission, and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw Nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final rolls of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw Nations that the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw Nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said 10 representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw Nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than 30 days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within 90 days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers, and proceedings, and, upon the filing in such citizenship court of the files, papers, and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and

33 hereof shall go into effect immediately after the passage of this act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the 31st day of December, 1903. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers, and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice, and proceedings in said court shall conform, as near as may be, to the pleadings, practice, and proceedings in equity causes in the circuit courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant in vacation or recess interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of $5,000 per annum and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, $2,400; stenographer, $1,200; bailiff, $900. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw Nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpœnaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the Circuit Court of the United States for the Western District of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory having custody and control of the files, papers, and proceedings in the original citizenship cases shall receive a fee of $2.50 for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct on behalf of the nations of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

34. During the 90 days first following the date of the final ratification of this agreement the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said 90 days: *Provided*, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

35. No person whose name does not appear upon the rolls prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Choctaw and Chickasaw tribes, and those whose names appear thereon shall participate in the manner set forth in this agreement: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said rolls and who died prior to the date of the final ratification of this agreement. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before the date of the final ratification of this agreement, and any person or persons who may conceal the death of anyone on said rolls as aforesaid for the purpose of profiting by the said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years and, in addition thereto, a forfeiture to the Choctaw and Chickasaw Nations of the lands, other tribal property, and proceeds so obtained.

CHICKASAW FREEDMEN.

36. Authority is hereby conferred upon the Court of Claims to determine the existing controversy respecting the relations of the Chickasaw freedmen to the Chickasaw Nation and the rights of such freedmen in the lands of the Choctaw and Chickasaw Nations under the third article of the treaty of 1866 between the United States and the Choctaw and Chickasaw Nations and under any and all laws subsequently enacted by the Chickasaw Legislature or by Congress.

37. To that end the Attorney General of the United States is hereby directed, on behalf of the United States, to file in said Court of Claims, within 60 days after this agreement becomes effective, a bill of interpleader against the Choctaw and Chickasaw Nations and the Chickasaw freedmen, setting forth the existing controversy between the Chickasaw Nation and the Chickasaw freedmen and praying that the defendants thereto be required to interplead and settle their respective rights in such suit.

38. Service of process in the suit may be had on the Choctaw and Chickasaw Nations, respectively, by serving upon the principal chief of the former and the governor of the latter a certified copy of the bill, with a notice of the time for answering the same, which shall not be less than 30 nor more than 60 days after such service, and may be had upon the Chickasaw freedmen by serving upon each of three known and recognized Chickasaw freedmen a certified copy of the bill, with a like notice of the time for answering the same, and by publishing a notice of the commencement of the suit, setting forth the nature and prayer of the bill, with the time for answering the same, for a period of three weeks in at least two weekly newspapers having general circulation in the Chickasaw Nation.

39. The Choctaw and Chickasaw Nations, respectively, may in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes, employ counsel to represent them in such suit and protect their interests therein; and the Secretary of the Interior shall employ competent counsel to represent the Chickasaw freedmen in said suit and to protect their interests therein; and the compensation of counsel so employed for the Chickasaw freedmen, including all costs of printing their briefs and other incidental expenses on their part, not exceeding $6,000, shall be paid out of the Treasury of the United States upon certificate of the Secretary of the Interior setting forth the employment and the terms thereof, and stating that the required services have been duly rendered; and any party feeling aggrieved at the decree of the Court of Claims, or any part thereof, may, within 60 days after the rendition thereof, appeal to the Supreme Court, and in each of said courts the suit shall be advanced for hearing and decision at the earliest practicable time.

40. In the meantime the Commission to the Five Civilized Tribes shall make a roll of the Chickasaw freedmen and their descendants, as provided in the Atoka agreement, and shall make allotments to them as provided in this agreement, which said allotments shall be held by the said Chickasaw freedmen, not as temporary allotments, but as final allotments, and in the event that it shall be finally determined in said suit that the Chickasaw freedmen are not, independently of this agreement, entitled to allotments in the Choctaw and Chickasaw lands, the Court of Claims shall render a decree in favor of the Choctaw and Chickasaw Nations according to their respective interests, and against the United States, for the value of the lands so allotted to the Chickasaw freedmen as ascertained by the appraisal thereof made by the Commission to the Five Civilized Tribes for the purpose of allotment, which decree shall take the place of the said lands and shall be in full satisfaction of all caims by the Choctaw and Chickasaw Nations against the United States or the said freedmen on account of the taking of the said lands for allotment to said freedmen: *Provided*, That nothing contained in this paragraph shall be construed to affect or change the existing status or rights of the two tribes as between themselves respecting the lands taken for allotment to freedmen, or the money, if any, recovered as compensation therefor, as aforesaid.

MISSISSIPPI CHOCTAWS.

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded Sepember 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the said treaty of 1830 who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation; all of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll.

42. When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations.

43. Applications for enrollment as Mississippi Choctaws and applications to have land set apart to them as such must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children, and if the father be dead the mother may apply; husbands may apply for wives. Applicaions for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said commission.

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior,

and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw Tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

TOWN SITES.

45. The Choctaw and Chickasaw Tribes hereby assent to the act of Congress approved May 31, 1900 (31 Stats., 221), in so far as it pertains to town sites in the Choctaw and Chickasaw Nations, ratifying and confirming all acts of the Government of the United States thereunder, and consent to a continuance of the provisions of said act not in conflict with the terms of this agreement.

46. As to those town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, as provided in said act of Congress of May 31, 1900, such additional acreage may be added thereto, in like manner as the original town site was set apart, as may be necessary for the present needs and reasonable prospective growth of said town sites, the total acreage not to exceed 640 acres for each town site.

47. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Commission to the Five Civilized Tribes, under the provisions of said act of May 31, 1900, shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

48. Whenever any tract of land shall be set aside for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this agreement, which is occupied by any member of the Choctaw or Chickasaw Nations, such occupant shall be fully compensated for his improvements thereon, out of the funds of the tribes arising from the sale of town sites, under rules and regulations to be prescribed by the Secretary of the Interior, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe in which the town site is located, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriation for surveying, laying out, platting, and selling town sites.

49. Whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

50. There shall be appointed, in the manner provided in the Atoka agreement, such additional town-site commissions as the Secretary of the Interior may deem necessary, for the speedy disposal of all town sites in said nations: *Provided*, That the jurisdiction of said additional town-site commissions shall extend to such town sites only as shall be designated by the Secretary of the Interior.

51. Upon the payment of the full amount of the purchase price of any lot in any town site in the Choctaw and Chickasaw Nations, appraised and sold as herein provided, or sold as herein provided, the chief executives of said nations shall jointly execute, under their hands and the seals of the respective nations and deliver to the purchaser of the said lot, a patent conveying to him all right, title, and interest of the Choctaw and Chickasaw Tribes in and to said lot.

52. All town lots in any one town site to be conveyed to one person shall, as far as practicable, be included in one patent, and all patents shall be executed free of charge to the grantee.

53. Such towns in the Choctaw and Chickasaw Nations as may have a population of less than 200 people, not otherwise provided for, and which in the judgment of the Secretary of the Interior should be set aside as town sites, shall have their limits defined not later than 90 days after the final ratification of this agreement, in the same manner as herein provided for other town sites; but in no such case shall more than 40 acres of land be set aside for any such town site.

54. All town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., 221), with the additional acreage added thereto, and all town sites which may hereafter be set aside, as well as all town sites set aside under the provisions of this agreement having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in a like manner, and with like preference rights accorded to owners of improvements as other town sites in the Choctaw and Chickasaw Nations are surveyed, laid out, platted, appraised, and *disposed of* under the Atoka agreement, as modified or supplemented by the said act of May 31, 1900: *Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw Nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement.

MUNICIPAL CORPORATIONS.

55. Authority is hereby conferred upon municipal corporations in the Choctaw and Chickasaw Nations, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nations and made applicable to the cities and towns therein the same as if specially enacted in reference thereto; and said municipal corporations are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when so vacated, shall become the property of the adjacent property holders.

COAL AND ASPHALT.

56. At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agrement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction for cash under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

57. All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, at the expiration of two years after the final ratification of this agreement, be sold at public auction under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribe shall be retained by them.

58. Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the subdivisions of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed 500,000 acres. No lands so reserved shall be allotted to any member or freedman, and the improvements of any member or freedman existing upon any of the lands so segregated and reserved at the time of their segregation and reservation shall be appraised under the direction of the Secretary of the Interior, and shall be paid for out of any common funds of the two tribes in the Treasury of the United States, upon the order of the Secretary of the Interior. All coal and asphalt deposits, as well as other minerals which may be found in any lands not so segregated and reserved, shall be deemed a part of the land and shall pass to the allottee or other person who may lawfully acquire title to such lands.

59. All lands segregated and reserved under the last preceding section, excepting those embraced within the limits of a town site, established as hereinbefore provided, shall, within three years from the final ratification of this agreement and before the dissolution of the tribal governments, be sold at public auction for cash, under the direction of the President, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of $4,000 per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chickasaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder, the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits. The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita to members of said tribes—freedmen excepted—with the other moneys belonging to said tribes in the manner provided by law. The lands embraced within any coal or asphalt lease shall be separately sold, subject to such lease, and the purchaser shall succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribes shall be retained by them. The lands so segregated and reserved, and not included within any existing coal or asphalt lease, shall be sold in tracts not exceeding in area a section under the Government survey.

60. Upon the recommendation of the chief executive of each of the two tribes, and where in the judgment of the President it is advantageous to the tribes so to do, the sale of any coal or asphalt lands which are herein directed to be sold may be made at any time after the expiration of six months from the final ratification of this agreement, without awaiting the expiration of the period of two years, as hereinbefore provided.

61. No lease of any coal or asphalt lands shall be made after final ratification of this agreement, the provisions of the Atoka agreement to the contrary notwithstanding.

62. Where any lands so as aforesaid segregated and reserved on account of their coal or asphalt deposits are in this agreement specifically reserved from allotment for any other reason, the sale to be made hereunder shall be only of the coal and asphalt deposits contained therein, and in all other respects the other specified reservation of such lands herein provided for shall be fully respected.

63. The chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser of any coal or asphalt lands so sold, and to each purchaser of any coal or asphalt deposits so sold, an appropriate patent or instrument of conveyance, conveying to the purchaser the property so sold.

SULPHUR SPRINGS.

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites. Within 90 days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direc-

tion of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory: *Provided, however*, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

MISCELLANEOUS.

65. The acceptance of patents for minors, prisoners, convicts, and incompetents by persons authorized to select their allotments for them shall be sufficient to bind such minors, prisoners, convicts, and incompetents as to the conveyance of all other lands of the tribes.

66. All patents to allotments of land, when executed, shall be recorded in the office of the Commission to the Five Civilized Tribes within said nations in books appropriate for the purpose, until such time as Congress shall make other suitable provision for record of land titles as provided in the Atoka agreement, without expense to the grantee; and such records shall have like effect as other public records.

67. The provisions of section 3 of the act of Congress approved June 28, 1898 (30 Stats., 495), shall not apply to or in any manner affect the lands or other property of the Choctaws and Chickasaw or Choctaw and Chickasaw freedmen.

68. No act of Congress or treaty provision, nor any provision of the Atoka agreement, inconsistent with this agreement, shall be in force in said Choctaw and Chickasaw Nations.

69. All controversies arising between members as to their right to select particular tracts of land shall be determined by the Commission to the Five Civilized Tribes.

70. Allotments may be selected and homesteads designated for minors by the father or mother, if members, or by a guardian or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable person akin to them; but it shall be the duty of said commission to see that said selections are made for the best interests of such parties.

71. After the expiration of nine months after the date of the original selection of an allotment, by or for any citizen or freedmen of the Choctaw or Chickasaw Tribes, as provided in this agreement, no contest shall be instituted against such selection.

72. There shall be paid to each citizen of the Chickasaw Nation, immediately after the approval of his enrollment and right to participate in distribution of tribal property, as herein provided, the sum of $40. Such payment shall be made under the direction of the Secretary of the Interior, and out of the balance of the "arrears of interest" of $558,520.54 appropriated by the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," yet due to the Chickasaws and remaining to their credit in the Treasury of the United States; and so much of such moneys as may be necessary for such payment are hereby appropriated and made available for that purpose, and the balance, if any there be, shall remain in the Treasury of the United States, and be distributed per capita with the other funds of the tribes. And all acts of Congress or other treaty provisions in conflict with this provision are hereby repealed.

73. This agreement shall be binding upon the United States and upon the Choctaw and Chickasaw Nations and all Choctaws and Chickasaws, when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Choctaw and Chickasaw Tribes in the manner following: The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall, within 120 days after the ratification of this agreement by Congress, make public proclamation that the same shall be voted upon at any special election to be held for that purpose within 30 days thereafter, on a certain day therein named; and all male citizens of each of the said tribes qualified to vote under the tribal laws shall have a right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not. And if this agreement be ratified by said tribes as aforesaid, the date upon which said election is held shall be deemed to be the date of final ratification.

74. The votes cast in both the Choctaw and Chickasaw Nations shall be forthwith returned and duly certified by the precinct officers to the national secretaries of said tribes, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and the national secretary of the Choctaw Nation and the governor and national secretary of the Chickasaw Nation and two members of the Commission to the Five Civilized Tribes; and said board shall meet without delay at Atoka, Ind. T., and canvass and count said votes, and make proclamation of the result.

In witness whereof the said commissioners do hereby affix their names at Washington, D. C., this 21st day of March, 1902.

Approved, July 1, 1902.

As will be observed, this act provides for the appraisement of the lands, that the homesteads shall be inalienable; it provides for the allotment of freedmen or ex-negro slaves with the Indians; it specifically provides that the surplus lands after the allotments have been made shall be disposed of by sale and the proceeds distributed per capita to the enrolled members of the tribe, and particularly under this agreement full and complete jurisdiction is conferred upon and surrendered to the Dawes Commission to settle their allotment matters, their enrollment matters, the sale of their surplus lands, and, in a word, to do all things necessary to be done looking to the immediate winding up of their affairs. The act provides for certain reservations for schools, parks, and so forth.

Section 27 of the supplemental agreement authorizes and empowers the commission to make the rolls, thereby taking the matter wholly out of the hands of the Choctaw Indians.

Sections 28, 29, 30, and 31 all prescribe details, methods, and proceedings to hasten the method of making the rolls and have the tribe cooperate with the commission in making the rolls.

It will be observed that section 41 of the supplemental agreement, which was approved and enacted into law by the act of Congress of July 1, 1902, specifically deals with the Mississippi Choctaws and again extends the time under the act of June 28, 1898, and gives them six months in which to make application and one year thereafter in which to make proof of bona fide settlement within the Choctaw-Chickasaw country, pursuant to which they could be enrolled.

CONGRESS ASSERTS THAT THE ROLLS MADE BY THE DAWES COMMISSION AND APPROVED BY THE SECRETARY OF INTERIOR SHALL BE FINAL.

The Indian appropriation act for the fiscal year ending June 30, 1902, approved March 3, 1901, found in Thirty-first Statutes, page 1058, provides in part as follows:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time, by agreement with said tribes, or either of them, for closing said rolls, but upon failure or refusal of said tribes or either of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

CONGRESS FINALLY CLOSES ROLLS.

[Public—No. 129.]

An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Be it enacted, etc., That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December 1, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within 60 days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within 60 days after the passage of this act: *Provided*, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

SEC. 2. That for 90 days after approval hereof applications shall be received for enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee Tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section 9 of the Creek agreement ratified by act approved March 1, 1901, authorizing the use of funds of the Creek Tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, and after the expiration of six months from the passage of this act as to allotments heretofore made, no contest shall be instituted against such allotment: *Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: *Provided further*, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

SEC. 3. That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March 14, 1867, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August 11, 1866, or who actually returned and established such residence in the Cherokee Nation on or before February 11, 1867; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Lands allotted to freedmen of the Choctaw and Chickasaw Tribes shall be considered "homesteads," and shall be subject to all the provisions of this or any other act of Congress applicable to homesteads of citizens of the Choctaw and Chickasaw Tribes.

SEC. 4. That no name shall be transferred from the approved freedmen or any other approved rolls of the Choctaw, Chickasaw, Cherokee,

Creek, or Seminole Tribes, respectively, to the roll of citizens by blood, unless the records in charge of the Commissioner to the Five Civilized Tribes show that aplication for enrollment as a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law.

SEC. 5. That all patents or deeds to allottees in any of the Five Civilized Tribes to be hereafter issued shall issue in the name of the allottee, and if any such allottee shall die before such patent or deed becomes effective, the title to the lands described therein shall inure to and vest in his heirs, and in case any allottee shall die after restrictions have been removed, his property shall descend to his heirs or his lawful assigns, as if the patent or deed had issued to the allottee during his life, and all patents heretofore issued, where the allottee died before the same became effective, shall be given like effect; and all patents or deeds to allottees and other conveyances affecting lands of any of said tribes shall be recorded in the office of the Commissioner to the Five Civilized Tribes, and when so recorded shall convey legal title, and shall be delivered under the direction of the Secretary of the Interior to the party entitled to receive the same: *Provided*, The provisions of this section shall not affect any rights involved in contests pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior at the date of the approval of this act.

SEC. 6. That if the principal chief of the Choctaw, Cherokee, Creek, or Seminole Tribe, or the governor of the Chickasaw Tribe shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled, the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability, or death of the incumbent, by appointment of a citizen by blood of the tribe.

If any such executive shall fail, refuse, or neglect, for 30 days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument.

Provided, That the principal chief of the Seminole Nation is hereby authorized to execute the deeds to allottees in the Seminole Nation prior to the time when the Seminole government shall cease to exist.

SEC. 7. That the Secretary of the Interior shall, by written order, within 90 days from the passage of this act, segregate and reserve from allotment, sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, the east half of section 16, and the northeast quarter of section 6, in township 9 south, range 26 east, and sections 5, 6, 7, 8, 17, 18, and the west half of section 16, in township 9 south, range 27 east, Choctaw Nation, Indian Territory, except such portions of said lands upon which substantial, permanent, and valuable improvements were erected and placed prior to the passage of this act and not for speculation, but by members and freedmen of the tribes actually themselves and for themselves for allotment purposes, and where such identical members or freedmen of said tribes now desire to select same as portions of their allotments, and the action of the Secretary of the Interior in making such segregation shall be conclusive. The Secretary of the Interior shall also cause to be estimated and appraised the standing pine timber on all of said land, and the land segregated shall not be allotted, except as hereinbefore provided, to any member or freedman of the Choctaw and Chicksaw Tribes. Said segregated land and the pine timber thereon shall be sold and disposed of at public auction, or by sealed bids for cash, under the direction of the Secretary of the Interior.

SEC. 8. That the records of each of the land offices in the Indian Territory, should such office be hereafter discontinued, shall be transferred to and kept in the office of the clerk of the United States court in whose district said records are now located. The officer having custody of any of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, and the disposition of the land and other property of said tribes, upon proper application and payment of such fees as the Secretary of the Interior may prescribe, may make certified copies of such records, which shall be evidence equally with the originals thereof; but fees shall not be demanded for such authenticated copies as may be required by officers of any branch of the Government nor for such unverified copies as such officer, in his discretion, may deem proper to furnish. Such fees shall be paid to bonded officers or employees of the Government, designated by the Secretary of the Interior, and the same or so much thereof as may be necessary may be expended under the direction of the Secretary of the Interior for the purposes of this section, and any unexpended balance shall be deposited in the Treasury of the United States, as are other public moneys.

SEC. 9. The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon on the principle of quantum merult, in such amount or amounts as may appear equitable or justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney General shall appear and defend the said suit on behalf of said Choctaws.

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, with the lands and all school property pertaining thereto, March 5, 1906, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dismissal by the Secretary of the Interior, and the present system so far as practicable, until such time as a public school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw Nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June 30, 1905; and he is further authorized and directed to use the remainder, if any, of the funds appropriated by the act of Congress approved March 3, 1905, "for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Chocktaw, Chickasaw, and Seminole Nations," unexpended March 4, 1906, including such fees as have accrued or may hereafter accrue under the act of Congress approved February 19, 1903, Statutes at Large, volume 32, page 841, which fees are hereby appropriated, in continuing such schools as may have been established, and in establishing such new schols as he may direct, and any of the tribal funds so set aside remaining unexpended when a public school system under a future State or Territorial government has been established, shall be distributed per capita among the citizens of the nations, in the same manner as other funds.

SEC. 11. That all revenues of whatever character accruing to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether before or after dissolution of the tribal governments, shall, after the approval hereof, be collected by an officer appointed by the Secretary of the Interior under rules and regulations to be prescribed by him; and he shall cause to be paid all lawful claims against said tribes which may have been contracted after July 1, 1902, or for which warrants have been regularly issued, such payments to be made from any funds in the United States Treasury belonging to said tribes. All such claims arising before dissolution of the tribal governments shall be presented to the Secretary of the Interior within six months after such dissolution, and he shall make all rules and regulations necessary to carry this provision into effect and shall pay all expenses incident to the investigation of the validity of such claims or indebtedness out of the tribal funds: *Provided*, That all taxes accruing under tribal laws or regulations of the Secretary of the Interior shall be abolished from and after December 31, 1905, but this provision shall not prevent the collection after that date nor after dissolution of the tribal government of all such taxes due up to and including December 31, 1905, and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded.

Upon dissolution of the tribal governments every officer, member, or representative of said tribes, respectively, having in his possession, custody, or control any money or other property of any tribe shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control, and shall deliver all other tribal property so held by him, to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided for 60 days from dissolution of the tribal government, he shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe for the amount or value of the money or property so withheld.

SEC. 12. That the Secretary of the Interior is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, all lots in towns in the Choctaw and Chickasaw Nations reserved from appraisement and sale for use in connection with the operation of coal and asphalt mining leases or for the occupancy of miners actually engaged in working for lessees operating coal and asphalt mines, the proceeds arising from such sale to be deposited in the Treasury of the United States as are other funds of said tribes.

If the purchaser of any town lot sold under the provisions of law regarding the sale of town sites in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Nations fail for 60 days after approval hereof to pay the purchase price of any installment thereof then due, or shall fail for 30 days to pay the purchase price or any installment thereof falling due hereafter, he shall forfeit all rights under his purchase, together with all money paid thereunder, and the Secretary of the Interior may cause the lots upon which such forfeiture is made to be resold at public auction for cash, under such rules and regulations as he may prescribe. All municipal corporations in the Indian Territory are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when vacated, shall revert to and become the property of the abutting property owners.

SEC. 13. That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

SEC. 14. That the lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations reserved from allotment or sale under any act of Congress for the use or benefit of any person, corporation, or organization shall be conveyed to the person, corporation, or organization entitled thereto: *Provided*, That if any tract or parcel thus reserved shall before conveyance thereof be abandoned for the use for which it was reserved by the party in whose interest the reservation was made, such tract or parcel shall revert to the tribe and be disposed of as other surplus lands thereof: *Provided further*, That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stockyards, or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company under rules and regulations to be prescribed by the Secretary of the Interior at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality the title to which, upon abandonment, shall vest in such municipality.

The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation are, with the approval of the Secretary of the Interior, hereby authorized and directed to issue patents to the Murrow Indian Orphans' Home, a corporation of Atoka, Ind. T., in all cases where tracts have been allotted under the direction of the Secretary of the Interior for the purpose of allowing the allottees to donate the tract so allotted to said Murrow Indian Orphans' Home.

In all cases where enrolled citizens of either the Choctaw or Chickasaw Tribe have taken their homestead and surplus allotment and have remaining over an unallotted right to less than $10 on the basis of the

allotment value of said lands, such unallotted right may be conveyed by the owners thereof to the Murrow Indian Orphans' Home aforesaid; and whenever said conveyed rights shall amount in the aggregate to as much as 10 acres of average allottable land, land to represent the same shall be allotted to the said Murrow Indian Orphans' Home, and certificate and patent shall issue therefor to said Murrow Indian Orphans' Home.

And there is hereby authorized to be conveyed to said Murrow Indian Orphans' Home, in the manner hereinbefore prescribed for the conveyance of land, the following-described lands in the Choctaw and Chickasaw Nations, to wit: Sections 18 and 19 in township 2 north, range 12 east; the south half of the northeast quarter, the northeast quarter of the northeast quarter, the south half of the northwest quarter of the northeast quarter, the south half of the southeast quarter, the northeast quarter of the southeast quarter, the south half of the northwest quarter of the southeast quarter, the northeast quarter of the northwest quarter of the southeast quarter, the northeast quarter of the southeast quarter of the southwest quarter, and the northwest quarter of the northwest quarter of section 24, and the northwest quarter of the southeast quarter, the north half of the southwest quarter of the southeast quarter, the south half of the southwest quarter of the southwest quarter, the northwest quarter of the southwest quarter of the southwest quarter, and the southeast quarter of the northwest quarter of the southwest quarter of section 23, and the southwest quarter of the southwest quarter of the southeast quarter of section 26, and the southeast quarter of the northwest quarter of the northwest quarter, the south half of the northeast quarter of the northwest quarter, the northeast quarter of the northeast quarter of the northwest quarter, and the east half of the southeast quarter of the northwest quarter of section 25, all in township 2 north, range 11 east, containing 1,790 acres, as shown by the Government survey, for the purpose of the said home.

SEC. 15. The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States, such State or Territory, or any county or municipality therein, shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

SEC. 16. That when allotments as provided by this and other acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regulations to be prescribed by him and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes. In the disposition of the unallotted lands of the Choctaw and Chickasaw Nations each Choctaw and Chickasaw freedman shall be entitled to a preference right, under such rules and regulations as the Secretary of the Interior may prescribe, to purchase at the appraised value enough land to equal with that already allotted to him 40 acres in area. If any such purchaser fails to make payment within the time prescribed by said rules and regulations, then such tract or parcel of land shall revert to the said Indian tribes and be sold as other surplus lands thereof. The Secretary of the Interior is hereby authorized to sell, whenever in his judgment it may be desirable, any of the unallotted land in the Choctaw and Chickasaw Nations, which is not principally valuable for mining, agricultural, or timber purposes, in tracts of not exceeding 640 acres to any one person, for a fair and reasonable price, not less than the present appraised value. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances: *Provided further*, That agricultural lands shall be sold in tracts of not exceeding 160 acres to any one person.

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 18. That the Secretary of the Interior is hereby authorized to bring suit in the name of the United States, for the use of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, respectively, either before or after the dissolution of the tribal governments, for the collection of any moneys or recovery of any land claimed by any of said tribes, whether such claim shall arise prior to or after the dissolution of the tribal governments, and the United States courts in Indian Territory are hereby given jurisdiction to try and determine all such suits, and the Secretary of the Interior is authorized to pay from the funds of the tribe interested any costs and necessary expenses incurred in maintaining and prosecuting such suits: *Provided*, That proceedings, to which any of said tribes is a party pending before any court or tribunal at the date of dissolution of the tribal governments, shall not be thereby abated or in any wise affected, but shall proceed to final disposition.

Where suit is now pending, or may hereafter be filed in any United States court in the Indian Territory, by or on behalf of any one or more of the Five Civilized Tribes, to recover moneys claimed to be due and owing to such tribe, the party defendants to such suit shall have the right to set up and have adjudicated any claim it may have against such tribe; and any balance that may be found due by any tribe or tribes shall be paid by the Treasurer of the United States out of any funds of such tribe or tribes upon the filing of the decree of the court with him.

SEC. 19. That no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of 25 years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress; and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior: *Provided, however*, That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: *Provided further*, That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before, or for the making of which a contract or agreement was entered into before the removal of restrictions, be, and the same is hereby, declared void: *Provided further*, That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee.

SEC. 20. That after the approval of this act all leases and rental contracts, except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads, of full-blood allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes shall be in writing and subject to approval by the Secretary of the Interior and shall be absolutely void and of no effect without such approval: *Provided*, That allotments of minors and incompetents may be rented or leased under order of the proper court: *Provided further*, That all leases entered into for a period of more than one year shall be recorded in conformity to the law applicable to recording instruments now in force in said Indian Territory.

SEC. 21. That if any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes die intestate without widow, heir or heirs, or surviving spouse, seized of all or any portion of his allotment prior to the final distribution of the tribal property, and such fact shall be known by the Secretary of the Interior, the lands allotted to him shall revert to the tribe and be disposed of as herein provided for surplus lands; but if the death of such allottee be not known by the Secretary of the Interior before final distribution of the tribal property, the land shall escheat to and vest in such State or Territory as may be formed to include said lands. That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within the period prescribed by law for making such proof may within 60 days from the passage of this act appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed.

SEC. 22. That the adult heirs of any deceased Indian of either of the Five Civilized Tribes whose selection has been made, or to whom a deed or patent has been issued for his or her share of the land of the tribe to which he or she belongs or belonged, may sell and convey the lands inherited from such decedent; and if there be both adult and minor heirs of such decedent, then such minors may join in a sale of such lands by a guardian duly appointed by the proper United States court for the Indian Territory. And in case of the organization of a State or Territory, then by a proper court of the county in which said minor or minors may reside or in which said real estate is situated, upon an order of such court made upon petition filed by guardian. All conveyances made under this provision by heirs who are full-blood Indians are to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

SEC. 23. Every person of lawful age and sound mind may by last will and testament devise and bequeath all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid, if such last will and testament disinherits the parent, wife, spouse, or children of such full-blood Indian, unless acknowledged before and approved by a judge of the United States court for the Indian Territory or a United States commissioner.

SEC. 24. That in the Choctaw, Chickasaw, and Seminole Nations public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established on all section lines; and all allottees, purchasers, and others shall take title to such land subject to this provision, and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, such damages accruing prior to the inauguration of a State government shall be determined under the direction of the Secretary of the Interior and be paid for from the funds of said tribes, respectively.

All expenses incident to the establishment of public highways or roads in the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations, including clerical hire, per diem, salary, and expenses of viewers, appraisers, and others, shall be paid under the direction of the Secretary of the Interior from the funds of the tribe or nation in which such public highways or roads are established. Any person, firm, or corporation obstructing any public highway or road, and who shall fail, neglect, or refuse for a period of 10 days after notice to remove or cause to be removed any and all obstructions from such public highway or road, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $10 per day for each and every day in excess of said 10 days which said obstruction is permitted to remain: *Provided, however*, That notice of the establishment of public highways or roads need not be given to allottees or others, except in cases where such public highways or roads are obstructed, and every person obstructing any such public highway or road, as aforesaid, shall also be liable in a civil action for all damages sustained by any person who has in any manner whatever been damaged by reason of such obstruction.

SEC. 25. That any light or power company doing business within the limits of the Indian Territory in compliance with the laws of the United States that are now or may be in force therein be, and the same are hereby, invested and empowered with the right of locating, constructing, owning, operating, using, and maintaining canals, reservoirs, auxiliary steam works, and a dam or dams across any nonnavigable stream within the limits of said Indian Territory for the purpose of obtaining a sufficient supply of water to manufacture and generate water, electric, or other power, light, and heat, and to utilize and transmit and distribute such power, light, and heat to other places for its own use or other individuals or corporations, and the right of locating, constructing, owning, operating, equipping, using, and maintaining the necessary pole lines and conduits for the purpose of transmitting and distributing such

power, light, and heat to other places within the limits of said Indian Territory.

That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to acquire, by condemnation, purchase, or agreement between the parties, such land as it may deem necessary for the locating, constructing, owning, operating, using, and maintaining of such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through any land held by any Indian tribe or nation, person, individual, corporation, or municipality in said Indian Territory, or in or through any lands in said Indian Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any company complying with the provisions of this act: *Provided*, That the purchase from and agreements with individual Indians, where the right of alienation has not theretofore been granted by law, shall be subject to approval by the Secretary of the Interior.

In case of the failure of any light or power company to make amicable settlement with any individual owner, occupant, allottee, tribe, nation, corporation, or municipality for any lands or improvements sought to be condemned or appropriated under this act, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, nation, corporation, or municipality by reason of the appropriation and condemnation of said lands and improvements shall be determined as provided in sections 15 and 17 of an act of Congress entitled "An act to grant a right of way through Oklahoma Territory and the Indian Territory to the Enid & Anadarko Railway Co., and for other purposes," approved February 28, 1902 (Public, No. 26), and all such proceedings hereunder shall conform to said sections, except that sections 3 and 4 of said act shall have no application, and except that hereafter the plats required to be filed by said act shall be filed with the Secretary of the Interior and with the Commissioner to the Five Civilized Tribes, and where the words "principal chief or governor" of any tribe or nation occur in said act, for the purpose of this act there is inserted the words "Commissioner to the Five Civilized Tribes." Whenever any such dam or dams, canals, reservoirs, and auxiliary steam works, pole lines, and conduits are to be constructed within the limits of any incorporated city or town in the Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such cities and towns: *Provided*, That all rights granted hereunder shall be subject to the control of the future Territory or State within which the Indian Territory may be situated.

SEC. 26. That in addition to the powers now conferred by law, all municipalities in the Indian Territory having a population of over 2,000 to be determined by the last census taken under any provision of law or ordinance of the council of such municipality, are hereby authorized and empowered to order improvements of the streets or alleys or such parts thereof as may be included in an ordinance or order of the common council with the consent of a majority of the property owners whose property as herein provided is liable to assessment therefor for the proposed improvement; and said council is empowered and authorized to make assessments and levy taxes, with the consent of a majority of the property owners whose property is assessed, for the purpose of grading, paving, macadamizing, curbing, or guttering streets and alleys, or building sidewalks upon and along any street, roadway, or alley within the limits of such municipality, and the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk constructed, or other improvements under authority of this section, shall be so assessed against the abutting property as to require each parcel of land to bear the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk, as far as it abuts thereon, and in the case of streets or alleys to the center thereof; and the cost of street intersections or crossings may be borne by the city or apportioned to the quarter blocks abutting thereon upon the same basis. The special assessments provided for by this section and the amount to be charged against each lot or parcel of land shall be fixed by the city council or under its authority, and shall become a lien on such abutting property, which may be enforced as other taxes are enforced under the laws in force in the Indian Territory. The total amount charged against any tract or parcel of land shall not exceed 20 per cent of its assessed value, and there shall not be required to be paid thereon exceeding 1 per cent per annum on the assessed value and interest at 6 per cent on the deferred payments.

For the purpose of paying for such improvements the city council of such municipality is hereby authorized to issue improvement scrip or certificates for the amount due for such improvements, said scrip or certificates to be payable in annual installments and to bear interest from date at the rate of 6 per cent per annum, but no improvement scrip shall be issued or sold for less than its par value. All of said municipalities are hereby authorized to pass all ordinances necessary to carry into effect the above provisions, and for the purpose of doing so may divide such municipality into improvement districts.

That the tangible property of railroad corporations (exclusive of rolling stock) located within the corporate limits of incorporated cities and towns in the Indian Territory shall be assessed and taxed in proportion to its value the same as other property is assessed and taxed in such incorporated cities and towns; and all such city or town councils are hereby empowered to pass such ordinances as may be necessary for the assessment, equalization, levy, and collection, annually, of a tax on all property except as herein stated within the corporate limits and for carrying the same into effect: *Provided*, That should any person or corporation feel aggrieved by any assessment of property in the Indian Territory, an appeal from such assessment may be taken within 60 days by original petition to be filed in United States court in the district in which such city or town is located, and the question of the amount and legality of such assessment and the validity of the ordinance under which such assessment is made may be determined by such court, and the costs of such proceeding shall be taxed and apportioned between the parties as the court shall find to be just and equitable.

SEC. 27. That the lands belonging to the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, upon the dissolution of said tribes, shall not become public lands nor property of the United States, but shall be held in trust by the United States for the use and benefit of the Indians respectively comprising each of said tribes, and their heirs as the same shall appear by the rolls as finally concluded as heretofore and hereinafter provided for: *Provided*, That nothing herein contained shall interfere with any allotments heretofore or hereafter made or to be made under the provisions of this or any other act of Congress.

SEC. 28. That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes or Nations are hereby continued in full force and effect for all purposes authorized by law, until otherwise provided by law, but the tribal council or legislature in any of said tribes or nations shall not be in session for a longer period than 30 days in any one year: *Provided*, That no act, ordinance, or resolution (except resolutions of adjournment) of the tribal council or legislature of any of said tribes or nations shall be of any validity until approved by the President of the United States: *Provided further*, That no contract involving the payment or expenditure of any money or affecting any property belonging to any of said tribes or nations made by them or any of them or by any officer thereof, shall be of any validity until approved by the President of the United States.

SEC. 29. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, April 26, 1906.

Thus it will be observed that Congress itself closed the rolls by act of April 26, 1906, and said hereafter the Oklahoma rolls shall not be reopened, and outside people shall not again be permitted to participate in the estate of the Oklahoma Choctaws. The act of April 26, 1906, took effect March 4, 1907.

It will be remembered that the Dawes Commission was created by Congress to go to the then Indian Territory and determine the very matters which are now before us, egging Congress. It will be observed here is a case square in point, where the Federal commission and the Federal court both construed and held that the Indians who did not remove west from Mississippi to the Indian Territory, there to take up their residence, were forever and unalterably barred from membership with the tribe in Oklahoma. It will be observed that the Dawes Commission, familiar with the matter, went there on the ground, had all the facts and figures before them, passed upon this identical question, and settled it once and for all.

FEDERAL COURT DECISION ON MISSISSIPPI CHOCTAW CLAIM FOR ENROLLMENT.

The Jack Amos case was appealed to the Federal court, and was decided by Judge Clayton, a Federal judge, who was by Congress empowered to pass upon this identical case as to whether the Mississippi Choctaws were entitled to participate in this property. His decision is as follows:

JACK AMOS ET AL. AGAINST THE CHOCTAW NATION.

In this case the proof shows that the claimants are Choctaw Indians by blood now living in the State of Mississippi; that neither they nor their ancestors have ever removed into the present Choctaw Nation.

The claimants base their right to be enrolled as Choctaw citizens upon the term of the second and fourteenth articles of the treaty negotiated at Dancing Rabbit Creek on September 27, 1830, and of the conditions of the patent to the lands of the Choctaw Nation executed by President Tyler in the year 1842. (Durant Ed. Choctaw Laws, p. 31.)

Articles 2 and 14 of the treaty of 1830 are as follows:

"ART. 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Forth Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning, the boundary of the same to be agreeable to the treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present treaty shall be ratified.

"ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The conditions of article 2 of the treaty, that the land should be conveyed "to the Choctaw Nation in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," are carried into the patent, and are the only portions of that instrument which shed any light on the question now being considered, and therefore article 2 and the conditions of the patent may be considered together.

The whole object of the treaty of 1830 was to procure the removal, as far as practicable, of the Choctaw people to the lands west of the Mississippi which they now occupy. The Supreme Court of the United States, in the case of the Choctaw Nation v. United States (119 U. S., 36), after reviewing the treaties of 1820 and 1825, says:

"In the meantime, however, under the pressure of the demand for settlement of the unoccupied lands of the State of Mississippi by emigrants from other States, the policy of the United States in respect to the Indian tribes still dwelling within its borders underwent a change, and it became desirable, by a new treaty, to effect, as far as practicable, the removal of the whole body of the Choctaw Nation, as a tribe, from the limits of the State to the lands which had been ceded to them west of the Mississippi River. To carry out that policy the treaty of 1830 was negotiated."

Again, in the case, page 27, the court says:

"It is notorious as a historical fact, as it abundantly appears from the records of this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed not so much to secure to the Indians the rights for which they had stipulated as to effectuate the policy of the United States in regard to their removal."

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands. (7 Stat. L., 333.)

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view to becoming citizens of that State. They and their descendants were to receive certain lands and, after living on them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove, for removing, and for that reason forfeit his right to the annuity, because so long as he remained in Mississippi he was not entitled to any annuity, and therefore by removing he could not forfeit that which he did not have. If he removed he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then what are its uses? The very object of the treaty was to procure a removal of these people.

The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were left behind were to retain, not this Choctaw citizenship, but only the "privileges of a Choctaw citizen"; that is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer, or a Mississippi Choctaw to receive, so long as he remained in Mississippi and out of the limits of the Choctaw Nation? By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw were to commit a wrong against the person or property of another, the right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Choctaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not, it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830, and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantee shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants; for, while the grant is to the Choctaw Nation, the people seem to be included, both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits, it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. Whatever effect upon the title the limitation upon the right of alienation expressed in the patent, so that the lands can not be sold except to the grantor or by its consent, may have, there can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent, and in which no limitation on the right of alienation is expressed, was intended to convey a fee-simple title, burdened by two conditions subsequent, the one that the grantees should continue the corporate existence of their nation, and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor.

Now, why was it that this fee-simple title was to be burdened by the condition that the grantee must live on the land? In the light of the knowledge of the conditions that then existed the answer is plain. The policy of the Federal Government at that time, relating to the Indian tribes, was to move them upon a reservation and keep them there; and if the Indians, either singly or in numbers, should stray off, soldiers with guns and bayonets were used to drive them back. This very treaty was negotiated with the Choctaws for that very purpose. Hence the condition in the grant that they should live on the land or it should be subject to forfeiture to the United States. This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands; and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. This would defeat the very object of the conditions. These lands were conveyed to the Choctaw people to be held by them as tenants in common. This intention of the second article of the treaty of 1830 is expressed by the use of the words "them and their descendants" and of the clause that they were to "live on the land." Both of these clauses are expressed in the plural, and evidently do not relate to the nation as a corporate body. That a tenancy in common was intended is made clear by a consideration of section 3 of an act of Congress entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi River," approved May 28, 1830 (4 U. S. Stat. L., 412). The section reads as follows:

"*And be it further enacted*, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

At the time the treaty of 1830 was negotiated (Sept. 29, 1830) this act had been on the statute books of the United States for four months, and as a matter of course the commissioners to negotiate the treaty were familiar with it. But the language used in this act to limit the estate is "to them, their heirs, or successors." The language used in the treaty to limit the estate therein granted is "in fee simple to them and their descendants"; and then conditions are attached not named in the statute. Why the word "successors" was left out of the treaty is plain, but why the word "heirs" was changed to the word "descendants," unless it was that a word should be used within the comprehension of those untutored Indians, who knew nothing of the technical phrasing of the common law used in the conveyance of real estate, is not easy to determine. The word "successors" was omitted from the treaty because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used, these Indians could understand it. They knew that they and their offspring were. It was to them—the people and their children—that the land was sold; and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal to and a continual residence upon them.

As a further evidence that the parties understood that by this transaction the land was to be held in common by the people, the treaty of 1833, article 1, provides, after describing the lands, as follows:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided, however*, No part thereof shall ever be sold without the consent of both tribes and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same." (4 U. S. Stat. L., 276.)

If this be true there is no holding in trust by the corporate body of the Choctaw Nation for the benefit of the people, but the people themselves have the title and hold in common.

"A tenancy in common is a joint estate in which there is unity of possession but separate and distinct title. The tenants have separate and independent freeholds or leaseholds in their resepctive share, which they manage and dispose of as freely as if the estate was one in severalty. * * * The interest of one tenant in common is so independent of that of his cotenant that in a joint conveyance of the estate it would be treated as a grant to each of his own share of the estate." (Tiedeman on Real Property, 235.)

And therefore any condition of the grant would be as binding on each of the tenants in common as if the estate was in severalty and vested in the individual tenant. And therefore the condition named in the second article of the treaty of 1830 and in the patent, that "they shall live on the land," is binding individually upon each and upon all of the grantees.

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes and thereafter exercise with them in their own country the privileges of citizenship they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they should live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly acquired nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give every word a meaning, and, in doing so, it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethern and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of

money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"*Resolved by the General Council of the Choctaw Nation assembled*, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

As a further evidence of the fact that all of the parties to the treaty, the United States, the Choctaw Nation, and the Mississippi Indians themselves, have always understood that the Mississippi Choctaws were entitled to none of the rights of a Choctaw citizen so long as they remained in that State, attention is called to the fact that the lands in Mississippi which were ceded to the United States by the Choctaw Nation by virtue of the treaty of 1830 were, under the laws of the United States, sold. The Choctaw Nation claimed that they had never been paid any consideration for them, and that the United States justly owed them the net proceeds arising out of the sale. For many years this contention was carried on before the departments of the Government, commissions, and other tribunals. Finally, by treaty, it was submitted to the Senate of the United States for decision. That body found in favor of the Choctaw Nation. The case then went to the Court of Claims, and from there to the United States Supreme Court, in which court judgment was finally rendered for nearly $3,000,000.

This judgment was rendered in November, 1886. The money was turned over to the Choctaws by the United States, and by them, with the knowledge and consent of the United States, divided among their own people who lived in the nation. Not one farthing of it was ever paid to an absent Mississippi Choctaw, and no portion of it was ever claimed by them. During this whole litigation, running through many years, no effort was made to make themselves parties to the suit. And when the money was finally paid to the Choctaw authorities to be divided among the people they made no claim for any part of it, and entered no protest to its being paid to the resident Choctaws, nor have they brought suit for their share since. The other party to the treaty, the United States Government, the guardian of these Indians, paid the money without ever making any provisions for the Mississippi Choctaws to get their share or intimating that anything was due them. When it is remembered that this money was the proceeds of the sale of the lands in Mississippi belonging to the united Choctaw people while they lived in that State, and that the great bulk of the Mississippi Choctaws had never received one farthing for their share in the lands, if they, living in Mississippi, are entitled there to the rights of a Choctaw citizen it is remarkable that they did not assert their rights.

Again, a few years ago, the interest of the Choctaws to lands lying west of their present boundaries was sold by them to the United States for a considerable sum of money. This, like the other, was promptly divided among the resident Choctaws with the knowledge and consent of the United States, and without protest or claim of the Mississippi Choctaws. If they are entitled to the privilege of Choctaw citizens without removing into the boundaries of the nation they are and were entitled to their pro rata share of this money. If they do not understand that they have no claim to the rights of citizenship without moving into the country why have they, for the past 65 years, silently stood by and permitted these kinds of transactions to be had without claim, protest, or suit?

The Eastern Band of Cherokees, now residing in North Carolina, sustained a relationship to the Cherokee Nation almost identical to that sustained by the Mississippi Choctaws to the Choctaw Nation. Like the Mississippi Choctaws, there were some among them who were averse to moving to their new country, west of the Mississippi River. Provisions were made for them by the treaty of New Echota—the treaty of 1835—between the Cherokee Nation and the United States similar to those with the Choctaws by the treaty of 1830. When the Cherokee people moved to the present home of the Cherokees, these remained behind in North Carolina, where they have ever since resided. Like the Choctaw treaty of 1830, the treaty of New Echota provided that their lands should be ceded to them and their descendants, and so forth. The Cherokee Nation, by virtue of a treaty with the United States, afterwards sold some of these lands.

The Eastern Band of Cherokees, in North Carolina, unlike their Mississippi Choctaw brethren, promptly demanded their pro rata of the proceeds of this sale, and upon being denied at once sought and obtained permission of the United States to sue the Cherokee Nation in the Court of Claims for this money, and also, in the same suit, to sue for another fund which was created by the treaty of New Echota, consisting of certain annuities in the sum of $214,000, of which the Eastern Band of Cherokees claimed a pro rata share. The suit was brought, and the Court of Claims, in a very elaborate and learned decision, decided against the right of the Eastern Band of Cherokees to recover, upon the ground that those Cherokees, by the act of remaining in North Carolina, had alienated themselves from the Cherokee Nation to such an extent that they could not claim any rights of a Cherokee citizen without moving into the Cherokee Nation and there being readmitted in accordance with the constitution and laws of that nation. The case was appealed to the Supreme Court of the United States, and there the decision of the Court of Claims was affirmed. (Eastern Band of Cherokees v. U. S., 117 U. S., 288.) In that case the Supreme Court, after reviewing all of the treaties and statutes relating to the matter, concluded by saying:

"If Indians in that State (North Carolina) or any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. These funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation, and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitioners can rest in either of the funds held by the United States in trust for the Cherokee Nation."

It seems to me that this decision of the Supreme Court, founded on a case so nearly similar to the one at hearing, conclusively settles the contention in favor of the Choctaw Nation. Indeed in that case the Supreme Court expresses a very strong intimation that those provisions of the treaty of New Echota relating to and providing for those Cherokees who should refuse to move West were confined in their operation to that class of Cherokees then in esse, and the rights conferred by those provisions of the treaty did not descend to their offspring; that the descendants of those Cherokees did not succeed to the rights of their ancestors under the treaty. The language of the Supreme Court is:

"Nor is the band (Eastern Band of Cherokees), organized as it now is, the successor of any organization recognized by any treaty or law of the United States. Individual Indians who refused to remove West and preferred to remain and become citizens of the States in which they resided were promised certain moneys, but there is no evidence that the petitioners have succeeded to any of these rights. The original claimants have probably all died, for 50 years have elapsed since the treaty of 1835 was made, and no transfer from them to their legal representatives is shown." (Ib., 310.)

The court proceeds, however, to decide this case, as heretofore shown, on the ground that the Indians composing the Eastern Band of Cherokees had not removed into the Cherokee Nation and reassumed their citizenship under the constitution and laws of that nation.

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past 2 or 3 years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

The counsel for the claimants lay considerable stress on the effect of the provisions of article 13 of the treaty of 1866 between the United States and the Choctaw Nation. (14 Stat., —.)

By the eleventh and twelfth articles of that treaty a scheme was devised by which the lands of the Choctaw and Chickasaw Nations were to be surveyed and divided and allotted to the individual Indians, provided the councils of the respective nations should agree to it, which, however, they have refused to do. A land office was to be established at Boggy Depot in the Choctaw Nation. When all of the surveys were completed, maps thereof were to be filed in the said land office, subject to the inspection of all parties interested, and immediately thereafter notice of such filing was to be given for 90 days, calling upon all parties interested to examine said maps, to the end that errors in the location of occupancies, which were to be noted on the map, might be corrected.

Then followed article 13 of the treaty, which is as follows:

"ART. 13. The notice required in the above article shall be given not only in the Choctaw and Chickasaw Nations, but by publication in the newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or other, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled and the land shall thereafter be discharged from all claim on account thereof."

From an examination of this article of the treaty it will be seen that the Choctaws and Chickasaws recognized the right of absent members of their nations to participate in the allotment and subsequent ownership of their lands to the same extent as they themselves enjoyed, but on conditions, however: First, that they should satisfy the register of the land office of their intention to become bona fide residents in the said nation within five years from the time of said selection; and second, that within the said five years they should actually remove into the said nation (there is a statute of limitation); and third, that within the said five years they should occupy and commence an improvement upon the selected lands.

It will be observed that this latter clause imposes a condition on absent Indians nowhere required of the resident ones by any clause of the treaty. They were required to move into the country and show their good faith and their intention to remain bona fide citizens of the nation by actual occupancy of the land and an expenditure of money in its improvement. The notice was to be given them in order that they might have an opportunity of removing into the nation and there residing and resuming their rights as citizens; but care was to be taken, and safeguards provided by which their removal was to be actually had, and that was to be done in good faith. First, the register of the land office was to be convinced by such proof as might satisfy him of the intention of the absent Indian to become a bona fide resident of the nation before he was allowed to make a selection; and, second, that was to be followed by an actual occupancy and improveent of the land; and if he failed in this, it worked a forfeiture of his rights. Nowhere within whole treaty is any right recognized or conferred on an absent Indian except consummated or enjoyed until after actual removal. No treaty or act of the Choctaw council or of any officer of the Choctaw Nation since the treaty of 1830 can be cited, or at least I have not found them, whereby any right or privilege has been conferred, granted, or recognized in or to a Mississippi Choctaw so long

as he shall remain away from his people, but there are an infinitude of such acts and conduct granting and recognizing such rights and privileges to him after he shall have moved away.

The provisions of the treaty of 1866, so far from being an authority in favor of the contention of claimants, seems to me to be strongly against them.

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate it to their own use would be unjust and inequitable.

It is, therefore, the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

The Jack Amos case, which is squarely in point, and having been twice decided adversely to Jack Amos and his 97 full-blood Choctaws, was appealed to the Supreme Court of the United States and was, on the motion of the attorney for Jack Amos, dismissed, the theory of dismissal being that numerous other cases had just been decided by the Supreme Court which conclusively first and for all held that without residence there could be no enrollment and citizenship. For a case parallel in point see Stephens *v.* The Cherokee Nation (174 U. S. Repts., p. 445).

CONGRESS AGAIN ENROLLS CERTAIN MEMBERS WHOSE CASES THE INTERIOR DEPARTMENT DECIDED HAD MERIT.

Though the rolls had been open for a period of 63 years while the Oklahoma Indian tribesmen were in charge, and though the rolls remained open 14 years while the Federal Government officials had been in charge, this clamoring for the reopening of the rolls continued until a communication on April 22, 1914, was addressed to the Department of the Interior making inquiry if there were any citizens within the knowledge of the department whose names could properly and of right be placed upon the rolls. The department's reply is embodied in Senate Document No. 478, Sixty-third Congress, second session, and is as follows:

CITIZENSHIP OF FIVE CIVILIZED TRIBES.

Communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma, being Senate Document 472, Sixty-third Congress, second session, together with a list approved by attorneys of the Choctaw and Chickasaw Nations.

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate and may be found in Senate Document No. 1139, Sixty-second Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

List of persons found to be apparently equitably entitled to enrollment in the Five Civilized Tribes of Oklahoma (but whose names do not appear on the final rolls of said tribes), as set forth in the list accompanying the report of W. C. Pollock of January 15, 1912, and including those listed in a report of November 15, 1907, of the Commissioner to the Five Civilized Tribes, but omitting from said lists the names of the new-born Choctaw freedmen claimants and duplications.

SEMINOLES BY BLOOD.

Johnson Albert, Lina Davis, Cora Hulwa, Joseph S. Jones, Edward Jones, Elsie Paddy, Willie Tiger, Witness Washington.

CREEKS BY BLOOD.

Wootsy Allen, Cain Archibald, or Narchubby, Adda Archibald, or Narchubby, Peggy Barnett, Chotekey Billy, Hannah Brown, Mollie Chupco, Ambrose Downing, Willie Fish, Luther Givins, Siah Green, Martha Jones, Tobe Lasley, Sampson Lewis, Jennie (Chinhoker) Mully, Smedlow Archibald, or Narchubby, Abel Archibald, or Narchubby, Coowees-coo-wee Asbury, Lucinda Bear, Lewis Birdcreek, Sam Brown, Susie Cosar, Eli Fish, Sallie Foster, Jeanetta Green, Addie Johnson, Sulphur Lasley, Tustunnuga Lasley, Lucy Long, Mitchell Mully, Barney Mully, Katie Mully, Susie Perry, Freeman Proctor, Washington Raiford, Fred E. Ralston, Washie Riley, Annie Screechowl, Samuel Simmon, Mandy Simmons, Nettie Simpson, Mellissa Simpson, Mollie Starr, Albert Terry, Ada Wesley, Edmund White, Simon Mully, James Perry, Siah Polk, Maxie Proctor, Elva Leona Ralston, Jeanetta Louise Ralston, Mary Scott, Concharty Micco Screechowl, Della Simmons, George Simpson, Mallie Simpson, Wootsy Stanley, Alpha Omega Terry, Albert Willie Wattie, Nellie West, Mattie Byrd.

CREEK FREEDMEN.

Freddie Adams, Robert Bullocks, Mosetta Brown.

CHEROKEES BY BLOOD.

Buck Aleck, John Baldridge, Jennie Beamer, Charles Bean, Nancy Bigfeather, Alta May Brassfield, Jennie Bread, Lesie Carey, Nancy Catron, Pearl Christian, Frank Christie, Maggie Christie, William Chuculate, Samuel Coming, Mary Mildred Crapoe, William Crittenden, Suagee Dirteater, Maggie Dreadfulwater, Willie Elk, Dolly Feather, Ross Johnson Fisher, Johnson Flute, Charles Gritts, Samuel Hair, Peggy Hawkins, Lydia Hicks, John Hooper, Joe Johnson, Polly Johnson, Hattie Keener, Sampson Keener, John King, Peggie Knight, Sarah Leaf, John L. Liver, Sampson McCarter, Jack McCoy, Jennie Miller, French Noisewater, Nancy Palone, Sinda Phillips, Walter Potter, Ada Pumkin, Stanley Q. Anderson, Dave Ballou, Ellis Beamer, James Bean, Edgar T. Bitting, Ben Bread, Andrew Cameron, Charles Catcher, jr., or Tehee, Peggy Catron, Willie Christian, James Christie, Gussie Chuculate, Daisy Cochran, Lucy Cookinghead, Osie Crittenden, Betsy Daugherty, Laura Downing, Porter Drywater, Grant Feather, Pearle Field, Thompson Flute, Stan Field Girty, Nannie Guess, George Hawkins, Enoch Henson, John E. Hilderbrand, Jason Houston, Wilda Johnson, Coleman Kenner, Lucy Kenner, Andrew Ketcher, West King, Nancy Leaf, Polly Lewis, Charlotte McCarter, Nancy McCarter, Hattie Martin, May Mitchell, Elias Oakball, Josie Pettit, Olie Phillips, J. George Porter, John Rhodes, Welling Sack, Kenneth Sanders, Striker Shade, Emma Snell, Lacey Spade, Sunday Speaker, or Peter, Lizzie Milo Sullateskee, Lincoln Swimmer, Lizzie Tadpole, Rebecca Thompson, Lala Toney, Ice Vann, Maggie Vann, John Waterfallen, Bessie Welch, Sallie Ellen West, Dick Wolfe, Tom Woodall, William S. Wright, Rufus Young, Jim Wolf, Katie Sam, Narcy Scraper, Harvey Sixkiller, Charlie Sourjohn, Myrtle May Spaniard, Swimmer Snake, Grace Swimmer, Betsy Tadpole, Eliza Tehee, John Tinoowie, Wesley Turtle, Lillie Vann, Thomas Vann, jr., Anderson Waters, Simon Welch, Allen Wilkerson, Dave Wolf, Edgar Ervin Wright, Charlotte Yaholah, Viola Grazier, Eli Springwater.

CHEROKEE FREEDMEN.

Alma Hill, Lucy Scott, Pearlie Lane.

CHICKASAWS BY BLOOD.

Ben Alexander, Sidney Arpealer, Jim Johnson, Corinne May Johnson, Ecius Shields, Nicey Arpealer, Annie Ensharkey, Eva Agnes Johnson, Buster Orphan, Barney Shields.

CHICKASAW FREEDMAN.

Savanna Thompson.

CHOCTAWS BY BLOOD.

David Carn, Dicey Fisher, Lizzie Garland, Melissa Hodges, William Jackson, Alphrus Johnson, Benjamin Franklin McKinney, William F. Robinson, Alpha Robinson, James William Robinson, Mary Ola Robinson, Mary King, Abram Charles, Mary Fobb, Amos Halakonobi, Sallie Jackson, Fannie Myrtle James, Solomon King, Willis Polk, Alice Robinson, Ada B. Robinson, Emeline Robinson, Joseph James Wright.

MISSISSIPPI CHOCTAWS.

Mond Amos Davis, Houston McDaniel, Joseph Taylor, Billy Nickey, Bettie Russell Nickey, Clemogene Farve, Sallie Charlas, Bettie Charlas, James Charlas, Nora M. Adams, Lillie Jackson John, Joe McDaniel, Maggie (now John) Nickey, Sam Nickey, Mollie Mass Nickey, Elizabeth Farve, Minnie Charlas, Louisa Charlas, Mitchell C. Adams, Lillie M. Adams, Mitchell C. Adams, jr.

INTERMARRIED CHOCTAW.

Joe T. Bevill.

CHOCTAW FREEDMEN.

[Born prior to Sept. 25, 1902.]

Ida Bird, Mary Malinda Boyles, Oscar Brown, Hattie Burris, Fredonia Butler, Jeff Cole, Erna Folsom, Nellie Gaffney, Estoria Hall, Johnnie Johnson, Martha Ann Owens, Gertie Riley, Noel Walker, Pearlie Washington, Leroy Williams, Lena Dunford, Sephus Liggons, Archie Newton, Henry Owens, Emma (now Austin) Boyd, Martha Boyles, Alex Buffington, Siras Jeffie Burris, Jennie Butler, Frank Folsom, Augusta Gaffney, Amy Jane Green, Nora Jackson, Herman Johnson, Henry Owens, Wade Thompson, Albert Washington, John Henry Washington, Gilbert McKinney, Della Chester, Roberta Liggins, Martha Ann Owens.

SPECIAL LIST OF PERSONS AGREED ON APRIL 28, 1914, TO BE ENROLLED AS CHOCTAWS BY THE ATTORNEYS OF THE CHOCTAW AND CHICKASAW NATIONS.

The following list of persons, all of whom appear to have been on the original Choctaw rolls by blood, seem in equity to be entitled to enrollment as members of the Choctaw Nation by blood, and it is agreed by the attorneys representing the Choctaw and Chickasaw Nations that they should be enrolled, to wit:

James B. Nichols, Nan V. Nichols, Della May Nichols (now Scott), Nema May Scott, Lyda Lois Scott, John W. B. Nichols, Bessie Nichols, Louis Herman Nichols, Golda Ula Nichols, Sylva Jewel Nichols, Orin M. Nichols, Amanda M. Nichols, James W. Nichols, Maggie M. Nichols (now Engle), Nettie Myrtle Nichols, Louis A. Nichols, Osa Nichols, Cora Lee Nichols.

Hon ROBERT L. OWEN,
Chairman, United States Senate.

DEAR SIR: We, the undersigned, attorneys representing several of the five tribes, agree that for the purpose of obtaining an absolutely final settlement of the citizenship rolls and for the purpose of securing our peace, will agree to the enrollment of the persons enumerated in Senate Document 472, Sixty-third Congress, second session, and to the enrollment of the Nichols family, as enumerated in H. R. 13794, Sixty-third Congress, second session.

REFORD BOND,
Attorney for the Chickasaw Nation.

MAY 2, 1914.

[Telegram.]

TULSA, OKLA., *April 30, 1914.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

I acquiesce in your recommendation for enrollment, under letter of Secretary of the Interior, or persons whom he has found equitably entitled; also Nichols family, with understanding that this positively concludes enrollment. I suggest that you not agree to such enrollment until provision has been agreed to for vesting of tribal estate in individual members of the tribe and making final settlement. I do not consent to the enrollment of the Howell list.

P. J. HURLEY.

[Telegram.]

MUSKOGEE, OKLA., *May 1, 1914.*

Hon. ROBERT L. OWEN,
Washington, D. C.:

The enrollment of the 52 and the enrollment of the Pollock roll and the enrollment of the Nichols family would, in my judgment, settle the rolls question, and such concession meets my approval.

R. C. ALLEN,
National Attorney for Creek Nation.

Total, 318.

SECRETARY LANE OPPOSES OPENING OF ROLLS.

Four Secretaries of the Interior and four Indian Commissioners have all refused to report favorably upon a reopening of the rolls. The last utterance on the subject is straight to the point and deals with the question fairly and squarely and ought to be the last word on the subject. It is embodied in a report from Secretary Franklin K. Lane, of the Interior Department, to Hon. JOHN H. STEPHENS, chairman of the House Committee on Indian Affairs, under date of January 8, 1915, on the Harrison bill which involves this identical question. It is printed herewith at length and is as follows:

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. CARTER, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830." He also referred to H. R. 4536, and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536, I find that said bill is identical with H. R. 19213, introduced by Mr. Harrison, of Mississippi, in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a report dated July 2, 1912. H. R. 12586, introduced in the present Congress by Mr. Harrison, is a similar bill to the above-mentioned bills, except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830. (7 Stat. L., 335.) Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14 above mentioned.

Said article 14 provided that the persons who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind under the provisions of said article 14 received either land in Mississippi or scrip, which gave the applicants the right to enter public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way west and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the Commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. H. Clayton, in his decision in the case of Jack Amos *v.* The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them, refused to emigrate with the tribe to the new country west, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to the persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained on that disapproved roll, were afterwards placed on the approved identification rolls, and those who complied with the law as to removal and settlement were enrolled on the final rolls of Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blood Choctaw Indians.

H. R. 4536 and 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw citizenship court, as well as the consideration of claims not heretofore presented or considered, and empowered the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes, or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show that Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believed that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin, of this department, which report appears in print in the CONGRESSIONAL RECORD of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bill, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be inadvisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

FRANKLIN K. LANE,

It will be observed that Secretary Lane goes into the proposition fairly, squarely, and conclusively. He recites how the Dawes Commission decides the question; he makes report on the act of April 26, 1906, which affirmatively closed the rolls on March 4, 1907; he debates the fourteenth article of the treaty of 1830, the very item on which these gentlemen base their claims, and shows conclusively that they have no rights to share in the property of the Oklahoma Indians. He shows that under the provisions of the Atoka agreement with the Choctaws and the supplemental agreement the Government is bound to give to the Indians the property that was patented to them, is duty bound to protect the Oklahoma Choctaws, and states that the claimants had ample opportunity to present all the evidence which they could procure in support of their claims before the rolls were closed. Secretary Lane makes reference to a letter dated July 2, 1912, addressed to the chairman of the Committee on Indian Affairs of the House of Representatives, showing that the department knows and is aware that there is no foundation for these claims. His report again takes up the decision of Judge William H. H. Clayton, who rendered the decision in the Jack Amos against Choctaw Nation case, a copy of which may be found in the appendix of the annual report of the Commissioner to the Five Civilized Tribes for the fiscal year ended June 30, 1901. He comments on the soundness of Judge Clayton's decision and shows how preposterous it would be to allow these descendants of a remnant band who have for almost a hundred years absented themselves and refused to reside with their own tribesmen and after having received their quota of land and money, after a period of a hundred years would come and reach their hand into the treasury of a people with whom they refused to reside and share in a fund they did not help to create. Sec-

retary Lane calls attention to the persons who were identified by the Dawes Commission as Mississippi Choctaws, but who failed to remove and make settlement in the Choctaw country of Oklahoma, as was contemplated under the act of June 28, 1898, and as they were advised to do by the Oklahoma Indians. He also shows that no obligation rested upon the United States to remove these Indians vi et armis. He further calls attention to the fact that there were certain persons identified as Mississippi Choctaws under the act of March 10, 1899, but those so identified were never approved by the Secretary of the Interior and hence are of no force, validity, or effect. In truth and in fact on March 1, 1907, this so-called roll was disapproved by the Interior Department.

The Secretary's report makes reference to the unusual and unconscionable fees sought to be collected by unscrupulous, unprofessional attorneys who are endeavoring to prey upon the Oklahoma Indians, and closes his report with the statement that the matter should forever be put to rest.

It seems to me that those unacquainted with the matter would be willing to rely upon so able a man as Secretary Lane and his judgment, a man who is absolutely efficient, a master of details and affairs, and one who has gone into this subject thoroughly and at great length, whose department in one form or another has had to deal with it for almost a hundred years.

LEGISLATION REPORTED ADVERSELY BY COMMITTEE.

This enrollment matter has never been reported upon favorably by any Committee on Indian Affairs of either the House or the Senate, although it has been before these committees in one form or another for the past eight years.

The matter has been carefully examined and a decision had thereon in a subcommittee report which was adopted by the full committee of the Committee on Indian Affairs of the House of Representatives. It was printed under date of January 2, 1915. The Harrison bill, which is one of the most remarkable pieces of legislation that has recently appeared in Congress, has been carefully considered, was reported adversely, laid upon the table by the unanimous vote of the Indian Committee, headed by Congressman JOHN H. STEPHENS, who might well bear the title of "father of Indian legislation." The report of this subcommittee is as follows:

REPORT OF SUBCOMMITTEE.

JANUARY, 2, 1915.

Hon. JOHN H. STEPHENS,
Chairman House Committee on Indian Affairs, Washington, D. C.

SIR: Your subcommittee appointed to investigate and report on H. R. 12586 begs leave to submit the following observations:

A careful and painstaking investigation of all treaties, laws, and other records bearing on this claim, including hearings lasting from April 1, 1914, until August 27, 1914, was gone into by your committee.

H. R. 12586 directs:

1. The Secretary of the Interior to enroll certain Mississippi Choctaws upon the rolls of the Choctaw Nation in Oklahoma, with a full participation in their tribal estate.

2. To reopen the Choctaw rolls for the adjudication of 20,000 or more alleged claimants.

There are some Choctaws still remaining in Mississippi who have persistently refused and successfully resisted all efforts of the Federal Government and the Choctaw Nation to have them move west and affiliate with the tribe.

The testimony before the subcommittee discloses many thousands of persons of doubtful descent, African and other, living in Mississippi and surrounding States, who have attempted to assert claims as Choctaw Indians.

Such Indians of real Choctaw blood as still reside in Mississippi appear to take little interest in the claims asserted by their alleged attorneys. On the other hand, those claiming remote Indian blood and of doubtful descent have manifested much interest in being enrolled and sharing in a division of the Choctaw funds in Oklahoma.

The contention of these latter seems to have been inspired and augmented by certain attorneys who have sent agents among these people advising them that they were Indians and taking contracts for their enrollment for a contingent fee of from 30 to 40 per cent of recovery, and in many instances a small cash retainer in addition.

According to statements and admissions of these attorneys and their agents, two firms alone, those of Cantwell & Crews, of St. Louis, Mo., and Ballinger & Lee, of Washington City, D. C., and Ardmore, Okla., hold contracts with 15,596 individuals, carrying provisions for fees aggregating $10,882,815.

The testimony further shows that a syndicate for the purpose of securing the enrollment of Mississippi Choctaws and a participation in the tribal estate of the western Choctaws has been formed under the name "The Texas-Oklahoma Investment Co.," capitalized at $100,000, $25,000 of which has been paid in and used. The directors of this corporation are S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.

This claim of the Mississippi Choctaw attorneys for enrollment of their clients and participation in the Choctaw Nation's estate is by no means a new contention. The claim was, under direction of law, fully adjudicated by the Commission to the Five Civilized Tribes (House Doc. 274, 55th Cong., 2d sess.) and afterwards by the Federal court, to which appeal was taken (Jack Amos et al. *v.* The Choctaw Nation, Decisions of United States Courts in Indian Territory, 465), both decisions being adverse to the Mississippi Choctaw contention for enrollment.

In rejecting the claim of nonresident Mississippi Choctaws the Commission to the Five Civilized Tribes said in part:

"This historical review of the acquisition of this territory by the Choctaw Nation and its subsequent legal relations to it makes it clear in the opinion of this commission that the Mississippi Choctaws are not under their treaties entitled to all rights of Choctaw citizenship, except an interest in the Choctaw annuities, and still continue their residence and citizenship in Mississippi." (House Doc. 274, 55th Cong., 2d sess.)

In affirming the decision the United States District Court for the Central District of Indian Territory closed its decision with the following paragraph:

"To permit men with, perchance, but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, and have become strangers to the people, to reach forth their hands from their distant and alien homes and lay hold on a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable. It is therefore the opinion of the court that the absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation. The action of the Dawes Commission is therefore affirmed and a decree will be entered for the Choctaw Nation." (Jack Amos et al. *v.* the Choctaw Nation, Decisions of United States Courts in Indian Territory, 465.)

An appeal was taken from these decisions by the attorneys for the Mississippi Choctaws to the Supreme Court of the United States and the Jack Amos case was dismissed upon motion of the attorneys for the Mississippi Choctaws (190 U. S., 873).

Several years subsequent to the date of these decisions excluding the Mississippi Choctaws from enrollment this matter was again taken up and readjusted by the legally constituted authorities of the Federal Government and the Choctaw and Chickasaw Nations in Oklahoma, by which agreement the Mississippi Choctaws were given additional time for identification and establishment of bona fide residence in the Choctaw Nation in Indian Territory. (Supplemental agreement, "An act to ratify and affirm the agreement with the Choctaw and Chickasaw Tribes of Indians, etc.," approved July 1, 1902.)

The Choctaw Nation in Oklahoma has dealt justly and liberally with the Mississippi Choctaws, always granting them full citizenship in their nation with all emoluments thereto whenever they would agree to affiliate with the tribe, and the Choctaw Nation in Oklahoma is under no legal, equitable, or moral obligation to enroll the Mississippi Choctaws as citizens of the tribe in the West at this time.

By the agreements negotiated between the Federal Government and the Choctaw Nation, all native western Choctaws were required to be on the reservation by June 28, 1898, or stand debarred from enrollment and participation in the tribal estate forever thereafter, and this rule has been strictly adhered to.

The time for establishment of residence on the reservation was extended to the Mississippi Choctaw claimants until July 1, 1903, giving the Mississippi Choctaws five years to move on the reservation after the time for establishment of such residence had been closed to the native Choctaws.

After 11 years were consumed by the Commission to the Five Civilized Tribes in making up the rolls of the Choctaw and Chickasaw Nations such rolls were affirmatively closed by action of Congress on March 4, 1907.

The rolls of the Choctaw Nation were held open to the Mississippi Choctaws from 1830 until March 4, 1907, giving the Mississippi Choctaws 77 years in which to complete enrollment with full benefits of citizenship.

The Federal Government as such is neither legally nor equitably obligated to enroll Mississippi Choctaws with the Choctaws west, and is under only such moral obligation to the Mississippi Choctaws as is due to dependent North American Indians who were originally occupants and owners of the soil and who have been deprived of their patrimony by white settlers.

The passage of H. R. 12586 would completely upset and undo 11 years of careful, painstaking work of the Interior Department in settling the affairs of the Five Civilized Tribes, turn the wheels of progress backward for more than 20 years, and, as has been said by President Taft, "open up a Pandora's box of troubles, which the life of the present generation might not see closed."

The passage of H. R. 12586 would doubtless result in stupendous claims of millions of dollars against the Federal Government on the part of the Oklahoma Choctaws because of a division of their funds among persons whom the Federal commissions and Federal courts have decided were not entitled thereto.

Its passage would lend encouragement to grafting attorneys with contracts for enormous attorneys' fees, running into millions of dollars, and hold out inducement for procuring additional contracts from spurious claimants.

Your subcommittee therefore recommends that the Harrison bill (H. R. 12586) be not favorably reported by the House Committee on Indian Affairs.

Respectfully submitted.

C. D. CARTER, *Chairman.*
J. D. POST
ROBT. P. HILL.
P. P. CAMPBELL.

ADMITTED BY PROPONENTS OF NONRESIDENT MISSISSIPPI CHOCTAWS THAT THEY HAVE NO LEGAL RIGHTS TO ENROLLMENT.

At page 11651 of the CONGRESSIONNAL RECORD, of June 19, 1914, Senator JOHN SHARP WILLIAMS used the following language:

I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

Continuing, Senator JOHN SHARP WILLIAMS says:

So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion. * * * I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. * * *

Congressman MILLER, who has given considerable attention to these Mississippi Choctaw claims, in a colloquy with Mr. Redford Bond, attorney for the Chickasaws, admitted in terms plain and unmistakable that the Mississippi Choctaw Indians have no legal rights enforceable under the law. It would seem to me that, if two such vigorous proponents as Senator JOHN

SHARP WILLIAMS and Congressman CLARENCE B. MILLER are willing to admit that the claimants have no rights under the law that this ought to put to rest once and for all this question between the two bands or factions concerned. It would seem to me that for the Federal Government, which is the guardian of the Indians, to take from one ward the property that was given him and give it to another ward, when it is admitted that these claimants have no legal right under the law to share in the property, would be a proceeding more outrageous than the Congress would care to undertake. The truth is these claims were all paid long ago; only a little remnant of them yet remains; they are intermarried, mixed with other races, and received their allotments in land scrip and money almost a hundred years ago, and accepted the same. Now, to think of such a thing as permitting them, a people who have become alien to the Oklahoma Choctaw Indians, to participate with Oklahoma Indians, is to my mind not even conscionable.

FEDERAL GOVERNMENT DUTY BOUND TO DISTRIBUTE TO OKLAHOMA INDIANS PROCEEDS FROM SALE OF SURPLUS LANDS.

The Federal Government which assumed jurisdiction of making the rolls and closing up Indian affairs is, under the Atoka and supplemental agreement, duty bound to distribute pro rata among the Oklahoma Indians the proceeds from the sale of their surplus lands.

Let me urge upon Congress a duty more salient, perhaps, than the rest that under the provisions of the Atoka and supplemental agreement the Federal Government is pledged to sell the surplus lands, which has been done, and to pro rate the proceeds, which has not been done, and that this delinquency has existed for longer than eight years, and to longer continue this course upon one pretext or another and to longer withhold these funds is breaking faith with the Indians, a thing which the Government should no longer want to do.

I know it is perplexing in the extreme to have certain Members of Congress and Senators here and certain unscrupulous attorneys on the outside with briefs and personal calls plead with Congress not to do a thing they have agreed to do; but, on the contrary, to give the money to some of their clients whose rights have been passed upon, not once, but five or six times, by as many different bodies and by the Congress of the United States itself. I repeat, I know it must be perplexing for the moment, but when one reads such a solemn contract as the Atoka and supplemental agreement between the United States and the Oklahoma Indians, which promises emphatically to do a certain thing within a certain specified time, it would seem that every Congressman and every Senator who cares to uphold the dignity of his own Government and the respect it ought to have for its contracts, would let those things have weight with him and regard it as his duty, solemn duty, to let the Government fulfill its solemn contracts. This Government can not afford to agree with its wards to do a certain specified thing and then not do it. The distribution of this money has awaited too long already; to longer put it off would but magnify the breach of faith this Government has through one pretext or another already visited upon the Oklahoma Choctaw Indians.

I beg of my colleagues in Congress not to overturn a solemn patent issued by President Tyler in 1842; I beg of you, my colleagues in Congress, not to wrench away from the Government wards living in my State property they have held a patent for for 73 years; I beg of my colleagues in Congress not to take from their Oklahoma wards property they have occupied and resided upon for 85 years; I beg of my colleagues in Congress who have heretofore taken from the Oklahoma Choctaws the right to administer their own affairs and who went about it and administered these affairs themselves, who closed the rolls themselves, and agreed to distribute the money themselves to not now overturn the acts performed for them by that undertaking; I beg of my colleagues in Congress to keep their solemn agreement with the Oklahoma Choctaws, which in effect was to distribute the proceeds from the sale of their surplus lands per capita to the enrolled members of that tribe. It is not too much to ask; it is simply what this Government agreed to do.

Under the treaties all tribal money was to be paid to each individual allottee in per capita payments. (See Vol. I, p. 655, Kappler's Laws and Treaties:)

It is further agreed that all of the funds invested, in lieu of investment, treaty funds or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes shall be capitalized within one year after the tribal government shall cease, so far as the same may be legally done, and be appropriated and paid by some officer of the United States appointed for the purpose to the Choctaws and Chickasaws (freedmen excepted) per capita to aid and assist them in improving their homes and lands.

Also see page 654, Kappler's Laws and Treaties:

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw Nations shall be paid directly to each individual member by a bonded officer of the United States under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to aid Secretary.

Government obligated to pay out this money prior to March 4, 1907, and to be paid out at the end of each year as fast as it should come in after the ratification of the Atoka provision:

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw Tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedman excepted), each member of the two tribes to receive an equal portion thereof.

The Federal Government forced the Indians to divide their property with ex-slaves, to which they had held a Government patent since 1842:

The Government forced Indians to divide their property with ex-slaves. (See Atoka agreement, found on p. 648 of Kappler's Laws and Treaties:)

"*Provided further*, That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw Tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall hereafter be provided by act of Congress.

"That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw Tribes so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same.

"That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of 40 acres each shall be entitled each to land equal in value to 40 acres of the average land of the two nations.

From the very inception of Indian tradition an Indian must establish residence upon the land before he could acquire membership in the tribe. This was recognized in all the statutes on the subject, in the very patent itself, and even as late as June 30, 1900, when Congress passed an act on the subject embodying a provision to the effect that due notice was given all the tribes in Mississippi:

Residence on the land always necessary in order to acquire citizenship (see Indian appropriation act of June 30, 1900), which provides:

"*Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment."

WHY ALL THIS ACTIVITY?

The Congress of the United States and others who have become interested in the Mississippi Choctaw so-called claimants are entitled to know from a nonpartisan, unbiased source what is bringing about all this unusual activity for a claim that is almost a hundred years old and one that has been adjudicated over and over again.

The oldest inspector in the Indian Service, Maj. James McLaughlin, was detailed to go in person to Mississippi among these so-called Mississippi Choctaws and report why all this activity.

After extended personal investigation he, on June 29, 1914, made his report to the Secretary of the Interior. His report reveals a set of facts in connection with this matter that are shocking and without parallel. I will later incorporate in my remarks the complete report of Maj. McLaughlin, who investigated all this entire case fully, went to Mississippi in person, ascertained just why these claims were being presented, ascertained just how these contracts were secured, how they were fixed, how they were arrived at, and all about the matter. His report is startling in the extreme and one of the most remarkable documents I have come across in connection with my work here or elsewhere.

I hold in my hand, Mr. Chairman, a document which shows that a firm of attorneys in St. Louis, known as Crews & Cantwell, employed three negroes, one named Robert L. Fortune, another named J. Milton Turner, a negro as black as your hat, and another down in Mississippi by the name of A. P. Powell, a negro with kinky hair and who has since gone to the penitentiary. These negroes were employed to go around among the ignorant classes of people with an alleged fictitious roll, teach these people to believe that they were of Indian origin and entitled to share in fabulous sums of wealth away off in Oklahoma if they would but sign up the contract.

Maj. McLaughlin explains in detail that these negroes went around among these ignorant people, secured these contracts in a plausible manner, alleging that the estate that would be procured for them from the Oklahoma Indians would aggregate for each claimant $8,000; that the firm of lawyers would charge a fee of only 40 per cent for its collection, agitated and

excited these ignorant people into believing that this could be secured for them, and secured all sorts of contracts which were carried back to the firm in St. Louis. This, to these ignorant, mixed-breed negroes, seemed like a soft snap, and one which they were led to believe they would quickly realize upon. In this way contracts were gathered up to the amount of 4,200, and Maj. McLaughlin explains that few, if any, of those who signed the contracts are of Indian origin.

This selfsame report shows that another firm of attorneys, known as Ballinger & Lee, secured contracts from 3,738 other persons, and that letters and documentary evidence submitted from Albert J. Lee and C. B. Moling, acting as promoters to sell these contracts, show that the aggregate of these attorney fees, which would be recovered in the event of this fabulous scheme going through and these claimants being placed upon the rolls of the Oklahoma Indians, would amount to more than $10,000,000. Mark you, this is in attorney fees alone. The McLaughlin report goes on and shows how these contracts were thrown into a corporation, and how all these unprofessional attorneys hovered about to sell stock to promoters in the several congressional districts, so that all these promoters who could be induced to enter into the scheme might manifest great interest in it and bombard their Congressmen with letters, telegrams, and personnal appeals to the end that they might vote to put this outrageous scheme into effect, to rob and graft and defraud the Oklahoma Indians; and it surely is a scheme the parallel of which has not as yet been told. For example, let me read a portion from a letter written by C. B. Moling, a promoter engaged in the sale of contracts and stock in this illicit corporation:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are each signed by an Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingnent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lieu upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this or $2,400, of which we are to get one-half or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians have all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

Can anyone fathom such frenzied finance as this C. H. Moling letter? Can anyone vote to perpetuate such a graft as that? Can anyone maintain his self-respect if he helps to carry out such a gigantic fraud as this report unearths? Can anyone be continually introducing bills and pressing such claims as this and maintain a good reputation and a clean conscience? These are questions that must of necessity address themselves to those who continually exert themselves in an effort to aid this class of men who continually hover around and haunt this Capitol.

Let me read another clause from a letter written by Albert J. Lee, who asserts that he and Webster Ballinger represent 13,000 persons, and that their fee for so doing will approximate $2,065,911. The first portion of his letter is as follows:

Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

I again repeat, can anyone sanction or be a party to aiding and abetting men who resort to such tactics as these? Who is there here who will rise in his place and say that he is willing to be a party to such a performance? Of course, no one will openly reply that he is willing to do that thing; but if we do by inuendo or inadvertence the thing that makes such irregularity possible, would we not at least be partially guilty, and should we not at least stop, look, and listen, and observe where we are asking this Congress to travel and what we are asking it to do?

Let me read another sentence from the letter of one of these very interesting and ambitious attorneys. He says:

I am in urgent need of funds—

I presume he is. I presume he would ask the Congress of the United States to ravish, raid, rob, and divest its own wards of money that he might have his urgent need of funds satisfied. Let me proceed:

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients.

True! It cost money to send three low, trifling, fraudulent negroes into Mississippi who could burrow around among the fence corners and highways and byways and pick up ignorant, unsuspecting people and make them believe they were Indians while in truth and in fact they were not Indians at all. True; it cost money and made the unprofessional attorneys hard up and in need of funds; but does such an illicit appeal as this tug at the heartstrings of Congress or appeal to the bosoms of Congressmen to set the wheels of Congress in motion for the benefit of these so-called claimants?

Again, let us pause and see if we can understand what he means when he says he needs money to further continue the fight for "our clients." What is the purpose for which this money is to be used? Who is to get the money that is to be used in carrying on this fight for his clients in Congress? Yea, we know the Members of Congress will not receive it, nor would they touch it. Still, let us pause in bewilderment and wonderment as to the manner in which this money is to be used. Let me quote from this most interesting letter a little further:

I want to raise $16,000, which I will agree to return, with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee.

Gentlemen of the Congress, just such performances as this and just such encouragement as Congress is asked to lend them are the things that bring the Congress into disrepute with people unaccustomed with its workings and unable to know the truth.

I ask Congress this day to do its full duty and reject all such claptrap, illicit arrangements for attorney fees, as referred to in this Albert J. Lee letter.

I will incorporate in my remarks at this point the full report of Maj. McLaughlin, which has heretofore been referred to. It is as follows:

WASHINGTON, D. C., *June 29, 1914.*

The SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claims to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the names of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating very extensively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of negro blood, is large of stature, prepossessing in appearance, shrewd and plausible, which, with his posing in the communities he visits in solicit-

ing contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thus procured contracts with little or no difficulty from all persons who believed they possessed or were led by Powell to believe they possessed any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom as supplied by Powell was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830 and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them, and since Powell thus recognized those people, the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the cognomen fixes their status as of Indian blood and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Ella Taylor, of Leesville, La., to enter into contract for Mississippi Choctaw rights, said Mrs. Taylor representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants, for the prosecution of their right to participate in the funds and property of the Choctaw Nation of Oklahoma, said Mrs. Taylor stating to him that each beneficiary would be entitled to receive 320 acres of land or double the value of it in money, also anywhere from $5,000 to $10,000 in cash from the Choctaw funds, but that in order to participate in this distribution claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the flattering presentation of the matter by Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor $7.50 for executing each of said contracts.

Mr. Boyd stated that Mrs. Taylor procured a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of $3,000 from her charge of $7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of $15, through the enthusiasm aroused by a plausible talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his assistants were fully empowered to procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakirs, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of those solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed blank forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907 (act of Apr. 26, 1906; 34 Stat. L., 137, sec. 2).

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the law as to time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been recognized induced a firm of attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the reopening of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to procure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment, and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker residing at El Campo, Tex., who financed the project in the beginning by paying Powell $150 per month salary and his expenses.

6. Powell, while employed by Crews & Cantwell, procured the names of about 4,200 persons who claimed, or were led to believe by Powell, that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reason of the right claimed. Powell did not make any charge to the claimants while operating under the above-stated salary until a short time previous to severing his connection with Crews & Cantwell, when he commenced charging the claimants $1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received $2,971.02 from them, $900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, an attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews [copy herewith], and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adopted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from any and all persons whom he met who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected $2.50 for his services in executing the papers.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William E. Matthews and charging applicants $2.50 for each set of papers executed it is alleged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that he had traced those people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Comerly, of Gulfport, Miss., who was for some months associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, "American State Papers," which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1860.

10. Crews & Cantwell, as attorneys for a number of these claimants, with evidence as to some of the unenrolled Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursement of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of $100,000, or 1,000 shares of the par value of $100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Sweeney, and W. H. Gill, of Houston, Tex.; and J. H. Kempner, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of $100 per share, thus realizing $25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold, reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. B. Moling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty *it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.*

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proof of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

* * * * * * *

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

To the foregoing communication of Mr. Moling, Mr. Dechant replied as follows:

MIDDLETOWN, OHIO, *July 24, 1911.*

C. B. MOLING,
432 Mason Building, Houston, Tex.

MY DEAR MR. MOLING: Your letter of June 12 was received in my absence, hence delay in answering.

I have gone over same carefully and note what you say, and it would seem to me if Congress has taken the steps enumerated by you the proposition is a good one, and on further investigation I might be induced to come in, everything appearing in good shape.

Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firms looking specially after the matter?

Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to the congressional reports where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

What Congress passed this resolution legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to were presented and reported favorably?

What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress and secured the passage of the favorable resolution?

On receipt of a letter from you in reply to the above I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention,

I am, as ever, yours,

W. L. DECHANT.

To the inquiries contained in the foregoing letter of Judge Dechant Mr. Moling replied as follows:

HOUSTON, TEX., *July 28, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

MY DEAR JUDGE: I have your letter of the 24th, in regard to further information regarding the Choctaw Indian contracts, etc.

I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired, and I herewith hand you his dictated letter, as also the brief he refers to with the clippings attached.

In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first handed.

I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress, but I know Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable; my dealings with him has all been in the real estate line and all very satisfactory; he stands well in this community.

It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

Awaiting your further advices, I am,

Very truly, yours,

C. M. MOLING.

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of $16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and promoter of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson reads as follows:

OCTOBER 17, 1912.

Mr. HARRIS MASTERSON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: Nine hundred thousand acres agricultural, 445,000 acres agricultural surface with deposits of coal and asphalt, 1,500,000 acres of pine and hardwood lumber.

In addition to the above lands the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal is worth in royalties to the Choctaw and Chickasaw people at least $70,000,000. There is now on deposit to the credit of these two tribes something like $1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, $35,000,000.

Should the 3,000,000 acres of land bring an average price of $10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, $30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

On deposit	$10,000,000
Value of the coal	35,000,000
Value of the surface and timber	30,000,000
Total value of the property	66,000,000

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of the treaty of September 27, 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average value land.

As the property belonged to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Fed-

eral Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was also agreed that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts under which the citizenship of the two tribes should be determined and the distribution made. The acts were: Act of June 10, 1896, act of June 7, 1897, act of June 28, 1898, act of May 31, 1900, act of July 1, 1902, act of March 3, 1905, and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed upon March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the abovementioned acts were "inherently defective" and "administered so as to prevent a full realization of their purpose." (Hearings on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission two of them were forced to resign. (S. Doc. 357, 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of $750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts rendered in cases appealed from the action of the Commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship rolls the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

"After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment by the United States courts with notice to but one of said nations should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered, and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902, the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams, on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. They then claimed a fee of 9 per cent on a basis of $4,800 per person, as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2273, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex United States Senator Butler, of North Carolina, for libel, it was shown that Adams received $50,000 of the fee. While the committee was considering the evidence upon which the above report was made, Judge Adams cut his throat with a razor. Judge Foote died shortly after the fee was paid. Foote was a confirmed drunkard.

5. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do, and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. Hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that, in order to get their own shares of the property, they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been alloted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

Yours, very truly,

ALBERT J. LEE.

CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at $3,000 in cash.

Number of individual claimants: 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 25 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by *Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate $500 per person.*

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

	2,051	persons,
	$3,000	Value of individual share.
	$6,153,000	Total value of shares of 2,051 persons.
	40	per cent basis of fee.
	$2,461,200	Estimated fee.
	487	persons.
	$3,000	Value of share.
	$1,461,000	Total value of shares of 487 persons.
	12½	per cent basis of fee of Ballinger & Lee.
	$183,023	Total estimated fee of Ballinger & Lee for 487 persons.
	1,200	persons.
	$500	Ballinger & Lee's fee per person.
	$600,000	Total estimated fee for 1,200 persons.
	$2,461,200	
	183,023	
	600,000	
	$3,244,223	Total of Ballinger & Lee's fee.
Less	150,000	Estimated expense of collection.
	$3,094,223	
	45	per cent with which assistance was contracted.
	$1,392,400	Estimated cost of assistance.
	$3,094,223	Net fee.
Less	1,392,400	Cost of assistance.
2)	$1,701,823	Net fee to Ballinger & Lee.
	850,911	Net fee to Lee.
	40	per cent proposed assignment.
	$340,364	Fee which will go to owners of the 40 per cent to be sold.

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated, my individual fee would approximate $2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

MASTERSON & MASTERSON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 20, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians, represented by his firm,

and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants, I know that Mr. Lee's statements is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are so plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cases will return a big profit within the next two years, and that such profits will not be less than a return of $20 for every dollar advanced him.

On the 7th day of this month I furnished $2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereto I am subscribing $2,000 to the fund of $16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge—for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest $4,000 in the enterprise—I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent are full of merit. I therefore consider the $2,000 already invested and subscription of $2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Superintendent Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sprinkel, an attorney of that town, whom I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto, he stated with apparent frankness that he has been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Glenn-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; and that he has procured contracts from 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family $10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only $129.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgement when the freedman represented therein appeared to execute it, and after concluding my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him $1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J. Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Hurlbut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over three hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman Harrison, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators Williams and Vardaman, of Mississippi, in the Choctaw claim; also Congressman Morgan, of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants $2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of $1,300, together with Mr. Matthews retaining a certain per cent interest in the contingent fee provided in the contracts, and that he (Conerly) supervised the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell $300 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contract for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews& Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties of whom he—Conerly—has no knowledge. To the above-stated total may be added the 2,300 freedmen contracts, as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States, and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants, Mr. Conerly stated that he had been associated with Powell at intervals, from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant $2.50 for executing their papers, and he—

Conerly—expressed the belief that Powell has realized several thousand dollars through the $2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked with reference to A. P. Powell that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics, he—Conerly—would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911; the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo, and which he verified as true and a correct statement of matters therein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, date February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit as "Exhibit D" copy of affidavit of said A. P. Powell, acknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants $1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged $2.50 each there; that he took a few names at Biloxi, Miss., and charged $1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell, in his said affidavit, he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and as stated by Luke W. Conerly (assisted by Powell), 1,300 turned into Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30–32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts, "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B. Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

In conclusion I desire to state that from a careful perusal of the numerous letters of claimants, from whom A. P. Powell had obtained contracts, seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government, and was only endeavoring to get the rolls reopened that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about $2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file of papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant,

JAMES MCLAUGHLIN, *Inspector.*

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures, as shown on our books, for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

Powell has received, to cover expenses, to date	$2,006.02
Powell has received salary for taking contracts	900.00
Nickols has reecived for helping in taking Oklahoma contracts	125.00
Turner has received for helping in taking Oklahoma contracts	165.00
Hurlbut has been to an expense in going to Oklahoma and taking contracts there	327.00
Or there has been a total spent on taking contracts of	3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only $1,800 yourself, you have really used $2,906.02, and this does not include the $65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about $7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you $122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., station A, made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

"I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

"I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

"At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them $1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge of $2.50 for each application written up and paid him $1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of $2.50 for each application. I pay Powell $1 for a set of blanks of two, and keep $1.25, and pay the notary 25 cents. I am taking all these applications in the name of William B. Mathews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Mathews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the $25. I have sent him 50 contracts and $50. I was not at Jackson with Mr. Powell. I made $1.25 on each application at McComb. I tell the people this is for my expenses."

I certify that the above statement was made to me under oath.

W. W. MCCONIHE,
Special Indian Agent.

EXHIBIT C.

GULFPORT, MISS., *June 17, 1911.*

Maj. JAMES MCLAUGHLIN,
Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell, in which Mr. Masterson was concerned, I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing, after the 1st of February, 1913, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1913, say 1st of March, 1913, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor anyone else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr. Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood

the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of the Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys, and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews, I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly,

LUKE W. CONERLY.

—

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 16, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that time suggested to Mr. Cantwell that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws, and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer, of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them. Mr. Matthews consented to represent them in the event that Powell could secure the contracts, and quite a number of contracts were taken by Powell in the name of W. B. Matthews under this arrangement, the claimants paying a fee for writing the contracts.

The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in any wise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws. Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts he was paid the sum of $2,400 in cash, and he then relinquished all interest, contingent or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of $150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later—that is, within the last two months—Mr. Matthews, having then investigated the matter, became convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our names as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled, by reason of the fact that, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy, after his return to Mississippi, in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to concede him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no charge should be made the claimants. While we do not regard it as anything improper for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for those rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar impulsive disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. HARRISON of Mississippi; that all the members of the Mississippi delegation and Mr. Wickliffe, of Louisiana, are enthusiastically supporting the bill; and that Congressman HARRISON and Mr. Cantwell are now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done that can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filled and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your own home, however, the claimant would be expected to pay the notary fee, which in any event would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably informed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity, we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement, and the only statement which Powell has ever made before any committee of Congress, is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim; and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

STATE OF MISSOURI, *City of St. Louis, ss.*

A. P. Powell, upon his oath, deposes and says:

That in the month of May, 1910, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of $150 per month and all of his expenses, and had a contract for a contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 3,800 contracts, including the acknowledgments, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts the affiant was besieged by other persons who had had no opportunity up to that time to have their contracts written, and that affiant upon his own responsibility took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of $1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these last 300 had been taken for which this charge had been made, Mr. Cantwell first declared that, as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the $1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses while taking these last-mentioned contracts.

That over 3,800 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made, were as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time and under no circumstances did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood

as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the heirship. This affiant states that out of over 4,000 contracts taken, there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of $2,400 paid him in cash, he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911. (My term expires June 3, 1913.)

[SEAL.] SARAH M. HAWLEY, *Notary Public.*

EXHIBIT D.

JACKSON, MISS., *April 27, 1911.*

Alex. P. Powell, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbitt Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Harry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least $5,000. Cantwell wired S. L. Hulbert, of El Campo, Tex., to come to Washington at once. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up $5,000 for getting the work of the applications.

I first opened an office at 315 Farish Street, Jackson, Miss., and began to take applications. I put an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw-Chickasaws under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and put an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell, and tried to get Hulbert to put up more money and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and he was willing to put up the $7,000 for that purpose. He has not put it up yet.

We went to Columbia, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims, and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me, and our contract with the applicants was for 20 per cent of all amounts recovered and not for 30 per cent as was printed in the contract, which is an error and which has been corrected in the written applications. I went to Monticello and took applications for Crews & Cantwell and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi and charged $1.25 for each applicant there. These claims were for Crews & Cantwell. I also visited Meridian and took about 88 applications there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews and am charging $2.50, and the applicants are very willing to pay the amount. I am making this charge because Mathews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant $2.50. I get a dollar out of this $2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling; board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews and Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect, to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me, this 27th day of April, 1911, at Jackson, Miss.

W. W. MCCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas, the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel:

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or thereafter enacted, that this contract shall be approved by the Secretary of the Interior, then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

——— ———.
——— ———.

State of ———, county of ———, ss:

Before me, ——— ———, a ——— ——— in and for said county and State, on this ——— day of ———, 191—, personally appeared ——— ——— and ——— ———, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that ——— executed the same as ——— free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

——— ———
——— ———

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in prosecuting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

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NOTICE TO INDIANS.

This is your last chance in connection with William B. Matthews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remain in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

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NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ——— Miss., on the —— day of ——, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of Sept. 16, 1912.)

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THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619, Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

—

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thomas L. Crews, and William B. Matthews, attorneys, of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

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"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws.—(Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws.—(Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON of Mississippi in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

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WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. HARRISON said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquired rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty

"The Oklahoma Choctaws were permitted by act of Congress in 1881 to sue the United States Government, in which suit they recovered from the Government $8,000,000 for damages done to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, suggest, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriors displayed their heroism under Jackson at New Orleans."

—

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408 Bond Building, Washington, D. C.; 331 Pine Street, Laural, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

Mr. COLUMBUS OVERMAN,
Dexter, Kans.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

—

——— ———,
——— ———, *1913.*

Hon. ALEXANDER P. POWELL,
——— ———.

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830, between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to ———, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of $2.50.

——— ———.

Witness:
——— ———.

MEMORANDUM OF EVIDENCE.

In the matter of ——— ———, Mississippi Choctaws.
Full name, ——— ———.
Post-office address. ——— ———.
When and where were you born? ——— ———.
Is there any official record of your birth or baptism? If so, state where. ——— ———.
Father's name, ——— ———.
If living, state post-office address. ——— ———.
If dead, state date and place of his death. ——— ———.
Mother's maiden name, ——— ———.
If living, state post-office address. ——— ———.
If dead, state date and place of her death. ——— ———.
When and where were your parents married? ——— ———.
Is there any record of their marriage? If so, state where. ——— ———.

What was the name of your father's father? ——— ———.
When did he die, and where? ——— ———.
What was the name of your father's mother? ——— ———.
When and where did she die? ——— ———.
What was the name of your mother's father? ——— ———.
When and where did he die? ——— ———.
What was the name of your mother's mother? ——— ———.
When and where did she die? ——— ———.
What is the name of ancestors who received land or script under the treaty of 1830? ——— ———.
How can you prove your descent from him or her? ———.
Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information. ——— ———.
Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? ———.
Have you ever made settlement on any lands in Oklahoma? If so, describe same. ———.
Where were you denied enrollment? ———.
Have you any documents proving your pedigree? Where are they? If so, attach or submit them. ———.
Are any of your relatives now on the rolls of the Choctaws? ———.
Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

NAME.	ADDRESS.

Are any of your relative now on the rolls of the Choctaw-Chickasaw Tribe as a Mississippi Choctaw? If so, give names and address and number on roll. ———.
If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. ———.
STATE OF MISSISSIPPI, ——— ———, *County of* ———.
——— ———, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true to the best of h— knowledge and belief.
Subscribed and sworn to before me this ——— day of ———, 191—.
——— ———, *Notary Public.*

Mr. FERRIS. Can I have three minutes more?

Mr. CARTER. I am sorry that my time has all gone, but I will ask unanimous consent that the gentleman proceed for five minutes under the five-minute rule.

Mr. MANN. I shall not object to that request.

Mr. STEPHENS of Texas. I think I shall have to object because we have an agreement as to the time for debate, and I do not think we should violate that agreement.

The CHAIRMAN. The gentleman from Texas objects.

MR. WILLIS, OF OHIO.

Mr. MANN. Mr. Chairman, may I make a request for unanimous consent out of order? One of the most respected and beloved Members of the House is leaving us to-day to become governor of Ohio. I ask unanimous consent, out of order, that the gentleman from Ohio [Mr. WILLIS] may have five minutes to address the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WILLIS. Mr. Chairman, I assure you that I greatly appreciate the courtesy that is implied in the action the committee has just taken, and I appreciate the kindness of the gentleman from Illinois [Mr. MANN] in making the suggestion. When I came into the Chamber I had not thought of saying a word. It has not been my custom to participate especially in the discussion of the Indian appropriation bill, because I have not known very much about that subject.

But since unanimous consent has been very kindly extended to me, I take this opportunity to say what I suppose is in the mind of every man when he is about to leave this Chamber, and that is that he leaves the House with great regret. I am not insensible to the honor which the people of Ohio have bestowed upon me, and yet I should not be true to myself if I failed to say that I think that service in this body is as great an honor as can come to any man. I shall look upon my service here with you with the very fondest recollections. Some of the ideas that I had concerning the House when I came here have been somewhat rudely shattered. I had supposed that I would find a number of men, practically the whole membership, sitting up straight, listening to some one making a speech, all of them wearing long-tailed coats. That was my idea; but I found that not many of them wear long-tailed coats, and not very many of them sit up straight, and generally only a few of them listen when anyone is making a speech. But at that the House of Representatives is the fairest and, in the broad sense, the most democratic body in the world. It will listen to anybody any time who has any information to give the House that will aid it in the solution of its problems.

As I have been here only a comparatively short time I do not understand the workings of the House as some of you older Members do, but one thing I have come to recognize, and that is that in the last analysis this House is fair and square. Without going into a discussion of any questions that are past, may I suggest that in my opinion the vote here yesterday upon the amendment relative to the admission of black men into this country is an illustration of that attitude on the part of the House. Without criticizing anyone who takes an opposite view, it seems to me that the argument that went home, the argument which appealed to the majority, and a very large majority, of the membership of this House was the proposition that the amendment to exclude men from this country because their skin is black was not fair. This House is fair, and in the biggest and broadest sense it is democratic. It gives everybody a fair deal. It is no respecter of persons. A man comes here, and the question is not Who is his father or his grandfather? but the question is Who is he and what can he contribute to the solution of the problems that come before the House? In the solution of those problems may I suggest that it seems to me that with the flight of years asperities of politics are somewhat softened? Sometimes we become bitter, but in the last analysis we realize that although we may fight under different banners and upon opposite sides of the aisle, yet we all want the greatest good for this great Republic. I can not forget that some 54 years ago there stood out yonder at the east front of the Capitol one of the mightiest men in the tides of time. Looking out upon a sea of faces, thousands of which were distorted with distrust and hate, this courageous, heroic soul was big enough to say:

> We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

It seems to me, Mr. Chairman and gentlemen of the committee, that that is the sentiment that is coming more and more to dominate American politics—the recognition that after all we are all seeking the common good, we are all trying to bring about the largest measure of welfare for our common country.

And may I say one more thing before I take my seat, and that is this: Without any disposition to criticize anyone, may I suggest that it seems to me of vital importance in this country that the rights and prerogatives and powers of the House of Representatives, both in the State and the Nation, shall be maintained? [Applause.] There is drifting about in this country a sentiment—and I say I am not criticizing any official in particular now, but I am speaking of tendencies—there is a tendency in this country to hold that a legislative body can not solve the problems of legislation unless it is seized by the strong hand of a dictator. I have been told within my own State, within a month, that the general assembly of the State could not make its organization, could not choose its officials, could not proceed with public business, unless it was guided by the strong hand of a dictator. I did not and do not accept this view. My experience, short though it is in this great legislative body and in that same general assembly, led me to believe that in the elected representatives of the people themselves was the solution of the great legislative problems of the country. I tell you that it is of tremendous importance that we keep alive in this country the sense of responsibility that ought to rest upon every Member of the House. This is a Government by the people and by the people's representatives, and not by the strong hand of any executive. [Applause.]

Let me say this last word, and I think I have occupied my time already. I leave off as I began, by saying that I greatly appreciate the opportunities that I have had to serve with you. I am not unappreciative of the great responsibility of the place to which I have been elected, and may I say to you, my friends, that as I go to that station I am almost overwhelmed and overawed by the sense of responsibility. Words fail and expression is palsied. I am not unmindful of the fact that in that station have been many great men whom the Republic has delighted to honor—Brough, Foster, Foraker, Harmon, Hayes, McKinley, and others. May we not hope that the spirits of those who have gone before, coming out of the mysteries of Shadowland, may hover above us to help us and uphold our hands so long as we fight for the right? I have tried as best I could to do my duty here. Mr. Chairman, in the position to which I have been called I shall try to do my duty as I see it, try to be true to the principles of this American Republic, to discharge the duties of that office in the sight of my fellow citizens, and so as to be acceptable to Him without whose guidance no success is possible.

I thank you and bid you good-by. [Loud and continued applause.]

INDIAN APPROPRIATION BILL.

Mr. CARTER. Mr. Chairman, I now renew my request for unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may have five minutes to use in general debate which

he might have under the five-minute rule if he could get recognition of the Chair. I know the gentleman from Texas is pressing to get his bill through, and I know that every one of us is doing his best to try to get through by the 4th of March; and I hope the gentleman from Texas will make an exception in this case.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] be allowed to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Chairman, the committee must be in a quagmire to know what to do. The proponents of the Mississippi Choctaws tell you the law is one thing. Those of us who are vitally interested on the other side of the proposition tell you it is another thing. Why do not you do the sensible thing and follow the Federal court decision in 1897, which passed on this years before Oklahoma even had a Congressman here? Why do not you do what the Dawes Commission did in the Jack Amos case? Amos and 97 full-blood Choctaws came to the Dawes Commission and said that under the fourteenth article of the treaty they were entitled to enrollment and still live in Mississippi. What was that Dawes Commission? A board of high-class lawyers created by this body to do this thing and pass on these details. Under the influence of Oklahoma? No. Under the influence of the Oklahoma Indians? No. Who were they? They were lawyers appointed from States far removed from Oklahoma. What did they say? In terms clear, in terms emphatic, in terms unmistakable, they said: No Indian had a right to remain in Mississippi and alien to his people and share in the property of the Oklahoma Indians. They appealed. Judge Clayton, a Federal judge, came squarely at the question, and here is his language, words plain and unmistakable. Dealing with this fourteenth section of the treaty of 1830, he says:

I am disposed to the opinion, however, and will so hold—

He did not have an undigested amendment offered on the floor of the House with an adverse report of a committee, with four Secretaries of the Interior reporting against him, including the present one, with four Commissioners of Indian Affairs reporting against him, including the present one, but in his quiet moments, sitting as a court, under the responsibilities of a court, here is what he says:

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830—

Now, you see this is the same article of the treaty Mr. HARRISON talks about—

are entitled to all of the rights of Choctaw citizenship, with all of the privilege and property rights incident thereto—

Now listen—

provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation and putting themselves in an attitude whereby they will be able to share in the burdens of their government.

Will you to-day turn down the opinion of four Secretaries of the Interior, who are especially charged with these affairs? Will you to-day turn down the opinion of four Commissioners of Indian Affairs, who know more of these intricate matters than we can possibly know? Will you to-day turn down the opinion of the ex-chairman of the Indian Affairs Committee [Mr. BURKE of South Dakota], who has this day spoken against this amendment? Will you turn down the opinion of dear old JOHN STEPHENS, who has been the father of the Indians and their rights on this floor long before I came to Congress?

Will you turn down the act of Congress of April 26, 1906, that said these rolls should be forever closed? Will you go in the face of the patents issued by President Tyler in 1842, 73 years ago? Will you say that you will wrench from the Oklahoma Indians property for which they have held patent for 73 years and property they have occupied for 95 years? Will you take it away by an amendment offered on the floor of this House that has no committee action behind it? Will you wreck the solemn treaties with the Oklahoma Choctaws that you have promised to protect? Friends, this is not an Oklahoma and a Mississippi proposition. I presume that I, as well as the other members of the delegation, have incurred much unpopularity on this floor in trying to maintain the rights of two-fifths of all the Indians of the United States. They are helpless to do for themselves. They are dependent on this Congress. They can not even sell a cemetery lot, they can not lease their lands, they can not sell their lands, without our appealing to Congress and troubling you with it.

Friends, will you, by reason of any incurred unpopularity, by reason of our contention for our people, do your Oklahoma Choctaw wards a grave, a lasting, a notorious, and revolutionary injustice? Will you, by an amendment that has had consideration at the hands of no one, offered here on the floor, undo the work of the Congress and the Interior Department for almost a hundred years?

I hold in my hand a report on this identical proposition from Franklin K. Lane, the Secretary of the Interior, and his letter bears out every word that I have said about this litigation and about the adjudication and the res adjudicata features of it. Concluding his report he says:

In view of the facts as presented to me I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

What is the equation to be solved here to-day? In 1897, when the Oklahoma Indians were saying, "Do not let the white man come in and take our land," what happened? The Atoka agreement was made permitting the white men to come in. In 1902, while the Oklahoma Indians were still saying, "Do not let the white people come in and trespass upon our rights," what happened? The supplemental agreement of 1902 came in and again allowed them to come in. What happened? The Choctaws agreed to it. They agreed to let the Federal Government do what? To allot their lands, to make their rolls, to sell their surplus property, and, last, to give them the proceeds paid direct to them. The money was all to be paid on or before March 4, 1907. What is this year? Pray tell. This is January, 1915, and this money as yet has not been paid to the Choctaws. The old Indians are dying fast in Oklahoma. The very Indians who signed these treaties are about all gone. All of them, practically, are dead. Those who remain ask that before they die the Federal Government shall do for them, what? The exact thing the Federal Government agreed to do—nothing more and nothing less. The Federal Government has so far refused. Probably it is not to be criticized for this, because the unprofessional shyster attorneys who to-day roost in these galleries like a lot of buzzards work up these scandals and tell the Congress what it ought to do. [Applause.]

Mr. BUTLER. Will you please read the remarks of Mr. JOHN SHARP WILLIAMS on the binding effect of the decision of Judge Clayton?

Mr. FERRIS. I will. Senator JOHN SHARP WILLIAMS, long a beloved Member of this House, admits that these Indians have no legal rights. Listen:

I am not contending here that the Mississippi Choctaws, in the face of all the legislation and in the face of these decisions, have any rights here that are enforcible in law, but I am trying to get the legislative branch of the Government to change the law.

He was trying to have the preceding session change the law, and the gentleman from Mississippi [Mr. HARRISON] is trying to have this Congress overturn, if you please, the decisions of the courts and provisions of patents issued 67 years ago.

Mr. STEPHENS of Texas. Will my friend yield at that point in order that I may read one sentence from the bill that was offered by the gentleman from Mississippi [Mr. HARRISON]?

Mr. FERRIS. I will.

Mr. STEPHENS of Texas. Section 2 reads as follows, in part:

That the Secretary of the Interior shall be vested with the power to determine the rights of said claimants upon such evidence as may be produced by the applicant, without regard to any adverse judgment or decision heretofore rendered by any court or commission of the Five Civilized Tribes or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

Now he is advocating the setting aside of these things.

Mr. FERRIS. The gentleman from Texas [Mr. STEPHENS] reads a section of the bill of the gentleman from Mississippi [Mr. HARRISON], which says that he is in favor of giving them rights, the courts and the decision of the Dawes Commission to the contrary notwithstanding. It was said yesterday that these Mississippi Choctaws had had nothing. With as much emphasis as I have at my command I deny that. I hold in my hand the names of 3,885 of them who were given scrip, delivered to them in their hands, for one-half of the land, the second half was delivered in cash. The records of the Indian Office show they received it. They did receive it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I yield one minute more to the gentleman.

Mr. FERRIS. And they received $872,000 in money, which was a capitalization at $1.25 an acre of the other half of the scrip. If I was a lawyer before a court, I would first plead that these claimants are without remedy at law, and then I would plead, secondly, that they had no remedy in equity; third, I would plead "accord and satisfaction" fourth, laches, estoppel, and res adjudicata, and I would plead to this House that this effort to take "vie et armis" property from one ward and give

it to another is revolutionary, is destructive of precedent, that it is destructive of rights, and that it is an overturning of a Government land patent of 67 years, and vicious ob initio. And no man on either side of this Chamber can in good conscience vote for such amendment as this.

Mr. Chairman, the adoption of this amendment would break two solemn treaties between the United States and the Oklahoma Indians, wherein the Government promised to give them their lands and to administer their affairs. It will overthrow and in effect repeal the act of April 26, 1906, which took effect on March 4, 1907, by which Congress closed the rolls; it will overthrow the judgment of the Dawes Commission, which was a commission of high-class lawyers, who went West to investigate into and adjudicate these affairs; it will overthrow the decision of Judge Clayton, of the Federal court, who passed upon this matter in the Jack Amos et al. case. It would be an act of broken promises and blasted faith to the Oklahoma Choctaws; it would mean the rewarding of unfaithful, unscrupulous attorneys, who have sought to graft the Indians out of millions of dollars in attorney fees which they did not earn; it would bring reproach upon Congress and the Government; and, in short, it would work a greater wrong and greater mischief upon the Oklahoma Indians than any just man or body of men would hope to accomplish. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I want to propound this famous question propounded by Mr. CARTER for Mr. FERRIS, that I may be permitted to use the five minutes I would be permitted to use under the five-minute rule at this time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to use five minutes in addition to the three minutes granted him by his colleague. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Mississippi is recognized for eight minutes.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, it is rather a peculiar coincidence that just 100 years to a day after the Battle of New Orleans, where the Choctaw Indians of Mississippi fought for the Stars and Stripes and helped to win that great victory, that their rights should now be pending before this Congress. Under the Dancing Rabbit treaty—the treaty which the Government made with the Choctaw Indians—they gave to the Choctaw Indians certain amounts in fee simple in the Choctaw Nation, and in the treaty it was specifically provided in article 14 that the Choctaw lost none of his rights by remaining in Mississippi. If that had not been in this treaty, the chief of the Choctaws would never have made the treaty. Now, I have no sort of sympathy with the rascality with which the Mississippi Choctaw has been treated by his attorneys; I have no sympathy with the rascality perpetrated upon the Indians in Indian Territory and throughout the West; but that has nothing to do with the merits of this controversy. I do not want this Congress to measure out the same justice to the 1,100 full-blooded Choctaws in poverty in Alabama, Mississippi, and Louisiana—I do not want the same sort of justice to be measured to them—that has been measured out to the Indians in the past.

Mr. NORTON. Will the gentleman yield?

Mr. SISSON. I have not time to yield.

Mr. NORTON. Just for a brief question. The gentleman claims the Mississippi Choctaws have a definite right under the Dancing Rabbit treaty to this land in Oklahoma.

Mr. SISSON. In so many words.

Mr. NORTON. Does the gentleman maintain it is a legal right?

Mr. SISSON. I do.

Mr. NORTON. Why have they not exercised that right in the courts?

Mr. SISSON. Now, wait. I do not contend that under the acts of Congress that these Indians could go into the court and win, but I do contend that where you vest a fee simple title, an undivided fee simple title, as invested here in this treaty in certain undivided lands in Oklahoma that this Government, the guardian of these Indians, can not in justice, in fairness, in truth, in everlasting equity, deprive these wards of their rights.

Mr. NORTON. The gentleman, then, maintains that these Indians have a "lip" right, such as he is exercising here for them?

Mr. SISSON. I did not yield for the purpose of hearing any of your "lip." If my heart were not behind me, and if behind my lips there was not a better sentiment than that of the gentleman, I, too, would interrupt a gentleman in order to use that sort of cheap repartee, particularly when it is known the gentleman had only eight minutes, as I have.

Is that the right spirit with which to deal with these wards that you, sir, ought to take to your conscience? Because if you do right you will take to your conscience the rights of these wards. They are nothing to me. I have never yet advocated the right of any man who was not a Choctaw Indian, but I do contend that in all equity, in all justice, and in all fairness in a body where the wrong was done, this is the place to right the wrong. [Applause.] And the wrong that was done was done by legislation which amounted to an absolute injustice and absolutely amounted to depriving the Indians up and down the creeks of Mississippi, Louisiana, and Alabama of their rights, because they did not have the opportunity to exercise their rights within the time prescribed by the statute. It is just the same kind of justice that the wolf would give to the innocent lamb. I am appealing for these Choctaw Indians, to this Congress, because I want every Choctaw Indian to know that the United States Government is going to deal fairly with him.

I have never yet asked for anything on the floor of this House for anybody or any party, so far as I am personally concerned, except the full-blooded Choctaw, and it is estimated that there are about 1,100 of them down in my State and in the State of Alabama and in the State of Louisiana; and I do say that every man ought to take to his heart the proposition that they are appealing to you now to have some little simple justice done them.

"Oh," you say, "their rights have been lost here." They have had no representative on this floor. The Representatives were from the State of Oklahoma. The thing commenced after the State of Oklahoma had representation as a Territory, and when Oklahoma had representation here as a Territory they had men here to speak for them, and then Congress could not deprive them of their rights without legislation; and, so far as the RECORD shows, nobody appeared here to represent the Mississippi Choctaws, and nobody made a fight for them until my friend, Adam Byrd, of Mississippi, made one speech here on this floor in their behalf.

Mr. CARTER. Mr. Chairman, will the gentleman yield there?

Mr. SISSON. Yes.

Mr. CARTER. Does the gentleman know that at the time this matter was settled Mississippi had full representation on the floor of this House and in the Senate, and that the Indian Territory had not one single representative here?

Mr. SISSON. I am not attempting to shoulder the burden of any Mississippi Representatives in the past. I am not shouldering any burden of theirs, but I do say they did not raise their voices in the interest of those 1,100 Mississippi Choctaws whose rights were ignored in this legislation, because if any man will read the history of it he will find they were given a "lip" right, but not an actual right. The poor, ignorant Mississippi Choctaw found the statute of limitations barring his rights before he knew he had any rights to press before this Congress. The only thing I ask Congress to do is to give the 1,100 full-blooded Mississippi Choctaws their rights, and if Congress will do that I shall never raise my voice in protest against the distribution of this Choctaw fund, and I have so told these gentlemen from Oklahoma; and every word I have uttered on this floor has been for the defenseless Mississippi Choctaw, not for attorneys or agents. We should protect them from their rascality. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CARTER. Mr. Chairman, I have only two more speeches under the 30-minute rule, and I hope that the gentleman from Mississippi [Mr. HARRISON] will use some of his time.

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for five minutes.

Mr. MILLER. Mr. Chairman, each year about this hour comes on the boards the same fight. I do not know for how many years this same proceeding will continue, but I apprehend it will continue until a group of persons under the American flag, generally described as "the Mississippi Choctaws," have actually had a day in court.

For many reasons I find myself not exactly in harmony and in sympathy with the full strength of the amendment offered by the gentleman from Mississippi [Mr. HARRISON], but nevertheless agreeing with him substantially on the fundamental merits of the proposition.

Gentlemen, it seems that the subject has been discussed in this presence so many times that a repetition of the fundamentals need not occur on each occasion. And yet I have noted how easy it is, with the passage of a year, for many, even essential, details to escape my own memory. For that

reason I beg your indulgence that I may state to you those few things which in my mind, after three years of study on this question—and at times having devoted as many as several weeks without interruption upon it—I have come to believe the essential and deciding factors.

In 1820, residing in approximately the territory now occupied by the State of Mississippi, were a group of Indians known as Choctaws. They had 15,000,000 acres of land which was their own. They owned it just as much and by just as divine a right as the United States owns the plot of ground upon which stands this, the greatest of all Capitols.

We bargained and traded with those Indians, and received from them 10,000,000 acres of land, in consideration for which we gave them lands out West, on the prairie, in what is now Oklahoma.

Ten years later, in 1830, the whites who were coming within the region then occupied by the Indians in Mississippi, were anxious that all of their land remaining there should be ceded to the Government and the Indians removed. The Indians said, "No; we prefer to remain here where our fathers lived and died and where we were born." After many months of negotiation, and at a time when it seemed that all of their efforts would be of no avail, a representative of the Government said, "If we will put into this treaty a clause under which you can elect either to go"—to the region which is now the State of Oklahoma—"or to remain here, and if you remain here the head of every family shall receive 640 acres of land, every adult man and woman shall receive 320 acres of land, and every child under 10 years of age shall receive 160 acres, will you then sign the treaty?" They said they would and they did.

Clearly it was the intent of both the signatory parties to that treaty that an Indian of Choctaw blood could elect whether he should stay in Mississippi and take his land there or whether he should remove and go to the new land over beyond the great river in what is now Oklahoma. That looked fair and good. We know now and all the world knows that thereafter, when those Indians elected to remain in Mississippi and to take the land, by reason of the fraudulent and absolutely criminal conduct of the agents of the United States, they were prevented from doing so. And yet many of them remained in Mississippi.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have five minutes longer, in addition to the time already agreed upon.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think we can agree to that.

Mr. STAFFORD. Here is a gentleman who has some information.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Minnesota have five minutes longer. Is there objection?

Mr. HAMILTON of Michigan. I hope the gentleman will not object. This is a most interesting and lucid statement.

Mr. BUTLER. I think we will gain time by granting the request. There are not quite a hundred of us here.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. About 5,000 of them, as nearly as we can gather, remained in Mississippi at that time. The others went West.

Subsequent treaties were made. It was always recognized by the Government——

Mr. HAMILTON of Michigan. Will the gentleman answer a question?

Mr. MILLER. Yes; if it is very brief.

Mr. HAMILTON of Michigan. How were those Indians cheated out of their 640 acres of land? As I understand, it was not given to them.

Mr. MILLER. It was not, except to about 143 of them. An Indian who desired to take the benefits under article 14, which is the one permitting them to remain in Mississippi, would go to the agent and make application and the agent received many of their applications and threw them away. Many sheets of paper were found afterwards on which these applications were listed, and these sheets of paper were some of them used for shaving paper, and others torn up and thrown away.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER. I have only five minutes.

Mr. FERRIS. Will the gentleman state what really did happen that they received the land in scrip and in money?

Mr. MILLER. I will come to that, but it is not exactly as the gentleman states. I am giving an outline. Subsequently other treaties were entered into between the United States and the Choctaws, but always with the Choctaws west. Mind you, there is not a scrap of paper upon which there has ever been written an agreement between the United States and the Choctaws remaining in Mississippi subsequent to the treaty of 1830. All the agreements have been made by and between the Choctaws who went to Oklahoma and the United States. We must not lose sight of that in determining whether the Mississippi Choctaws have had their day in court.

There was a time when Congress thought it would make reparation for the injury it recognized had been done. As the gentleman from Oklahoma [Mr. FERRIS] has said, they said, "We will issue scrip to the defrauded Mississippi Choctaws, not in the amount provided for by article 14 of the treaty, but a reasonable amount, and the amount was 160 acres to each one as far as they could ascertain the Mississippi Choctaws—160 acres to each on the public domain. But this was not the result of any agreement; it was simply a gratuity handed out by the United States to compensate for this wrong.

This scrip provided that the Indian living in Mississippi could locate on 160 acres of land. Where? In Alabama, Mississippi, in Arkansas, or Tennessee. Not a foot in their own home State; not a foot in Oklahoma; and then it contained this marvelous feature, that in order to avail themselves of the right to this scrip, or one-half of it, they had to go to Oklahoma to get it. When they got there and got the scrip they could not locate any land unless they went to Tennessee, Alabama, Arkansas, or Mississippi.

Mr. CARTER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. CARTER. Was not the first one-half of the scrip paid in Mississippi?

Mr. MILLER. Yes; the first half was paid in Mississippi and the other half to be paid for when they went to Oklahoma. As a matter of fact, we know what happened. Congress might have known what would happen. The scrip was assignable, and it was assigned and lost. Congress always recognized that it was a futile effort and was not an effort that reached the merits of the case.

Mr. BUTLER. Did not Judge Clayton make a decision in this matter?

Mr. MILLER. Unquestionably, Judge Clayton had an opportunity to ascertain the facts, because they existed; whether he did or not I do not know.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUTLER. I ask unanimous consent that the gentleman have one minute more.

Mr. HARRISON. I will yield to the gentleman from Minnesota three minutes.

Mr. MILLER. Judge Clayton in the case so many times cited never for one moment decided the real merits of the Mississippi Choctaws' case. He said that under the law, under the treaty between the United States and whom? Not the Mississippi Choctaw, the party in interest, but between the United States and the Choctaw in Oklahoma. The Mississippi Choctaw to be enrolled had to go to Oklahoma.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER. Yes; for a brief question.

Mr. FERRIS. Does not the gentleman think that Judge Clayton dealt specifically with the fourteenth article of the treaty?

Mr. MILLER. Within the limits that I have just stated. Subsequently to that, the Choctaw Nation was complaining against the conduct of the United States. The United States Senate took this up and said, "Yes; we recognize that we must make reparation for the wrong that we have done to the Choctaws in Mississippi," and so the Senate was turned into a court of arbitration to consider the case, and made a finding of upward of $3,000,000, and they made the first payment of $250,000. To whom? To the Choctaws in Oklahoma for the wrongs done the Choctaws in Mississippi.

The war came on and nothing further was done on that award, but Congress passed an act authorizing the Choctaw Nation to sue the United States in the Court of Claims to recover for the wrongs done back in 1830 to 1833. The Choctaw Nation west in Oklahoma brought suit, hired an attorney, recovered a judgment which amounted to about $8,000,000. First, the United States deducted therefrom the cost of transporting all the Choctaws who had gone from Mississippi to Oklahoma, together with some other items of subsistence, so that the actual amount paid to the Choctaw Nation west was about $3,000,000. That was taken by the Choctaws in Oklahoma, distributed among the Choctaws in Oklahoma, but it must be said that some of those who received it—a very few—were really Mississippi Choctaws, but the Mississippi Choctaw off in the wilds of Mississippi I suppose never knew that a case was

brought for and in his behalf. At all events he never received any of the $3,000,000 that were distributed among the Choctaws in Oklahoma.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent that the time be extended 20 minutes, 10 minutes to go to the gentleman from Oklahoma [Mr. CARTER] and 10 minutes to the gentleman from Mississippi [Mr. HARRISON], to be given to the gentleman from Minnesota [Mr. MILLER].

Mr. STEPHENS of Texas. Mr. Chairman, I shall have to object to that.

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Minnesota.

Mr. MILLER. Mr. Chairman, I had no idea whatever of entering upon such an extensive discussion of this case when I first began to speak. This $3,000,000 was paid out in this way, and so far as I know that was never dug out until two years ago, when I made application both to the Treasury Department and to the Indian Department to find out who got the net proceeds of the money, and how it was divided, and how it went. The records are sufficiently accurate to enable anyone to determine the way in which it was distributed and where it went, and there is no man on the floor of this House who is so great a friend of the Choctaws in Oklahoma who will have the strength to stand up and say that that money was all fairly and honestly distributed. I can not quite bring myself to believe, at least I have not yet, that the Choctaws residing still in Mississippi have a right to be enrolled as citizens of the Choctaw Nation in Oklahoma, to share with the citizens in Oklahoma in all of the property and rights of that tribe; but I can never resist the feeling that the Choctaws in Oklahoma have received a very substantial sum of money that in good conscience was designed to go and should have gone to the Choctaws in Mississippi, and I do know that the Choctaw in Mississippi has never had his day in court. Some one is responsible. I believe there is a very measurable degree of responsibility resting upon the Government of the United States. It can never be dodged, nor do I believe it can ever be shifted. The Mississippi Choctaw has been a ghost before Congress, as has been stated by the gentleman from Oklahoma, for 70 or 80 years, and he will continue to be that ghost for 80 years more and until the Members of this body and the friends of the Indians give the Mississippi Choctaw his day in court, adjudicate his rights, and see that he gets them. [Applause.]

Mr. Chairman, I am not scared by attorneys' contracts. I frankly confess to you that I think the Mississippi Choctaw, probably more than any other Indian—and you will agree with me that this is a strong statement—has been the subject of exploitation by attorneys; but that has nothing to do with their rights. I will say, in answer to the gentleman from Oklahoma [Mr. FERRIS], that I can draft a law, as he can, and as can any Member of this House, providing that the Mississippi Choctaws shall have their day in court, prescribing the conditions under which they shall have their day in court, which will make all those attorneys' contracts of as much value, and no more, as the paper upon which they are written. They have not been exploiting the Mississippi Choctaw, because, God knows, the Mississippi Choctaw has nothing to-day to exploit. He has neither land, property, nor wealth. Apparently their exploitation has been largely among the whites, whom they have invited to come to their aid financially, holding out grossly absurd visions of speculative profits. This, Mr. Chairman and gentlemen of the House, is not a question of attorneys' contracts. It is a question of the Mississippi Choctaw having his rights for once determined in a court or in a place where his voice shall be heard.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. STEPHENS of Texas. Mr. Chairman, the gentleman has studied this matter and has been investigating it for a number of years, and I know that he has greatly benefited all of us by his arguments. The question I desire to ask is this: Whatever equities these Indians may have—those that have never moved to Oklahoma and still reside in Mississippi—must be against the United States Government for misleading them and not against the Choctaw Indians who are in Oklahoma and who have obeyed the Government in every respect, and who have had the lands patented to them and have had possession of them for 75 years.

Mr. MILLER. Mr. Chairman, I could not quite agree with that statement of the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. HARRISON. Mr. Chairman, I yield the gentleman two minutes more. Mr. Chairman, I want to ask the gentleman a question. I notice that in 1910, on February 2, the gentleman who just asked that question used this language in offering an amendment to the Indian appropriation bill to take care of the Mississippi Choctaws. That was four years, practically, after the final rolls had been closed. Among the other language used by the gentleman from Texas, chairman of the committee, he said this:

> Mr. Chairman, there are yet 400,000 acres of land unallotted and funds unallotted still belonging to the Choctaw tribe, and before these funds are allotted, before this land has gone from the power and possession of the United States and into the hands of innocent purchasers, these Mississippi Choctaw Indians should be protected, and every one entitled to enrollment should be enrolled and receive their pro rata share of the tribal estate. If that is not done, they will be knocking at the doors of Congress for the next 50 years, stating that their claims were rejected when they were just. It is the duty of this Government to ascertain who its wards really are and to legally enroll them and set apart to them their property; and if we do not treat them thus justly and fairly, we will have committed a great moral wrong. This moral obligation rests upon us and can never be paid until justice is done to these Mississippi Choctaw Indians.

[Applause.]

Mr. MILLER. In further answer to the gentleman from Texas, I desire to state without any further consideration of the elements in the case I think the Choctaw Nation, west, has got to make some kind of an accounting to the Choctaws in Mississippi for the $3,000,000 they received from the Government on account of the injuries done to the Choctaws, and that has never yet been done.

Mr. BUTLER. That right is not involved here, is it?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FERRIS. I desire to ask if there is going to be a vote here to-night on this proposition? It is now 5.30, and I think the Members ought to know.

Mr. CARTER. I am perfectly willing—what is the status of the time, Mr. Chairman?

The CHAIRMAN. The gentleman from Oklahoma has 18 minutes and the gentleman from Mississippi 8 minutes.

Mr. CARTER. Mr. Chairman, I yield six minutes to the gentleman from Arkansas [Mr. JACOWAY], who was secretary of the Commission to the Five Civilized Tribes when these matters were adjudicated——

Mr. HARRISON. Mr. Chairman, regular order; I want to object to the gentleman's introduction.

The CHAIRMAN. The gentleman from Arkansas [Mr. JACOWAY] is recognized for six minutes.

Mr. JACOWAY. Mr. Chairman and gentlemen of the committee, some 20 years ago this month the Dawes Commission under an act of Congress of a year previous went to the then Indian Territory charged with the duty of treating with the Indians of the Five Civilized Tribes with a view looking toward the abolishment of their tribal relations—a surrendering of their lands held communistically to a holding in severalty. The Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles comprised the Indians of the Five Civilized Tribes.

The conditions which confronted the commission at that time were most unhappy in so far as the Indian Territory was concerned. In fact, they were deplorable as reflected in the report of the Dawes Commission for that year as well as succeeding years. These conditions might be termed a case of arrested progress. There were as many delicate, intricate, and far-reaching problems to be met and to be honestly, earnestly, and with great ability dealt with and correctly and justly settled as there are tints upon the kaleidoscope. They may again be defined as an anomaly within an anomaly. As varied and multiplied as were these problems there was none so vexatious, troublesome, and which challenged the best thought of the Dawes Commission to a greater degree than did the question as to who were justly entitled to be enrolled as citizens of the Five Civilized Tribes. Ever since then has this question been one much discussed and which has clamored for final settlement at the hands of commissions, tribunals, and courts of intermediate and final jurisdiction. Composing this first commission were Senator H. L. Dawes, of Pittsfield, Mass.; Meredith H. Kidd, of Indiana; and Hon. A. S. McKennon, of Arkansas.

A few years later Col. T. B. Cabiness, of Georgia; Judge A. B. Montgomery, of Kentucky; Gen. Frank C. Armstrong, of Washington City; Hon. T. B. Needles, of Illinois; Hon. Clifton R. Breckinridge, of Arkansas; and Hon. Tams Bixby, of Minnesota, also were at different times appointed upon the commission. These were all good men and selected because of their well-known ability to deal with the questions confronting the

commission. At no time were there more than five members of the commission. The ever-varying fortune of politics was the cause in the change of the personnel of the commission from time to time. Too much credit can not be given to Mr. Bixby for the part that he played in solving the intricate problems before the commission. His membership upon the commission was probably longer than anyone, except Senator Dawes. It fell to his lot to finally wind up the affairs of the Five Tribes, the commission having been in the meantime reduced to one commissioner. He was able, conscientious, and painstaking, and after this great work had practically been finished, the question of citizeship adjudicated, and the affairs almost entirely completed, and Oklahoma found herself merging into statehood, Mr. Bixby, who was at all times a real friend of the Indians, stated that to ever again open the rolls and to cause a readjudication of the many problems that had been solved by courts, commissions, and tribunals would be a great injustice and irremediable wrong, and where the far-reaching influences for evil would end no one could determine. As a friend of the Indians, and as did Capt. McKennon and other members of the commission, he has decided the question against the Mississippi Choctaws who at this time seek enrollment. His opinion is worthy of the greatest weight.

The commission received its name from Senator Henry L. Dawes, of Pittsfield, Mass., who was the first chairman of the commission. In all respects Senator Dawes was a grand old man.

For 36 continuous years Senator Dawes was a Member of this body and the Senate, and during a greater portion of that time he was either chairman of the Committee on Indian Affairs in the House or chairman of the Committee on Indian Affairs in the Senate. In other words, Mr. Chairman, he was regarded by the Indians as their greatest champion. All Indians looked upon him as their leader and their chief who would not fail them, who never had, and, may I add, who never did. He presented to this House and the Senate of the United States more appropriation bills for the benefit of the Indians in the Five Civilized Tribes and other Indians than any other man, living or dead. He gave the last five years of his life to the just settlement of the intricate problems before the civilized tribes at that time. When I left the commission, as secretary, Senator Dawes, who has long since gone to his reward, one hand full of merited honors and the other rich in years, honorably and well spent, stated to me that the crowning injustice of injustices that could be done to the Indians of the Five Civilized Tribes was to ever again open these rolls and to allow a horde of claimants to filch the patrimony of the people of these tribes.

I desire to say in passing that I will attempt to present to the House the chronology of this proposition, and in doing so it will be my highest purpose to cleave close to the facts, and not knowingly will I travel outside of the record. The question before the House is, Are the Mississippi Choctaws now residing in Mississippi entitled to enrollment?

It is contended here that the Mississippi Choctaws are entitled to share in the property of the Oklahoma Choctaws. This principle was first adjudicated in the year 1866 in a case under the style of The Eastern Band of the Cherokee Nation against the United States and the Cherokee Nation, reported in the United States Reports, volume 117, pages 288 to 312, inclusive. The facts of this case, briefly stated, were these: By treaties with the Cherokees the United States had recognized them as a distinct political community, so far independent as to justify and require negotiations with them in that character. The Cherokees in North Carolina dissolved their connection with the Cherokee Nation when they refused to accompany the body of it on its removal, and have had no separate political organization since. Though fostered and encouraged, they have not been recognized by the United States as a nation in whole or in part, and as then organized were not the successor of any organization recognized by any treaty or law of the United States. The facts are, further, the eastern Cherokees in this suit sought a share of the commuted annuity fund of $214,000 and of the fund created by sales of land west of the Mississippi ceded to the Cherokee Nation. The facts show in addition that the Eastern Band of Cherokees never removed west and identified themselves with the original band that did so, claiming that it was not necessary so to do; that the Cherokee Indians, both those residing east and west of the Mississippi River formerly constituted one people and composed the Cherokee Nation; that by various treaty stipulations with the United States they have become divided into two branches, known as the Eastern Cherokees and the Western Cherokees; and that the Eastern Cherokees constitute a portion of the former, and as such are entitled to a proportionate share of the funds which the United States holds in trust for the nation. These are the facts in the main as gleaned from the syllabus and the statement of the court in this case.

In a lengthy and illuminating opinion rendered by Mr. Justice Fields, covering a number of pages, he concludes his opinion with the words:

They—

Speaking of the Eastern Band of Cherokees—

can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation and not in any respect for those who had separated from it and become aliens to their nation. We see no just ground on which the claim of the petitioners can rest to share in either of the funds held by the United States in trust for the Cherokee Nation, and the decree of the Court of Claims must therefore be affirmed.

In my judgment, this case is directly in point with the proposition involved in the amendment offered by the gentleman from Mississippi [Mr. HARRISON] and a solemn adjudication by the highest court in the land against his contention.

The next decision of this matter came also in 1886, as reported in One hundred and nineteenth United States Reports, page 36, in a case under the style of Choctaw Nation against United States:

The Supreme Court of the United States, in the case of the Choctaw Nation *v.* United States (119 U. S., 36), after reviewing the treaties of 1820 and 1825, says:

"In the meantime, however, under the pressure of the demand for settlement of the unoccupied lands of the State of Mississippi by emigrants from other States, the policy of the United States in respect to the Indian tribes still dwelling within its borders underwent a change, and it became desirable, by a new treaty, to effect, as far as practicable, the removal of the whole body of the Choctaw Nation as a tribe from the limits of the State to the lands which had been ceded to them west of the Mississippi River. To carry out that policy the treaty of 1830 was negotiated."

Again, in the case, page 27, the court says:

"It is notorious as a historical fact, as it abundantly appears from the records of this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed not so much to secure to the Indians the rights for which they had stipulated as to effectuate the policy of the United States in regard to their removal.

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands. (7 Stat. L., 333.)

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view of becoming citizens of that State. They and their descendants were to receive certain lands and, after living on them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove for removing, and for that reason forfeit his right to the annuity, because so long as he remained in Mississippi he was not entitled to any annuity, and therefore by removing he could not forfeit that which he did not have. If he removed he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then, what are its uses? The very object of the treaty was to procure a removal of these people. The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were left behind to retain not this Choctaw citizenship but only the "privileges of a Choctaw citizen"; that is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer or a Mississippi Choctaw to receive so long as he remained in Mississippi and out of the were to commit a wrong against the person or property of another, the limits of the Choctaw Nation? By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Choctaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not, it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830 and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantee shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants, for while the grant is to the Choctaw Nation the people seem to be included, both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. Whatever effect upon the title the limitation upon the right of alienation expressed in the patent, so that the lands can not be sold except to the grantor or by its consent, may have, there can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent, and in which no limitation on the right of alienation is expressed, was intended to convey a fee-simple title, burdened by two conditions subsequent, the one that the grantees should continue the corporate existence of their nation, and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor.

Now, why was it that this fee-simple title was to be burdened by the condition that the grantee must live on the land? In the light of the knowledge of the conditions that then existed the answer is plain. The policy of the Federal Government at that time, relating to the Indian tribes, was to move them upon a reservation and keep them there; and if the Indian, either singly or in numbers, should stray off, soldiers with guns and bayonets were used to drive them back. This very treaty was negotiated with the Choctaws for that very purpose. Hence the condition in the grant that they should live on the land or it should be subject to forfeiture to the United States. This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands, and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. This would defeat the very object of the condition. These lands were conveyed to the Choctaw people to be held by them as tenants in common. This intention of the second article of the treaty of 1830 is expressed by the use of the words "them and their descendants" and of the clause that they were to "live on the land." Both of these clauses are expressed in the plural and evidently do not relate to the nation as a corporate body. That a tenancy in common was intended is made clear by a consideration of section 3 of an act of Congress entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi River," approved May 28, 1830 (4 U. S. Stat. L., 412). The section reads as follows:

"And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States if the Indians become extinct or abandon the same."

At the time the treaty of 1830 was negotiated—September 29, 1830—this act had been on the statute books of the United States for four months, and as a matter of course the commissioners to negotiate the treaty were familiar with it. But the language used in this act to limit the estate is "to them, their heirs, or successors." The language used in the treaty to limit the estate therein granted is "in fee simple to them and their descendants," and then conditions are attached not named in the statute. Why the word "successors" was left out of the treaty is plain. But why the word "heirs" was changed to the word "descendants," unless it was that a word should be used within the comprehension of those untutored Indians, who knew nothing of the technical phrases of the common law used in the conveyance of real estate, is not easy to determine. The word "successors" was omitted from the treaty because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever, or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used, these Indians could understand it. They knew what they and their offspring were. It was to them—the people and their children—that the land was sold, and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal to and a continual residence upon them.

As a further evidence that the parties understood that by this transaction the land was to be held in common by the people, the treaty of 1833, article 1, provides, after describing the lands, as follows:

"And *pursuant to an* act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw Tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same." (4 U. S., Stat. L., 276.)

If this be true, there is no holding in trust by the corporate body of the Choctaw Nation for the benefit of the people, but the people themselves have the title and hold it in common.

"A tenancy in common is a joint estate in which there is unity of possession, but separate and distinct title. The tenants have separate and independent freeholds or leaseholds in their respective share, which they manage and dispose of as freely as if the estate was one in severalty. * * * The interest of one tenant in common is so independent of that of his cotenant that in a joint conveyance of the estate it would be treated as a grant to each of his own share of the estate." (Tiedeman on Real Property, 235.)

And therefore any condition of the grant would be as binding on each of the tenants in common as if the estate was in severalty and vested in the individual tenant. And therefore the condition named in the second article of the treaty of 1830 and in the patent, that "they shall live on the land," is binding individually upon each and upon all of the grantees.

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes, and thereafter exercise with them in their own country the privileges of citizenship, they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed, the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they were to live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly located nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give to every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey, and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the general council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation; Therefore

"Be it resolved by the general council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is, not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the State that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

As a further evidence of the fact that all of the parties to the treaty, the United States, the Choctaw Nation, and the Mississippi Indians themselves, have always understood that the Mississippi Choctaws were entitled to none of the rights of a Choctaw citizen so long as they remained in that State, attention is called to the fact that the lands in Mississippi which were ceded to the United States by the Choctaw Nation by virtue of the treaty of 1830 were, under the laws of the United States, sold. The Choctaw Nation claimed that they had never been paid any consideration for them, and that the United States justly owed them the net proceeds arising out of the sale. For many years this contention was carried on before the departments of the Government, commissions, and other tribunals. Finally, by treaty, it was submitted to the Senate of the United States for decision. That body found in favor of the Choctaw Nation. The case then went to the Court of Claims, and from there to the United States Supreme Court, in which court judgment was finally rendered for nearly $3,000,000. This judgment was rendered in November, 1886. The money was turned over to the Choctaws by the United States, and by them, with the knowledge and consent of the United States, divided among their own people who lived in the nation. Not one farthing of it was ever paid to an absent Mississippi Choctaw, and no portion of it was ever claimed by them. During this whole litigation, running through many years, no effort was made to make themselves parties to the suit. And when the money was finally paid to the Choctaw authorities, to be divided among the people, they made no claim for any part of it and entered no protest to its being paid to the resident Choctaws, nor have they brought suit for their share since. The other party to the treaty, the United States Government, the guardian of these Indians, paid the money over without making any provision for the Mississippi Choctaws to get their share or intimating that anything was due them. When it is remembered that this money was the proceeds of the sale of the lands in Mississippi belonging to the united Choctaw people while they lived in that State and that the great bulk of the Mississippi Choctaws had never received one farthing for their share in the lands, if they, living in Mississippi, are entitled there to the rights of a Choctaw citizen, it is remarkable that they did not assert their rights.

Again, a few years ago the interest of the Choctaws to lands lying west of their present boundaries was sold by them to the United States for a considerable sum of money. This, like the other, was promptly divided among the resident Choctaws, with the knowledge and consent of the United States and without protest or claim of the Mississippi Choctaws. If they are entitled to the privilege of Choctaw citizens without removing into the boundaries of the nation, they are and were

entitled to their pro rata share of this money. If they do not understand that they have no claim to the rights of citizenship without moving into the country, why have they for the past 65 years silently stood by and permitted these kinds of transactions to be had without claim, protest, or suit?

The Eastern Band of Cherokees, now residing in North Carolina, sustained a relationship to the Cherokee Nation almost identical to that sustained by the Mississippi Choctaws to the Choctaw Nation. Like the Mississippi Choctaws, there were some among them who were averse to moving to their new country west of the Mississippi River. Provisions were made for them by the treaty of New Echota (the treaty of 1835) between the Cherokee Nation and the United States similar to those with the Choctaws by the treaty of 1830. When the Cherokee people moved to the present home of the Cherokees, these remained behind in North Carolina, where they have ever since resided. Like the Choctaw treaty of 1830, the treaty of New Echota provided that their lands should be ceded to them and their descendants, etc. The Cherokee Nation, by virtue of a treaty with the United States, afterwards sold some of these lands. The Eastern Band of Cherokees, in North Carolina, unlike their Mississippi Choctaw brethren, promptly demanded their pro rata of the proceeds of this sale, and upon being denied at once sought and obtained permission of the United States to sue the Cherokee Nation in the Court of Claims for this money, and also, in the same suit, to sue for another fund which was created by the treaty of New Echota, consisting of certain annuities in the sum of $214,000, of which the Eastern Band of Cherokees claimed a pro rata share. The suit was brought and the Court of Claims, in a very elaborate and learned decision, decided against the right of the Eastern Band of Cherokees to recover, upon the ground that those Cherokees, by the act of remaining in North Carolina, had alienated themselves from the Cherokee Nation to such an extent that they could not claim any of the rights of a Cherokee citizen without moving into the Cherokee Nation and there being readmitted in accordance with the constitution and laws of that nation. The case was appealed to the Supreme Court of the United States, and there the decision of the Court of Claims was affirmed. (Eastern Band of Cherokees *v.* United States, 117 U. S., 288.) In that case the Supreme Court, after reviewing all of the treaties and statutes relating to the matter, concluded by saying:

"If the Indians in that State (North Carolina) or in any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation, and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitioners can rest in either of the funds held by the United States in trust for the Cherokee Nation."

It seems to me that this decision of the Supreme Court, founded on a case so nearly similar to the one at hearing, conclusively settles the contention in favor of the Choctaw Nation. Indeed, in that case, the Supreme Court expresses a very strong intimation that those provisions of the treaty of New Echota relating to and providing for those Cherokees who should refuse to remove West were confined in their operation to that class of Cherokees then in esse, and the rights conferred by those provisions of the treaty did not descend to their offspring; that the descendants of those Cherokees did not succeed to the rights of their ancestors under the treaty. The language of the Supreme Court is:

"Nor is the band (Eastern Band of Cherokees), organized as it now is, the successor of any organization recognized by any treaty or law of the United States. Individual Indians who refuse to remove West and preferred to remain and become citizens of the States in which they resided were promised certain moneys, but there is no evidence that the petitioners have succeeded to any of these rights. The original claimants have probably all died, for 50 years have elapsed since the treaty of 1835 was made, and no transfer from them to their legal representatives is shown. (Ib., 310.)"

The court proceeds, however, to decide this case, as heretofore shown, on the ground that the Indians composing the Eastern Band of Cherokees had not removed into the Cherokee Nation and reassumed their citizenship under the constitution and laws of that nation.

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

The counsel for the claimants lay considerable stress on the effect of the provisions of article 13 of the treaty of 1866 between the United States and the Choctaw Nation. (14 Stat., —.)

By the eleventh and twelfth articles of that treaty a scheme was devised by which the lands of the Choctaw and Chickasaw Nations were to be surveyed and divided and allotted to the individual Indians, provided the councils of the respective nations should agree to it, which, however, they have refused to do. A land office was to be established at Boggy Depot, in the Choctaw Nation. When all of the surveys were completed, maps thereof were to be filed in the said land office, subject to the inspection of all parties interested, and immediately thereafter notice of such filing was to be given for 90 days, calling upon all parties interested to examine said maps to the end that errors in the location of occupancies, which were to be noted on the maps, might be corrected. Then followed article 13 of the treaty, which is as follows:

"ART. 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide residents in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof."

From an examination of this article of the treaty it will be seen that the Choctaws and Chickasaws recognized the right of absent members of their nation to participate in the allotment and the subsequent ownership of their lands to the same extent as they themselves enjoyed, but on conditions, however: First, that they should satisfy the register of the land office of their intention to become bona fide residents in the said nation within five years from the time of said selection; and, second, that within the said five years they should actually remove into the said nation (here is a statute of limitation); and, third, that within the said five years they should occupy and commence an improvement upon the selected lands.

It will be observed that this latter clause imposes a condition on absent Indians nowhere required of the resident ones by any clause of the treaty. They were required to move into the country and show their good faith and their intention to remain bona fide citizens of the nation by actual occupancy of the land and an expenditure of money in its improvement. The notice was to be given them in order that they might have an opportunity of removing into the nation and there residing and resuming their rights as citizens; but care was to be taken, and safeguards provided by which their removal was to be actually had, and that it was to be done in good faith. First, the register of the land office was to be convinced, by such proof as might satisfy him, of the intention of the absent Indian to become a bona fide resident of the nation before he was allowed to make a selection; and, second, that was to be followed by an actual occupancy and improvement of the land; and if he failed in this it worked a forfeiture of his rights. Nowhere within the whole treaty is any right recognized or conferred on an absent Indian except on the condition that he shall remove into the nation, and the right is not to be consummated or enjoyed until after actual removal. No treaty or act of the Choctaw council, or of any officer of the Choctaw Nation, since the treaty of 1830, can be cited—or at least I have not found them—whereby any right or privilege has been conferred, granted, or recognized in or to a Mississippi Choctaw, so long as he shall remain away from his people, but there are an infinitude of such acts and conduct granting and recognizing such rights and privileges to him after he shall have removed.

The provisions of the treaty of 1866, so far from being an authority in favor of the contention of claimants, seems to me to be strongly against them.

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

And again, in 1898, the Dawes Commission, under an act approved June 7, 1897, and who were specially charged with the duty of reporting on the rights of the Mississippi Choctaws now residing in Mississippi who were entitled to enrollment. That report is as follows:

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES UPON THE QUESTION "WHETHER THE MISSISSIPPI CHOCTAWS UNDER THEIR TREATIES ARE NOT ENTITLED TO ALL THE RIGHTS OF CHOCTAW CITIZENSHIP, EXCEPT AN INTEREST IN THE CHOCTAW ANNUITIES," REQUIRED BY ACT OF CONGRESS APPROVED JUNE 7, 1897.

To the Congress of the United States:

The Commission to the Five Civilized Tribes were required by act approved June 7, 1897, to—

"Examine and report to Congress whether the Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship, except an interest in the Choctaw annuities."

The commission has attended to that duty, and make the following

REPORT.

The Mississippi Choctaws are the descendants of those Choctaw Indians who declined to remove to the Indian Territory with the tribe under the provisions of the treaty made with the United States September 27, 1830, under which the Choctaws obtained their present reservation in the Indian Territory. There has never been a census taken of them, but they are estimated to number at the present time about 1,200. These are represented to be a poor and feeble band, somewhat scattered in different parts of the State of Mississippi, but located mostly in the counties of Neshoba, Newton, Leake, Scott, and Winston. They claim the right to continue their residence and political status in Mississippi, as they and those from whom they descended have done for 65 years, and still are entitled to enjoy all the rights of Choctaw citizenship except to share in the Choctaw annuities. This claim is based on the fourteenth article of said treaty, which is in these words:

"ARTICLE 14. Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

What their political status is in the State of Mississippi is defined in this fourteenth article of the treaty. Their ancestors, each, was to

signify, within six months after the ratification of the treaty, his desire to remain and become a citizen of the States, which would entitle them to 640 acres of land and a less amount to each member of his family, and after a residence on the same of five years with intent to become a citizen, are then entitled to a patent in fee, and are thereby made citizens of the States. Their ancestors having done this, they claim under the concluding clause of said article that their ancestors could and they now can continue such citizenship and residence in Mississippi and be still entitled to all the rights of a Choctaw citizen in the tribal property of said nation in the Indian Territory, except their annuities. This clause upon which the claim rests is in these words:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

But this construction is in direct conflict with the very purpose for which the treaty was made, and with the nature of the title to the lands in the territory secured to the Choctaws by it, and to the whole structure and administration of their government ever since under it.

No fact is better established than this, that the leading motive, if not the only one, on the part of the United States, was to get the Chocaws out of Mississippi and into what is now the Indian Territory. They accordingly provided in the second article of the treaty, among other things, that the Choctaws should live on the land ceded to them by it in the Indian Territory. That article is in these words:

"ARTICLE 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it [here follows a description of the land], the grant to be executed as soon as the present treaty shall be ratified."

And the Choctaws agree in the third article to remove all their people to this territory during the years 1831, 1832, and 1833.

Now, to construe the concluding clause of the fourteenth article to mean an offer to those who refuse to go with their brethren to the new territory an equal share in the new lands with those who go and the additional fee simple of 640 acres of land in Mississippi and citizenship if they do not go, is to offer a bounty to those who refuse to go, and would defeat the very purpose of the treaty. Not one would have gone when offered so much better terms for staying. It is well known that the Choctaws were very reluctant to enter into this treaty at all, because a portion of them—the ancestors of these claimants—refused to leave with the main body, and the treaty was not executed till the provisions of the fourteenth article were made for those unwilling to leave with their brethren. But the United States did not cease its original purpose to secure the removal of them all to the new country, even those provided for in the fourteenth article. They therefore inserted the concluding clause to that article to the effect of a continuing offer and pledge, that if they did ever "remove"—that is, if they ever changed their minds and concluded to remove—the fact that they had been freeholders and citizens of Mississippi should not bar them out of Choctaw citizenship, but that they should share like all the rest in everything but the annuities. Thus construed the clause is a standing inducement to those Indians to remove in accordance with the purpose of the treaty instead of a standing bounty to remain and thus thwart that purpose.

In addition to the condition which entered into the title that the grantees must "live on it" or lose it, the nature of the title was such that these claimants could derive no benefit from it without living on it, and by remaining in Mississippi it would be worthless to them. It is a territory in common, and has been held as such from that day, 1830, till now. Now no tenant in common who voluntarily leaves the common property to the occupancy of his contenants can ever claim of them any of the fruits of its use. So that these Mississippi Choctaws, if they are cotenants with the resident Choctaws in these lands in the Indian Territory, must first go there and occupy them with their cotenants or forego any use of them.

Another condition of this title is that the grantees shall not only "live upon it," but if the Choctaw Nation ceases to exist the title is lost. If all the Choctaws should follow the example of these Mississippi Choctaws and remain residents and citizens of Mississippi, it would ipso facto cease to exist as a nation and the title be lost. It is impossible to conceive that the Choctaw Nation itself, as well as the United States, entered into this fourteenth article with any intention of enabling them so to do.

As further evidence that both parties to this treaty understood that they had created a title to be held in common by the members of the tribe alone, in which no one not a member could have any interest, the United States and the Choctaws entered into a treaty in 1855 in respect to the title to those lands (U. S. Stats., 11, p. 612), the first article of which is in these words:

"ARTICLE I. And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw Tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

Although it is true that any vested right of the Mississippi Choctaws in this land could not be affected by any treaty to which they were not a party, attention is called to this article for the double purpose of showing that both the United States and the Choctaw Nation have from the beginning held that the title has always been in the members of the tribe alone, and is now so fixed that no one else but members can share in it. The treaty uses the same language in the outset as is used in the treaty of 1830 containing the fourteenth article, on which the present claim rests. It says, like that treaty, that it is entered into "pursuant to an act of Congress approved May 28, 1830," and then declares that "the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw Tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

There can be no longer doubt that the present title is in the members of the tribes alone, and that the United States has pledged itself to so maintain it, and that it so does in the belief of both parties to the treaty that such was the title from the beginning. No man can, therefore, as the title now stands, have any interest in these lands unless he is a member of one of these tribes.

Now, it has been a law of the Choctaw Nation from the beginning of its existence, recognized by the Supreme Court and by Congress, that no man can be a citizen of that nation who does not reside in it and assume the obligations of such citizenship before he can enjoy its privileges. To "enjoy the privileges of a Choctaw citizen" one must be a Choctaw citizen.

If this land should be ultimately allotted, any allotment to other than a citizen would come in direct conflict not only with the terms of the treaty but also with the whole system of the Choctaw government from the beginning. By the treaty, the allottee must be a member of either the Choctaw or Chickasaw Tribes. He can, being a stranger, neither occupy nor sell his allotment, for by the treaty all strangers are to be kept out of the territory, and the land is to be sold to no one except with the consent of both tribes.

This historical review of the acquisition of this territory by the Choctaw Nation, and its subsequent legal relations to it, makes it clear in the opinion of this commission that the Mississippi Choctaws are not, under their treaties, entitled to "all the rights of Choctaw citizenship except an interest in the Choctaw annuities," and still continue their residence and citizenship in the State of Mississippi.

What, then, are "the privileges of a Choctaw citizen," secured to them by the fourteenth article of the treaty of 1830? That article, after having secured to those unwilling to remove with their brethren to the Indian Territory, 640 acres of land and enrollment and citizenship in the State of Mississippi, added this further clause:

"Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The commission are of the opinion that this clause was intended to offer a further inducement to those Indians to follow at some future time their brethren and join them in their new home, and that the true construction of it is that the door of admission shall be kept open to them, and if they ever remove this stay and citizenship in Mississippi shall not bar them out, but that, notwithstanding it, they shall be admitted to all the privileges of Choctaw citizenship equally with all others, save only a share in their annuity. This construction finds further corroboration in the treaty of 1866 (14 Stat. L.), between the United States and the Choctaws and Chickasaws concerning the title to this same territory. In this treaty, for the first time, the possibility of an allotment of these lands in severalty to the members of the tribes at some time in the future was recognized. It was, therefore, provided in this treaty that whenever the tribes desired it, such allotment among their members should take place, and at great detail the manner in which it was to be done was set forth. The treaty then provided that before it did take place notice should be given "not only in the Choctaw and Chickasaw Nations but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided,* That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid, the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof."

There can be no doubt that this provision was inserted for the special benefit of those claiming to enjoy the rights of a Choctaw citizen under this fourteenth article of the treaty of 1830, many of those Choctaws having wandered away from Mississippi into the other States mentioned. It was a notice to them that these lands were about to be allotted to members of the tribes, and if they desired to avail themselves of a share in the allotment they must make themselves such members by coming from "outside" and join their brethren in the common citizenship of the nation.

The terms upon which each applicant can avail himself of this opportunity are clear and unequivocal. He must satisfy the register of his intention to become a bona fide resident in the Territory within five years of the date of his application before he can select his allotment. And a failure to remove into said nation and to occupy and commence improvement on the land so occupied within the time specified forfeits altogether the selection.

This proviso needs no explanation. The United States and the Choctaws have affixed it to the title, and those claiming the benefit of the fourteenth article must conform to it or lose their rights.

It follows, therefore, from this reasoning, as well as from the historical review already recited, and the nature of the title itself, as well as all stipulations concerning it in the treaties between the United States and the Choctaw Nation, that to avail himself of the "privileges of a Choctaw citizen" any person claiming to be a descendant of those Choctaws who were provided for in the fourteenth article of the treaty of 1830, must first show the fact that he is such descendant, and has in good faith joined his brethren in the Territory with the intent to become one of the citizens of the nation. Having done so, such person has a right to be ernolled as a Choctaw citizen and to claim all the privileges of such a citizen except to a share in the annuities. And that otherwise he can not claim as a right the "privilege of a Choctaw citizen."

To the claim, as thus defined, the Choctaw Nation has always acceded, and has manifested in many ways its willingness to take into its citizenship any one or all of the Mississippi Choctaws who would leave their residence and citizenship in that State and join in good faith their brethren in the Territory, with participation in all the privileges of such citizenship, save only a share in their annuities, for which an equivalent has been given in the grant of land and citizenship in Mississippi.

The national council, in view of the poverty and inability of these Choctaws to remove at their own expense to the Territory, memorilized Congress on December 9, 1889, to make provision for their removal by the adoption of the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore,

"*Be it resolved by the general council of the Choctaw Nation assembled,* That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation, etc."

It is a significant fact that this claim on the part of the Mississippi Choctaws to all the privileges of a citizen in the Choctaw Nation, and still retain their residence and citizenship in the State of Mississippi, is a very recent one. There is no evidence known to the commission that the early Mississippi Choctaws ever made such a claim. In later years the Choctaws and Chickasaws have sold at different times large portions of their territory to the United States, and the proceeds, amounting in the aggregate to several millions of dollars, have been distributed per capita among the Choctaw and Chickasaw citizens. If this claim as now presented is the correct one, these Mississippi Choctaws were entitled to their per capita share in all the money equally with all other citizens of the nation, yet not a dollar of it was ever paid to them or claimed by them.

This claim to participate in the privileges of a Choctaw citizen and still retain a residence and citizenship in Mississippi has recently come before the United States court in the third district in the Indian Territory, in the case of Jack Amos et al. *v.* The Choctaw Nation, No. 158 on the docket of that court. The case was an appeal of Mississippi Choctaws from a refusal of this commission to place them on the rolls of Choctaw citizenship. The court, Judge William H. H. Clayton, overruled the appeal and confirmed the judgment of this commission, denying such enrollment, in a very elaborate and exhaustive opinion.

If, in accordance with this conclusion of the commission, these Mississippi Choctaws have the right at any time to remove to the Indian Territory, and, joining their brethren there, claim participation in all the privileges of a Choctaw citizen save participation in their annuities, still, if any person presents himself claiming this right, he must be required by some tribunal to prove the fact that he is a descendant of some one of those Indians who originally availed themselves of and conformed to the requirements of the fourteenth article of the treaty of 1830. The time for making application to this commission to be enrolled as a Choctaw citizen has expired. It would be necessary, therefore, to extend by law the time for persons claiming this right to make application and be heard by this commission or to create a new tribunal for that purpose.

In conclusion, it seems to the commission that the importance of a correct decision of this question, both to the Mississippi Choctaws and the Choctaw Nation, justifies a provision for a judicial decision in a case provided for that purpose. They therefore suggest that, in proper form, jurisdiction may be given the Court of Claims to pass judicially upon this question in a suit brought for that purpose by either of the interested parties.

Respectfully submitted.

HENRY L. DAWES,
TAMS BIXBY,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
Commissioners.

WASHINGTON, D. C., *January 28, 1898.*

I wish next to call the attention of the committee to the decision of the Jack Amos case in 1899. Let it be remembered that Jack Amos was a Mississippi Choctaw. He, like the present Mississippi Choctaws who seek enrollment now, had never removed to Oklahoma and established a citizenship, but remained in Mississippi. Let it also be borne in mind that this opinion was rendered by a tribunal clothed with especial power to hear and determine the rights of the Mississippi Choctaws to enrollment as members of the Choctaw Tribe of Indians of Oklahoma:

THE JACK AMOS CASE AND THE FEDERAL COURT DECISIONS THEREON.

The decision in the Jack Amos case is as follows:

DECISIONS OF COURTS IN CITIZENSHIP CASES IN FIVE CIVILIZED TRIBES.

CHOCTAW NATION.

[Opinion of William H. H. Clayton, judge central district of Indian Territory.]

There are upon the docket of this court, appealed from the commission to negotiate with the Five Civilized Tribes, known as the Dawes Commission, 241 cases, involving the right of citizenship in the Choctaw Nation of about 2,500 applicants.

All of these cases have been by my predecessor, Judge Lewis, placed on the equity side of the docket, and in the case of Mary A. Sanders, No. 63, a motion to transfer to the law side of the docket was filed and argued and by him overruled. It is not my purpose in these cases to disturb or to go back and open up questions already decided but to adopt the past rulings of the court and to proceed as rapidly as possible to a final disposition of them. In passing I will remark, however, that it seems to me that the peculiarity of these cases, the many suits brought by persons having a common interest and a common purpose against the same defendant, the difficulties of enforcing the rights by judgments at law, and the many equities claimed by both parties to these suits make them proper cases for a court of equity.

The question of the jurisdiction of this court to hear and determine these cases has been raised by the pleadings. The counsel on neither side, however, have seen fit to press this question or to point out, either by brief or oral argument, the reasons for this contention. The statute giving the court jurisdiction is plain, and I know of no constitutional objections. It has been said, however, that Congress does not possess the power, under the Constitution, to give to the courts of the United States appellate jurisdiction over the final orders and awards of commissions and other such tribunals. This very question was raised in the case of The United States *v.* Ritchie, decided by the Supreme Court of the United States, and reported in volume 58, United States Supreme Court Reports, page 524. In that case the proceedings were originally commenced before a board of commissioners to settle private land claims in California, under an act of Congress of March 3, 1851. Provisions were made by the act, at the suit of the losing party, for an appeal to the United States district court for the northern district of California. The board decided the case in favor of the claimant and against the Government. The United States appealed, in accordance with the provisions of the statute, to the aforesaid district court, where it was again tried de novo and an appeal regularly taken to the United States Supreme Court. In that court the question of the jurisdiction of the district court to try the case was raised. The contention is stated in the opinion. In deciding the case the court say:

"It is also objected that the law prescribing an appeal to the district court from the decision of the board of commissioners is unconstitutional, as this board, as organized, is not a court under the Constitution and can not, therefore, be vested with any of the judicial powers conferred upon the General Government.

"But the answer to this objection is that the suit in the district court is to be regarded as an original proceeding, the removal of the transcript, papers, and evidence into it from the board of commissioners being but a mode of providing for the institution of the suit in that court. The transfer, it is true, is called an appeal; but we must not, however, be misled by a name but look to the substance and intent of the proceedings. The district court is not confined to a mere reexamination of the case as heard and decided by the board of commissioners but hears the case de novo, upon the papers and testimony which had been used before the board, they being made evidence in the district court, and also upon such further evidence as either party may see fit to produce."

Following this decision, I will in these cases proceed as if they were originally brought in this court, try them de novo, and give to all of the parties all of the advantages of an original suit—that is, all cases brought here in conformity with the statute.

It is therefore ordered by the court that the claimants to the right of citizenship in these cases may have 15 days from this date—that is, until the —— day of July, 1897—in which to take and file further proof, and that the Choctaw Nation may have immediately thereafter 15 days in which to take and file further rebuttal proof—that is, from the said —— day of July, ——, until the —— day of July, 1897—and that all legal testimony heretofore taken and filed with the so-called Dawes Commission shall be considered as competent proof on the trial of these cases.

And that the trial of all of these cases, except such as may be disposed of otherwise, are hereby set for trial on Tuesday, the —— day of ———, 1897.

These cases naturally divide themselves into six heads or classes, to wit:

1. As to the right of citizenship of those Choctaws who, under the treaty of 1830, decided to remain in the State of Mississippi, called "Mississippi Choctaws," and have not since removed into the present Choctaw Nation.

[No. 158.]

I.—JACK AMOS ET AL. V. THE CHOCTAW NATION.

In this case the proof shows that the claimants are Choctaw Indians by blood now living in the State of Mississippi; that neither they nor their ancestors have ever removed into the present Choctaw Nation.

The claimants base their right to be enrolled as Choctaw citizens upon the terms of the second and fourteenth articles of the treaty negotiated at Dancing Rabbit Creek on September 27, 1830, and of the conditions of the patent to the lands of the Choctaw Nation executed by President Tyler in the year 1842. (Durant Ed. Choctaw Laws, p. 31.)

Articles 2 and 14 of the treaty of 1830 are as follows:

"ART. 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United State, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825. The grant to be executed as soon as the present treaty shall be ratified.

"ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the State, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The conditions of article 2 of the treaty, that the land should be conveyed "to the Choctaw Nation in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," are carried into the patent, and are the only portions of that instrument which shed any light on the question now being considered, and therefore article 2 and the conditions of the patent may be considered together.

The whole object of the treaty of 1830 was to procure the removal, as far as practicable, of the Choctaw people to the lands west of the Mississippi which they now occupy. The Supreme Court of the United States, in the case of the Choctaw Nation *v.* United States (119 U. S., 36), after reviewing the treaties of 1820 and 1825, says:

"In the meantime, however, under the pressure of the demand for settlement of the unoccupied lands of the State of Mississippi by emigrants from other States, the policy of the United States in respect to the Indian tribes still dwelling within its borders underwent a change, and it became desirable, by a new treaty, to effect, as far as practicable, the removal of the whole body of the Choctaw Nation, as a tribe, from the limits of the State to the lands which had been ceded to them west of the Mississippi River. To carry out that policy the treaty of 1830 was negotiated."

Again, in the case, page 27, the court says:

"It is notorious as a historical fact, as it abundantly appears from the records of this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed not so much to secure to the Indians the rights for which they had stipulated as to effectuate the policy of the United States in regard to their removal."

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands. (7 Stat. L., 333.)

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view of becoming citizens of that State. They and their descendants were to receive certain lands, and after living on them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove for removing, and for that reason forfeit his right to the annuity, because so long as he remained in Mississippi he was not entitled to any annuity, and therefore by removing he could not forfeit that which he did not have. If he removed he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then what are its uses? The very object of the treaty was to procure a removal of these people. The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were left behind to retain not this Choctaw citizenship but only the "privileges of a Choctaw citizen"; that is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer or a Mississippi Choctaw to receive so long as he remained in Mississippi and out of the limits of the Choctaw Nation? By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw were to commit a wrong against the person or property of another, the right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Chocaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not, it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830 and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantee shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants, for while the grant is to the Choctaw Nation the people seem to be included, both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits, it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. Whatever effect upon the title the limitation upon the right of alienation expressed in the patent, so that the lands can not be sold except to the grantor or by its consent, may have, there can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent, and in which no limitation on the right of alienation is expressed, was intended to convey a fee-simple title, burdened by two conditions subsequent. the one that the grantees should continue the corporate existence of their nation and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor.

Now, why was it that this fee-simple title was to be burdened by the condition that the grantee must live on the land? In the light of the knowledge of the conditions that then existed, the answer is plain. The policy of the Federal Government at that time, relating to the Indian tribes, was to move them upon a reservation and keep them there; and if the Indian, either singly or in numbers, should stray off, soldiers with guns and bayonets were used to drive them back. This very treaty was negotiated with the Choctaws for that very purpose. Hence the condition in the grant that they should live on the land or it should be subject to forfeiture to the United States. This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands, and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. This would defeat the very object of the condition. These lands were conveyed to the Choctaw people to be held by them as tenants in common. This intention of the second article of the treaty of 1830 is expressed by the use of the words "them and their descendants" and of the clause that they were to "live on the land." Both of these clauses are expressed in the plural, and evidently do not relate to the nation as a corporate body. That a tenancy in common was intended is made clear by a consideration of section 3 of an act of Congress entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi River," approved May 28, 1830 (4 U. S. Stat. L., 412). The section reads as follows:

"And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

At the time the treaty of 1830 was negotiated—September 29, 1830—this act had been on the statute books of the United States for four months, and as a matter of course the commissioners to negotiate the treaty were familiar with it. But the language used in this act to limit the estate is "to them, their heirs, or successors." The language used in the treaty to limit the estate therein granted is "in fee simple to them and their descendants," and then conditions are attached not named in the statute. Why the word "successors" was left out of the treaty is plain. But why the word "heirs" was changed to the word "descendants," unless it was that a word should be used within the comprehension of those untutored Indians, who knew nothing of the technical phrases of the common law used in the conveyance of real estate, is not easy to determine. The word "successors" was omitted from the treaty because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever, or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used these Indians could understand it. They knew what they and their offspring were. It was to them—the people and their children—that the land was sold, and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal to and a continual residence upon them.

As a further evidence that the parties understood that by this transaction the land was to be held in common by the people, the treaty of 1833, article 1, provides, after describing the lands, as follows:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw Tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided, however*, No part there of shall ever be sold without the consent of both tribes and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same. (4 U. S. Stat. L., 276.)"

If this be true, there is no holding in trust by the corporate body of the Choctaw Nation for the benefit of the people, but the people themselves have the title and hold it in common.

"A tenancy in common is a joint estate in which there is unity of possession but separate and distinct title. The tenants have separate and independent freeholds or leaseholds in their respective share, which they manage and dispose of as freely as if the estate was one in severalty. * * * The interest of one tenant in common is so independent of that of his cotenant that in a joint conveyance of the estate it would be treated as a grant to each of his own share of the estate. (Tiedeman on Real Property, 235.)"

And therefore any condition of the grant would be as binding on each of the tenants in common as if the estate was in severalty and vested in the individual tenant. And therefore the condition named in the second article of the treaty of 1830 and in the patent, that "they shall live on the land," is binding individually upon each and upon all of the grantees.

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes, and thereafter exercise with them in their own country the privileges of citizenship, they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed, the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they were to live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly located nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give to every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey, and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the general council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore

"Be it resolved by the general council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is, not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the State that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

As a further evidence of the fact that all of the parties to the treaty, the United States, the Choctaw Nation, and the Mississippi Indians themselves, have always understood that the Mississippi Choctaws were entitled to none of the rights of a Choctaw citizen so long as they remained in that State, attention is called to the fact that the lands in Mississippi which were ceded to the United States by the Choctaw Nation by virtue of the treaty of 1830 were, under the laws of the United States, sold. The Choctaw Nation claimed that they had never been paid any consideration for them, and that the United States justly owed them the net proceeds arising out of the sale. For many years this contention was carried on before the departments of the Government, commissions, and other tribunals. Finally, by treaty, it was submitted to the Senate of the United States for decision. That body found in favor of the Choctaw Nation. The case then went to the Court of Claims, and from there to the United States Supreme Court, in which court judgment was finally rendered for nearly $3,000,000. This judgment was rendered in November, 1886. The money was turned over to the Choctaws by the United States, and by them, with the knowledge and consent of the United States, divided among their own people who lived in the nation. Not one farthing of it was ever paid to an absent Mississippi Choctaw, and no portion of it was ever claimed by them. During this whole litigation, running through many years, no effort was made to make themselves parties to the suit. And when the money was finally paid to the Choctaw authorities, to be divided among the people, they made no claim for any part of it and entered no protest to its being paid to the resident Choctaws, nor have they brought suit for their share since. The other party to the treaty, the United States Government, the guardian of these Indians, paid the money over without making any provision for the Mississippi Choctaws to get their share or intimating that anything was due them. When it is remembered that this money was the proceeds of the sale of the lands in Mississippi belonging to the united Choctaw people while they lived in that State and that the great bulk of the Mississippi Choctaws had never received one farthing for their share in the lands, if they, living in Mississippi, are entitled there to the rights of a Choctaw citizen, it is remarkable that they did not assert their rights.

Again, a few years ago the interest of the Choctaws to lands lying west of their present boundaries was sold by them to the United States for a considerable sum of money. This, like the other, was promptly divided among the resident Choctaws, with the knowledge and consent of the United States and without protest or claim of the Mississippi Choctaws. If they are entitled to the privilege of Choctaw citizens without removing into the boundaries of the nation, they are and were entitled to their pro rata share of this money. If they do not understand that they have no claim to the rights of citizenship without moving into the country, why have they for the past 65 years silently stood by and permitted these kinds of transactions to be had without claim, protest, or suit?

The Eastern Band of Cherokees, now residing in North Carolina, sustained a relationship to the Cherokee Nation almost identical to that sustained by the Mississippi Choctaws to the Choctaw Nation. Like the Mississippi Choctaws, there were some among them who were averse to moving to their new country west of the Mississippi River. Provisions were made for them by the treaty of New Echota (the treaty of 1835) between the Cherokee Nation and the United States similar to those with the Choctaws by the treaty of 1830. When the Cherokee people moved to the present home of the Cherokees, these remained behind in North Carolina, where they have ever since resided. Like the Choctaw treaty of 1830, the treaty of New Echota provided that their lands should be ceded to them and their descendants, etc. The Cherokee Nation by virtue of a treaty with the United States afterwards sold some of these lands. The Eastern Band of Cherokees in North Carolina, unlike their Mississippi Choctaw brethren, promptly demanded their pro rata of the proceeds of this sale, and upon being denied at once sought and obtained permission of the United States to sue the Cherokee Nation in the Court of Claims for this money, and also in the same suit to sue for another fund which was created by the treaty of New Echota, consisting of certain annuities in the sum of $214,000, of which the Eastern Band of Cherokees claimed a pro rata share. The suit was brought and the Court of Claims in a very elaborate and learned decision decided against the right of the Eastern Band of Cherokees to recover, upon the ground that those Cherokees by the act of remaining in North Carolina had alienated themselves from the Cherokee Nation to such an extent that they could not claim any of the rights of a Cherokee citizen without moving into the Cherokee Nation and there being readmitted in accordance with the constitution and laws of that nation. The case was appealed to the Supreme Court of the United States, and there the decision of the Court of Claims was affirmed. (Eastern Band of Cherokees *v.* United States, 117 U. S., 288.) In that case the Supreme Court, after reviewing all of the treaties and statutes relating to the matter, concluded by saying:

"If the Indians in that State (North Carolina) or in any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation, and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitions can rest in either of the funds held by the United States in trust for the Cherokee Nation."

It seems to me that this decision of the Supreme Court, founded on a case so nearly similar to the one at hearing, conclusively settles the contention in favor of the Choctaw Nation. Indeed, in that case, the Supreme Court expresses a very strong intimation that those provisions of the treaty of New Echota relating to and providing for those Cherokees who should refuse to remove West were confined in their operation to that class of Cherokees then in esse, and the rights conferred by those provisions of the treaty did not descend to their offspring; that the descendants of those Cherokees did not succeed to the rights of their ancestors under the treaty. The language of the Supreme Court is:

"Nor is the band (Eastern Band of Cherokees), organized as it now is, the successor of any organization recognized by any treaty or law of the United States. Individual Indians who refuse to remove West and preferred to remain and become citizens of the States in which they resided were promised certain moneys, but there is no evidence that the petitioners have succeeded to any of these rights. The original claimants have probably all died, for 50 years have elapsed since the treaty of 1835 was made, and no transfer from them to their legal representatives is shown. (Ib., 310.)"

The court proceeds, however, to decide this case, as heretofore shown, on the ground that the Indians composing the Eastern Band of Cherokees had not removed into the Cherokee Nation and reassumed their citizenship under the constitution and laws of that nation.

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

The counsel for the claimants lay considerable stress on the effect of the provisions of article 13 of the treaty of 1866 between the United States and the Choctaw Nation. (14 Stat., —.)

By the eleventh and twelfth articles of that treaty a scheme was devised by which the lands of the Choctaw and Chickasaw Nations were to be surveyed and divided and allotted to the individual Indians, provided the councils of the respective nations should agree to it, which, however, they have refused to do. A land office was to be established at Boggy Depot, in the Choctaw Nation. When all of the surveys were completed, maps thereof were to be filed in the said land office, subject to the inspection of all parties interested, and immediately thereafter notice of such filing was to be given for 90 days, calling upon all parties interested to examine said maps to the end that errors in the location of occupancies, which were to be noted on the maps, might be corrected. Then followed article 13 of the treaty, which is as follows:

"ART. 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or her self, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be disregarded from all claim on account thereof."

From an examination of this article of the treaty it will be seen that the Choctaws and Chickasaws recognized the right of absent members of their nation to participate in the allotment and the subsequent ownership of their lands to the same extent as they themselves enjoyed, but on conditions, however: First, that they should satisfy the register of the land office of their intention to become bona fide residents in the said nation within five years from the time of said selection; and, second, that within the said five years they should actually remove into the said nation (here is a statute of limitation); and, third, that within the said five years they should occupy and commence an improvement upon the selected lands.

It will be observed that this latter clause imposes a condition on absent Indians nowhere required of the resident ones by any clause of the treaty. They were required to move into the country and show their good faith and their intention to remain bona fide citizens of the nation by actual occupancy of the land and an expenditure of money in its improvement. The notice was to be given them in order that they might have an opportunity of removing into the nation and there residing any resuming their rights as citizens; but care was to be taken and safeguards provided by which their removal was to be actually had, and that it was to be done in good faith. First, the register of the land office was to be convinced, by such proof as might satisfy him, of the intention of the absent Indian to become a bona fide resident of the nation before he was allowed to make a selection; and, second, that was to be followed by an actual occupancy and improvement of the land; and if he failed in this it worked a forfeiture of his rights. Nowhere within the whole treaty is any right recognized or conferred on an absent Indian except on the condition that he shall remove into the nation, and the right is not to be consummated or enjoyed until after actual removal. No treaty or act of the Choctaw council, or of any officer of the Choctaw Nation, since the treaty of 1830, can be cited—or at least I have not found them—whereby any right or privilege has been conferred, granted, or recognized in or to a Mississippi Choctaw, so long as he shall remain away from his people, but there are an infinitude of such acts and conduct granting and recognizing such rights and privileges to him after he shall have removed.

The provisions of the treaty of 1866, so far from being an authority in favor of the contention of claimants, seems to me to be strongly against them.

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

In its report to Congress in 1897 the Dawes Commission construed the two provisions of the Dancing Rabbit treaty upon which the gentleman from Mississippi contends lies the rights for the Mississippi Choctaws to be enrolled at this time. That was the second adjudication.

In 1898 that which was known as the Curtis Act settled this principle against the contention of the Mississippi Choctaws. But it may be argued, Mr. Chairman, that the facts governing the Cherokee case and the case reported in the One hundred and nineteenth United States are not analogous to the proposition that is before the House to-day, but in the adjudication of 1898, known as the Jack Amos and the Stevens case, is an authority, in my judgment, directly in point with that which is before the Congress at this time. In that case allow me to restate the facts.

Jack Amos was a Mississippi Choctaw, as are the Choctaws who are clamoring for admission here to-day. Under the provisions 2 and 14 of the Dancing Rabbit treaty, Jack Amos and Stevens never removed to that country west of the Mississippi now known as the State of Oklahoma. That suit was decided by one of the ablest and most careful judges, Judge H. H. H. Clayton. Before he assumed the bench all of these cases by his predecessor were transferred to the equity side of the docket, and in deciding that case, where the facts were identical with the facts before Congress at this moment, Judge Clayton uses the significant language which I again repeat and which I think should guide the deliberations of this body to-day, when he said, speaking of the Choctaw Indians:

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the gentleman may be allowed to proceed for five minutes. Is there objection?

Mr. STEPHENS of Texas. I believe the gentleman from Minnesota had five minutes of an extension. It is all right.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JACOWAY. After being so kindly indulged further by the committee, I desire to say that the gentleman from Pennsylvania [Mr. BUTLER] has gone to the gist of this case, as I understand it. He asked the gentleman from Mississippi what are the facts relative to the Mississippi Choctaws. I answer that and say that the facts in this case are that the Mississippi Choctaw to-day are relying upon articles 2 and 14 of the Dancing Rabbit treaty of 1830 in support of their position. And to get that before the Congress I will read the fourteenth article of the treaty of 1830. It provides:

ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the United States, for five years after the ratification of this treaty, in that case a grant in fee simple. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Section 2 provides, and that is the crux of this matter, and that is one of the sections upon which the gentleman from Mississippi and others who occupy a similar position rely particularly to have the Mississippi Choctaws enrolled. It is all determined and finally settled in what is the judicial ascertainment of the word "remove." The courts deciding the question take this view.

The passage I desired to read is this:

Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove they are not entitled to any portion of the Choctaw annuity.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Pennsylvania?

Mr. JACOWAY. Gladly.

Mr. BUTLER. Was Jack Amos conceded and admitted to be a Mississippi Choctaw?

Mr. JACOWAY. He was; and never removed to Oklahoma.

Mr. BUTLER. And he brought suit to obtain a part of the land that is here in dispute?

Mr. JACOWAY. He did; and it was decided against his contention.

Mr. BUTLER. And did the judge have jurisdiction over the subject matter?

Mr. JACOWAY. Yes.

Mr. BUTLER. And did the judge hold that Jack Amos became a Mississippi Choctaw, and not having removed was not entitled to participate in this land?

Mr. JACOWAY. He did. And in that opinion he construed these two sections, and laid down the proposition that one of the fundamental principles of interpretation was to render no opinion, if possible, that would be prejudicial to the Choctaw Indians, or, in other words, to construe all provisions, where possible, in favor of the Indians who are wards of the Government, and in the manner as they understood the treaties. He held that, instead of article 2 and article 14 being at variance with each other, they were in harmony. "In other words," he held, "if they ever remove"—meaning by that that the words "ever remove" were a continuous invitation to the Choctaw Indians in Mississippi to remove and become members of the Choctaw Indians in Oklahoma, and if they did so and established a *bona fide citizenship* they would be entitled to enrollment. That was his decision. Again I submit a case directly in point.

Mr. PETERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Indiana?

Mr. JACOWAY. I will.

Mr. PETERSON. Do you contend that the amount of land was ever given to these Indians as provided for in section 2?

Mr. JACOWAY. I do, or its equivalent. I do not want to incorporate in my observations anything except that which will be borne out by the record. I am trying to speak absolutely within the record.

Mr. PETERSON. Can you show in what way and when that was done?

Mr. JACOWAY. Not within the limited time I have. But I can go into the record and show it to the gentleman beyond question. I invite his attention to pages 12 and 15 of the Dawes Commission's report. The decisions in the cases I have just cited—other reports of the Dawes Commission, the opinions of four different Secretaries of the Interior, and, further, the failure of the Mississippi Choctaws to remove to the Indian Territory in the years 1830, 1831, and 1832, as they agreed. Again I will answer the gentleman's question and say that if this were a matter in court I believe you could plead accord and satisfaction and win on that plea, as well as other pleas which later I will call the attention of the committee to, if my time will permit.

Mr. PETERSON. I want to ask the gentleman another question, and that is whether or not there was any other treaty made with the Indians in Mississippi except this one?

Mr. JACOWAY. Oh, yes. There were treaties made in 1820 and in 1855 and in 1860 some others.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] asks that the gentleman from Arkansas [Mr. JACOWAY] be allowed to proceed for five additional minutes. Is there objection?

Mr. STEPHENS of Texas. Mr. Chairman, I dislike very much to object, but this debate has been drawn out to an unusual length.

Mr. HARRISON. Mr. Chairman, that would give them 5 minutes more. Suppose you make it 10 minutes. Suppose the time is extended 5 minutes to that side and that we have the other five minutes.

Mr. CARTER. That is satisfactory.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] amends the request of the gentleman from Georgia [Mr. CRISP] by asking that the time be extended 10 minutes, one half to be controlled by himself and the other half by the gentleman from Arkansas [Mr. JACOWAY]. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Arkansas [Mr. JACOWAY] is recognized for five minutes more.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Nebraska?

Mr. JACOWAY. I will yield to the gentleman for a question.

Mr. LOBECK. I want to know whether or not the Mississippi Choctaw Indians ever received any land from Mississippi in accordance with this provision for 640 acres?

Mr. JACOWAY. I answered that question a while ago, and did so by stating that I believed the issue could be determined in favor of the Oklahoma Choctaws on the plea of accord and satisfaction and other pleas.

Mr. FERRIS. Mr. Chairman, I have in my hand the muster roll from the Indian Office showing that these Mississippi Choctaws received from the Indian Office land and money, and here are the names of the Mississippi Choctaws that received the land and the money.

Mr. HAMILTON of Michigan. How many of them were there?

Mr. FERRIS. Every one of them received it.

Mr. HAMILTON of Michigan. Have you the number of them there?

Mr. FERRIS. I have not added them up.

Mr. JACOWAY. I consider it germane to state here that the man who was particularly charged with the duty of ascertaining the status of the Mississippi Choctaws and reporting these findings to Congress was Hon. A. S. McKennon, formerly from my State and my congressional district. He went to Mississippi for this purpose and remained there many weeks. Widespread notice was given to this mission through every available avenue. I do not think I overstate the facts to say that it was generally known that this mission was to establish all facts relative to the enrollment of the Mississippi Choctaws. He had a corps of assistants helping him. It is a pleasure for me to count him my personal friend. He was the good friend of my father in his lifetime. I employ an old saying, Mr. Chairman, one that is worn and tattered at the edges from constant use, "but a better man never lived than Capt. McKennon." He was the soul of honor and builded upon those plans and specifications that elicit one's admiration and compel our unstinted respect. As a citizen of Arkansas he lived in the esteem, confidence, and admiration of all who knew him. In Oklahoma to-day he occupies the same coveted niche with the people of that great and resourceful Commonwealth. Knowing of his work and how arduously he labored to solve these problems correctly, and how preeminently successful he was in so doing, I want to make the observation that the people of Oklahoma, and especially the Indians of that State, owe him a debt of gratitude they can never repay. The efforts he expended in behalf of these people for their advancement and permanent good will be felt long years after Capt. McKennon has ceased to be.

Again, Mr. Chairman, may I be permitted to submit that Oklahoma is entitled to her day of rest. For multiplied years she has sought to settle this question aright. Her normal growth and development have been retarded and held in abeyance pending the solution of this question. It should not be trammeled longer. Oklahoma is a great State, peopled by a potential citizenship. After she has contended for her rights over almost the locus of a continent and the cycle of nearly an hundred years, she has the perfect right to respectfully demand at the hands of this Congress that she be given her peaceful day of rest, and at once.

In view of court decisions, reports of commissions, conclusions of tribunals, opinions of public men who have delved deep into this question honestly, fairly, and squarely and have rendered a decision in regard thereto unbiased and unprejudiced, it occurs to me that to permit at this time the enrollment of the Mississippi Choctaws upon claims which at best appear chimerical would be legislative and political piracy. Knowing this Congress as I do and acquainted with the greater portion of its personnel, I do not believe it will be guilty of this great wrong to the people of Oklahoma.

May I add, also, under the terms of the Atoka agreement the Choctaw and Chickasaw Indians had the right guaranteed to them that these per capita payments should be made to them yearly. This was one of the conditions flowing to these Indians provided they would enter into this agreement. This portion of the agreement has not been carried out by this Government, and I ask is it fair dealing? Let me submit also that for the past five years they have been lean ones for Oklahoma on account of crop conditions. This is especially true for the past year and as a result of the low price of cotton conditions are anything but inviting in Oklahoma. People in all the various callings are suffering as a result and are paying enormous rates of interest for the money used by them in order to tide them over. A payment now will enable them to liquidate their indebtedness and stop the running of a ruinous rate of interest. This money is theirs by right, and to deny it to them at this time would be an unpardonable injustice that I feel this Congress will not permit. Mr. Speaker, the children of Israel wandered 40 years in the wilderness in an endeavor to come into their own. Their trials and difficulties have been pointed to by multiplied thousands. The people of Oklahoma have in this instance contended for their rights nearly an hundred years. Grant this relief to them at this time. Let justice be done though the heavens fall.

I want to submit, further, that I have looked into the meaning of "removal" and find that the word has been judicially ascertained. The first decision I can find is in the One hundred and fifteenth Pacific Reporter and the other is in the Thirty-ninth Montana. The courts have judicially ascertained the meaning of the word "remove" in the One hundred and fifteenth Pacific Reporter, and I want to say that this is the crux of the situation and so held by the courts. It means moving from one home to another. In the Thirty-ninth Montana the court has judicially ascertained that the word "remove" means a permanent absence. Taking that as the premise here to-day, the Mississippi Choctaws never removed from Mississippi to Oklahoma. They have refused for 85 years to do so; and when you come to sum this matter up I believe that if the rights of the Oklahoma Choctaw Indians were sought to be adjudicated in the courts they could win under the pleas of accord and satisfaction, laches, staleness of claim, want of equity, statute of limitations, and 85 years of open and continuous noncompliance with treaty provisions, and other pleas too numerous to mention in my limited time.

I want to say further that every contention that has been made here by those who occupy the opposite of this issue from me, that there is written against same an eternal traverse in the decision in the Jack Amos case, in the decision of the Stephens case, in the decision in the case of the Eastern Band of Cherokees against The United States, and in the case in One hundred and nineteenth United States, of the Choctaws against The United States, in which that court held that a removal is necessary before they can share in the annuities and the properties of the Indians of Oklahoma.

Some suggestion has been made that the Choctaw Indians of Mississippi have been unfairly treated. I take issue with the gentlemen who maintain that position. The people of Oklahoma have been generous, and profligately so, in their invitations to the Mississippi Choctaws to become one of them. Year in and year out the Oklahoma Choctaws have memorialized those people to come and bear their proportionate share of the burdens of that country and become citizens of Oklahoma, and in every instance they have been met with a negative answer. In addition to that, out of their generosity the Oklahoma Choctaws appropriated large sums of money seeking to defray a portion of the expenses of the Mississippi Choctaws who would come west and be their brethren, and to that generous appeal the Mississippi Choctaws have turned a deaf ear. Their rights, instead of being trampled upon and ruthlessly handled, have been dealt with gently and generously; and when a summary of the whole situation is made, I think you will find that the Mississippi Choctaws have no claim on any ground to share in the rights and property of the Choctaws of Oklahoma.

Mr. Chairman, in presenting this matter I have attempted to make a legal argument. But I wish to say also that I have no hesitancy in stating that some of the most shameless pages of our history are a recital of the treatment that has been accorded the American Indian. But at last the American Indian is the victim of untoward circumstances. From many viewpoints his story is as sad as the notes of a requiem. Long years ago he, unfamiliar with the ways of the white man, unlettered, and surrounded by civilization most crude, was found to be in the way of and impeding the triumphal march of a preeminent Anglo-Saxon civilization. Through all this stretch of time he was compelled to give away for greater enlightenment at the instance of his white brother. He is the product of the survival of the fittest.

Again, let us see what the Indians of the Five Civilized Tribes surrendered to the Federal Government in order to have their day of rest. Each of these nations had a principal chief and legislative bodies in the form of a house and a senate as well as many other governmental functions. They passed their own laws and to them was charged the duty of administering and executing them. To reach the result that has been attained they surrendered the communistic holding of their lands to a holding in severalty. The criminal and civil jurisdiction of their courts were taken from them. The making of their own

rolls by them was willingly placed in the hands of the white man so it would reflect a product unbiased and unprejudiced. This action was taken out of abundance of caution so none could allege that these rolls were improperly made. To many these governments were the pride and the boast of the Indians. They wanted them continued, but finally awoke to realize that the beginning of the end was near; to see their great tower of strength torn down, stone by stone, section by section, their rights taken from them piecemeal by piecemeal, their tribal autonomy disintegrating, until the day dawned when they stood surrounded by and amid the wreck of their former governments. Yesterday they were, to-day they are not. Whether this action was voluntary or enforced, right or wrong, for better or worse, at last it was done and it was much for them to concede.

In conclusion, permit me to say that in view of an overwhelming array of undisputed facts bearing on this question, and a long line of decisions, as shown by me, that, beyond cavil, will the good judgment of this body see this question as it should be, and when they do my faith is abiding that the amendment of the gentleman from Mississippi should not and will not prevail. [Applause on the Democratic and Republican sides.]

Mr. HARRISON. Mr. Chairman, I only want to use four minutes.

The Dawes Commission, which my friend who has just taken his seat speaks of, decided the Jack Amos case in 1906; and while that case went up to a Territorial court in Oklahoma presided over by Judge Clayton, it went at the same time to two other branches of the Territorial courts in Oklahoma; one of them was presided over by Judge Townsend; and if the gentleman will read the case he will see that Judge Townsend decided directly opposite to Judge Clayton.

Mr. CARTER. What was the decision?

Mr. HARRISON. I do not yield to the gentleman. Judge Townsend decided in favor of the Mississippi Choctaws, and Judge Clayton decided against them. The Dawes Commission made its report to Congress in 1897.

To show that Congress did not believe in the decision of the Dawes Commission and did not believe in the Jack Amos case decision as rendered by Judge Clayton, it referred the Mississippi Choctaw claims back to the Dawes Commission for another decision and report, and among other things that commission, in concluding its report, used this language, viz:

> In conclusion, it seems to the commission that the importance of a correct decision of this question, both to the Mississippi Choctaws and the Choctaw Nation, justifies a provision for a judicial decision in a case provided for that purpose. They therefore suggest that in proper form jurisdiction may be given the Court of Claims to pass judicially upon that question in a suit brought for that purpose by either of the interested parties.

The Congress turned down this recommendation of the commission and repudiated the Clayton decision in the Jack Amos case, and passed the Curtis Act of June, 1898, and incorporated in that act a provision that directed the Dawes Commission to identify in Mississippi the Mississippi Choctaws claiming rights under article 14 of the treaty of 1830. Here is the provision:

> Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, and to that end they may administer oaths, examine witnesses, and perform all other acts—

And so forth.

Acting under that authority of law to identify the Mississippi Choctaws, Mr. McKennon, the man whom the gentleman from Arkansas [Mr. JACOWAY] talks about, and who was a member of the Dawes Commission, went into Mississippi with the commission, and they met many of the Mississippi Choctaws. And what did they do? Here is what Senator OWEN two years ago in his brief said about this roll that McKennon made, identifying the Mississippi Choctaws under the act of 1898, the act passed after the Jack Amos decision. He says:

> Mr. McKennon, representing the Dawes Commission, went to Mississippi in February, 1899, after having sent them a circular letter of December 2, 1898, instructing them what to do. * * *
>
> In this report the commissioner made a schedule of 1,925 Mississippi Choctaws, whom he identified as Mississippi Choctaws entitled to citizenship by treaty rights, and stated that in Leake, Neshoba, and Newton Counties there were from 300 to 500 full blood Mississippi Choctaws who did not appear before the commission.
>
> The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full blood Mississippi Choctaws, signed and submitted by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock on March 4, 1907, without notice or warning, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Mississippi Choctaw, and finally—

Says this brief of Senator OWEN—

> and finally the entire schedule was rejected without notice. Against this treatment of the Mississippi Choctaws the petitioner, OWEN, from time to time vigorously protested, but in vain. It was obvious that, although this report showed that at least 2,500 full blood Mississippi Choctaws, fourteenth article claimants, were entitled to identification, they were poor, ignorant, and helpless, and it also demonstrates the fact that the Dawes Commission, which was expressly charged by law to identify these helpless, ignorant people, never did discharge their full duty in the premises.

Mr. MURRAY. Senator OWEN never made that statement; that was filed by Lawyer OWEN.

Mr. HARRISON. I would not bring an indictment like the distinguished gentleman [Mr. MURRAY] intimates against Senator OWEN. He is a gentleman of the very highest type. He would not write or utter such views if he did not believe in them. This roll he was talking about was made under authority of law long after the Jack Amos decision was rendered, and these people are not now on the rolls. I submit that these people at least ought to be on the rolls and share in this fund. I reserve the balance of my time. [Applause.]

Mr. CARTER. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Chairman, the brief which the gentleman from Mississippi has just read from was not a brief by Senator OWEN, but was a brief by Attorney OWEN advocating the cause of his clients, out of which he had a contingent fee.

Mr. STAFFORD. What is the difference?

Mr. MURRAY. One was under oath and the other was not. Senator OWEN makes this statement:

> I was the attorney of the Mississippi Choctaws who were enrolled under the Choctaw-Chickasaw agreement of 1902. I represented them from 1896 to 1906, and devoted my entire time to them for 10 years. No Choctaw in Mississippi or elsewhere not on the approved roll of 1907 has any legal or equitable right to enrollment in the Choctaw Nation.

That is what Senator OWEN said. The brief the gentleman read from was what any lawyer would file.

Mr. STEPHENS of Texas Mr. Chairman, it is evident that we can not finish this to-night, and there is another session to be held.

Mr. MANN. Would it be possible to agree on a time for debate on the paragraph?

Mr. STEPHENS of Texas. I would like to agree on a time.

Mr. MANN. How much time remains on the two sides?

The CHAIRMAN. The gentleman from Oklahoma has 11 minutes remaining and the gentleman from Mississippi has 8 minutes remaining. Nineteen minutes will end the general debate unless the time is extended.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that debate under the five-minute rule be first disposed of when the bill is taken up again and the time remaining, controlled by the gentleman from Mississippi and myself, be used after the five-minute debate is over.

Mr. LENROOT. I object.

Mr. FOSTER. Mr. Chairman, we ought to agree upon some time for debate or else the 4th of March will be here and we will be talking about the Mississippi Choctaws.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] wants 5 minutes on another amendment. Would it not be satisfactory if there should be 20 minutes' additional time on a side, to be controlled by the gentleman from Mississippi and the gentleman from Oklahoma, with the understanding that the gentleman from Wisconsin will get 5 minutes?

Mr. LENROOT. I have no objection to taking a vote on the pending amendment. I desire to offer an amendment striking out the paragraph, and I want to discuss it at some length.

Mr. STEPHENS of Texas. Mr. Chairman, I understand there is a desire for additional general debate, and I ask that the general debate be extended 20 minutes on a side.

Mr. MANN. And the gentleman from Wisconsin is to have 10 minutes?

Mr. LENROOT. I would like 10 minutes after the disposition of the pending amendment.

Mr. FERRIS. Let the time be extended 20 minutes on a side, in addition to the pending amendment.

Mr. MANN. You had better make the agreement with reference to the paragraph and all amendments.

Mr. STEPHENS of Texas. Mr. Chairman, after consultation with several Members, I ask unanimous consent that debate close on this paragraph and all amendments thereto in 30 minutes after each side has exhausted its time.

Mr. MANN. And the gentleman from Wisconsin is to have 10 minutes out of that time?

Mr. STEPHENS of Texas. Yes.

The CHAIRMAN. The 30 minutes on a side is to be in addition to the 19 minutes remaining for general debate?

Mr. FERRIS. Mr. Chairman, reserving the right to object, let this request be modified to this effect——

Mr. MANN. Oh, we can not modify it.

Mr. FERRIS. Oh, yes; we can. The gentleman from Wisconsin [Mr. LENROOT] wants 10 minutes on a separate amendment.

Mr. MANN. He will get that, because he will not take the floor until they will have had a vote on this amendment. Then he will be entitled to his 10 minutes on each side.

The CHAIRMAN. Will the gentleman from Texas again state the proposition?

Mr. STEPHENS of Texas. Mr. Chairman, the proposition is this, that the 10 minutes be first exhausted on general debate, as has heretofore been understood; that 30 minutes be granted on each side for and against the amendment, with the right of the gentleman from Wisconsin [Mr. LENROOT] to offer an amendment.

Mr. MANN. Anyone can offer an amendment. The proposition is to increase the time on each side 30 minutes, to be controlled by the gentleman from Mississippi and the gentleman from Oklahoma.

The CHAIRMAN. The Chair understands that the gentleman from Oklahoma and the gentleman from Mississippi are to control the additional time?

Mr. STEPHENS of Texas. That is right.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time on the pending paragraph and all amendments thereto be increased 1 hour, 30 minutes of which will be controlled by the gentleman from Oklahoma and 30 minutes by the gentleman from Mississippi, and that at the end of that time all debate shall be closed on the pending paragraph and all amendments thereto. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, reserving the right to object for a moment, I want to say that there has been considerable trouble in reaching this agreement, and I think it is fair that the agreement having been once made shall be kept. If there be any effort to break it for extension of time when this bill is taken up again for consideration, if the chairman of the Committee on Indian Affairs does not object, I shall object myself.

Mr. MANN. Oh, there will be no effort of that kind, I think.

Mr. GARRETT of Tennessee. I make this statement so that Members may know now and speak for time to the gentlemen who are controlling the time, so that it may be understood in advance that no personal matter will enter into it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20150, the Indian appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Texas asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

RECESS.

The SPEAKER. Under the order of the House heretofore made, the House will stand in recess until 8 o'clock to-night, at which time it will again meet, with the gentleman from New York, Judge GOULDEN, in the chair as Speaker pro tempore, and it can proceed until 11 o'clock, and no other business shall be transacted except the consideration of the two pension bills named in the order heretofore made.

Accordingly (at 6 o'clock and 8 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GOULDEN].

Mr. ADAIR. Mr. Speaker, I call up the bill H. R. 20562, on the Private Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman are these the ordinary class of pensioners provided for in this bill—anything unusual?

Mr. ADAIR. There is nothing unusual about this bill in any particular. It is the same class of cases that have been considered heretofore—those whose condition is such that they largely require the care of other persons, and whose pensions are not sufficient for their maintenance.

Mr. FINLEY. Now, are there any increases in the rates over those usually granted heretofore?

Mr. ADAIR. Oh, no; the rates are just about the same; in fact, lower in many instances. These are only extreme cases that need immediate relief.

Mr. FINLEY. About how many are there?

Mr. ADAIR. There are 227 in the bill.

Mr. FINLEY. The increases will total about how much?

Mr. ADAIR. The increases will amount to about $22,000 per annum.

Mr. FINLEY. This is the first bill this session?

Mr. ADAIR. This is the second bill this session. We did not have any bills, I might say, for eight months until two weeks ago.

Mr. FINLEY. I have not had time to go over the bill in detail, and that is why I am asking the gentleman these questions. Now, one question further, and that is as to whether dependent children are provided for in this bill.

Mr. ADAIR. I am not sure whether there are any cases in this bill of dependent children or not. Occasionally we have cases where the pension to a mother is increased because of an invalid child, but I am not sure there are any such cases in this bill.

Mr. FINLEY. In all cases where we make allowance for children the committee limits the pension to such children as are under 16 years of age?

Mr. ADAIR. Except in cases where their disabilities are shown to continue after they become 16 years of age—where they are helpless, idiotic, insane, and so forth.

Mr. FINLEY. None of those are provided for in this bill?

Mr. ADAIR. I think not. There might be one or two, but I think not.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. MOORE. Mr. Speaker, I reserve the right to object for a moment, while I ask the gentleman from Indiana a question. May I inquire of the gentleman from Indiana whether amendments to this bill will be in order to-night?

Mr. ADAIR. Well, it would depend upon the character of the amendment. An amendment that was not germane to this bill would not be in order.

Mr. MOORE. If the gentleman will indulge me a moment, I will state what is in my mind——

Mr. ADAIR. I yield to the gentleman.

Mr. MOORE. And he can then answer the question. For some time past the maimed soldiers, soldiers who have lost a leg or an arm or both an arm and a leg in the service, have been asking for special consideration at the hands of the Congress. I think several bills are pending. Recently it occurred to them that they might make a short cut to recognition by an amendment to one of the pending pension bills. Now, the bill they particularly desire to have passed is one which provides a pension at the rate of $75 per month for such soldiers as have lost a leg or an arm in the service, and $125 per month for such soldiers as have lost both a leg and an arm—that is to say, who have lost two limbs. Now, I would not want to break in at this time, if there has been any agreement on the subject, but at some time or other I would like to have considered the application of these old maimed soldiers for an increase.

Mr. ADAIR. I would say to the gentleman from Pennsylvania that the Committee on Invalid Pensions, to which the bill he speaks of has been referred, has given a great deal of thought and consideration to it and feel very favorably inclined toward it, but have not reported it as yet. I would also say I doubt very much whether that kind of bill, being general legislation, could be tacked onto this bill. But even though it could, it would not be in order to-night for the reason that in securing unanimous consent to-day for the consideration of the two bills, H. R. 20562, from the Invalid Pensions Committee, and H. R. 20643, from the Pensions Committee, it was a part of the agreement that nothing should be considered except these two bills. And in view of that agreement the amendment would not be in order to-night.

Mr. MOORE. The gentleman says that there was an agreement that no amendment should be offered to this bill to-night?

Mr. ADAIR. There was an agreement to-day that nothing should be considered except the two bills I have mentioned.

Mr. STAFFORD. The gentleman does not mean to state that there was an agreement that no germane amendment should be considered?

Mr. ADAIR. Oh, no.

Mr. MOORE. May I ask the gentleman this: Will the gentleman, as a representative of the Committee on Pensions, accept an amendment of this kind to this bill to-night?

Mr. ADAIR. I could not. It would be a violation of the order of to-day.

Mr. MOORE. In view of the fact that the committee will not accept the amendment at this time if I should offer it——

Mr. ADAIR. It would not be considered to-night, because there was an agreement in the House to-day that nothing would be considered except these two bills.

Mr. MOORE. I do not want to prejudice the chances of these old soldiers; so I will not offer it at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. ADAIR]? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20562) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 873. Fanny S. Chambers.
H. R. 1446. Charles Terbush.
H. R. 3256. Charles H. Rankin.
H. R. 3518. Lillian M. Dayton.
H. R. 4259. John W. Huff.
H. R. 4465. John W. Grimm.
H. R. 4626. Joseph C. Dickson.
H. R. 5450. Luthera J. Douglas.
H. R. 6169. Joseph Dean.
H. R. 6342. Sophia Lother.
H. R. 7346. Elizabeth McManus.
H. R. 7577. Belle S. Gould.
H. R. 7885. Isaac Beck.
H. R. 8162. William Todd.
H. R. 8728. Elizabeth L. Bennett.
H. R. 8950. Hezekiah S. Williams.
H. R. 8972. John H. Estes.
H. R. 8989. Alpheus Danley.
H. R. 9150. John McArthur.
H. R. 9231. Rachel R. Haddox.
H. R. 9238. John Henry Miller.
H. R. 9359. William R. Whittaker.
H. R. 9570. William C. Young.
H. R. 9745. Philip Johnson.
H. R. 9772. Charles Free.
H. R. 9966. Charles C. Gullic.
H. R. 10480. Violet Burd Grubb.
H. R. 10485. Lisander Teater.
H. R. 10656. Mary J. Hill.
H. R. 10920. Stringer White.
H. R. 11089. Nancy Bachor.
H. R. 11230. Frederick Baker.
H. R. 11490. William R. Calvert.
H. R. 11509. Joseph C. Pannell.
H. R. 12450. Renselaer B. Ransom.
H. R. 12577. Eugene Schilling.
H. R. 12970. Sarah J. Millikin.
H. R. 13201. George W. Rank.
H. R. 13322. Louisa Hedrick.
H. R. 13400. Burrill Harris.
H. R. 13498. George W. Kremer.
H. R. 13508. Felix Clark.
H. R. 13556. John W. Stirling.
H. R. 13833. Cad Ingram.
H. R. 13914. Alexander Hamilton.
H. R. 13989. James W. Winall.
H. R. 14026. Daniel O'Donnell.
H. R. 14029. Othniel L. Moffitt.
H. R. 14058. Sylvester Lane.
H. R. 14409. Bridget Carey.
H. R. 14713. Caswell York.
H. R. 14882. Charles W. Nickels.
H. R. 14924. Delima Mathieu.
H. R. 14987. John L. Lytle.
H. R. 15006. Edward A. Kinney.
H. R. 15062. David W. Kerns.
H. R. 15107. D. Porter Leonard.
H. R. 15127. David H. Myers.
H. R. 15143. Isaac J. Leech.
H. R. 15229. John Eakin.
H. R. 15234. William E. Templeton.
H. R. 15346. James P. Woods.
H. R. 15363. Bentley C. Mercer.
H. R. 15462. Emanuel Miller.
H. R. 15481. J. Berdina R. Bierbower.
H. R. 15510. Samuel Turpin.
H. R. 15592. James H. McGuire
H. R. 15637. Charles A. Harter
H. R. 15792. Martin P. Schaffner.
H. R. 15842. Priscilla Smith.
H. R. 15877. David Lewis, alias David Jones.
H. R. 15942. Lettie E. Wilson.
H. R. 15948. Samuel P. Reed.
H. R. 16035. Evaline A. Fedderly.
H. R. 16050. Elizabeth Hemmann.
H. R. 16064. Mary Haas.
H. R. 16116. Amelia Schoefer.
H. R. 16139. Lewis Low.
H. R. 16142. John Stark.
H. R. 16180. Richard Varndell.
H. R. 16202. Elizabeth J. Machen.
H. R. 16262. William H. Huff.
H. R. 16277. Daniel Williams.
H. R. 16335. John Brown.
H. R. 16337. Orra M. Duncan.
H. R. 16338. John Gray.
H. R. 16344. Hezekiah B. Hulbert.
H. R. 16356. Catharine Doty.
H. R. 16373. Isaac W. Johnston.
H. R. 16398. Frances L. Skillings.
H. R. 16423. Joseph H. Woodruff.
H. R. 16498. Charles R. Van Norman.
H. R. 16530. George Lovett.
H. R. 16549. Henry W. Edens.
H. R. 16566. David Hoover.
H. R. 16568. John C. Leonard.
H. R. 16597. Samuel Nichols.
H. R. 16603. James L. Soupene.
H. R. 16614. Catherine M. Hazleton.
H. R. 16644. George W. Saunders.
H. R. 16649. Isaiah H. McDonald.
H. R. 16698. Abner W. Fletcher.
H. R. 16704. Alexander C. Harper.
H. R. 16762. Martha Broomfield.
H. R. 16764. Irene M. Bush.
H. R. 16790. James R. Harris.
H. R. 16848. Rhuamah Wilson.
H. R. 16870. Maria H. Redfield.
H. R. 16871. Abbie L. Simpson.
H. R. 16879. Dennis Smith.
H. R. 16893. John W. Sisk.
H. R. 16912. Maria C. Locke.
H. R. 16927. Mary A. Keller.
H. R. 16945. Adaline L. Day.
H. R. 16965. Anna M. Dayton.
H. R. 16981. Jennie C. True.
H. R. 17003. Delilah Kirker.
H. R. 17026. Elizabeth McKeever.
H. R. 17053. Jacob T. Martin.
H. R. 17073. Elias England.
H. R. 17094. Edwin N. Hubbard.
H. R. 17120. William R. Pingry.
H. R. 17128. Charles M. Long.
H. R. 17134. Leanna M. Barry.
H. R. 17138. Adelbert Gray.
H. R. 17203. Edwin A. Phinney.
H. R. 17215. Edmond C. Kirk.
H. R. 17243. Henry Stansbury.
H. R. 17244. Frances E. Dulmage.
H. R. 17288. Mary J. White.
H. R. 17293. Hudson J. Martin.
H. R. 17307. Michael Deady.
H. R. 17321. Edwin R. Allen.
H. R. 17419. Anna C. McCulloch.
H. R. 17425. Silas P. Rainey.
H. R. 17453. John Walsh.
H. R. 17500. Melvina M. Riley.
H. R. 17539. Robert C. Angus.
H. R. 17540. Adelia Hall.
H. R. 17598. Uriah Golder.
H. R. 17797. Catherine A. Keses.
H. R. 17908. Luvena Stevens.
H. R. 18029. James M. Cooke.
H. R. 18078. Alice C. Wode.
H. R. 18081. Thomas Wilkie, jr.
H. R. 18137. Katharine A. Ringhiser.
H. R. 18212. Mary Edith Myers.
H. R. 18265. Edward Fitzpatrick.
H. R. 18277. Lydia A. Lint.
H. R. 18287. Anne Hanson.
H. R. 18319. Helen Brandt.
H. R. 18386. John C. Magill.
H. R. 18412. James Blackburn.
H. R. 18787. Elizabeth H. Emmel.
H. R. 18816. William H. Vance.
H. R. 18822. Emma St. Ange.
H. R. 18885. Mary E. Walker.
H. R. 18924. Ellen E. Howes.
H. R. 18970. William Walling.
H. R. 18995. Hannah L. May.
H. R. 19011. Thomas Whalon.
H. R. 19035. George C. Foose.
H. R. 19074. James Smith.
H. R. 19102. Allen Jamison.
H. R. 19128. Mary J. Campbell.
H. R. 19146. Clement Zumbriger.
H. R. 19209. Julia Frasier.
H. R. 19232. Harry Payne.
H. R. 19251. William Hill.
H. R. 19254. Johanna Covert.
H. R. 19258. George O. Stevens.
H. R. 19287. Jane Amanda Putnam.
H. R. 19317. Jacob Schopp.
H. R. 19328. Edward G. Humphrey.
H. R. 19343. Joseph L. Deweese.
H. R. 19344. Luke Reynolds.
H. R. 19389. William Reigle.
H. R. 19390. Mariah Williams Funkhouser.
H. R. 19450. Julius Edwards.
H. R. 19456. Andrew S. Loux.
H. R. 19461. Mettie Baymore.
H. R. 19473. William H. Taylor.
H. R. 19476. Catherine Schmadel.
H. R. 19477. Thomas Brassie.
H. R. 19481. Emory G. Cannell.
H. R. 19483. Mary A. Brown.
H. R. 19491. Henry Barkey.
H. R. 19492. Reuben Axe.
H. R. 19493. Colbert Ratliff.
H. R. 19511. Martha York.
H. R. 19540. Albert C. Pattee.
H. R. 19541. Edmund F. Burson.
H. R. 19566. Henry T. Denius.
H. R. 19583. Melissa L. Gomersall.
H. R. 19584. James Lockoby.
H. R. 19598. George Knaggs.
H. R. 19602. Amanda Krueger.
H. R. 19612. James Messer.
H. R. 19635. Barbara Krause.
H. R. 19640. Ann Herrendeen.
H. R. 19648. Alfred G. Watson.
H. R. 19650. Levi Chute.
H. R. 19653. Bridget McGarry.
H. R. 19664. Edward T. Keithley.
H. R. 19668. Mary Jane Moore.
H. R. 19678. Samuel B. McNeill.
H. R. 19685. Thomas R. Gillispie.
H. R. 19691. Marcia Swift.
H. R. 19693. Laura A. Graham.
H. R. 19701. John D. Lewis.
H. R. 19772. William Ray.
H. R. 19776. Abner B. Johnson.
H. R. 19777. William S. Stewart.
H. R. 19835. Emery W. Clifford.
H. R. 19923. James S. Blackwell.
H. R. 19931. Eugene L. Sheftall.
H. R. 19937. Singleton Albert.
H. R. 19951. John Richards.
H. R. 20027. Sarah A. Bennett.
H. R. 20042. Marcellus M. Justus.
H. R. 20060. Johanna Zschocke.
H. R. 20168. Henry C. Sowards.
H. R. 20446. Nathan Baker.
H. R. 20477. Laura J. Spencer.
H. R. 20517. William H. Hatfield.
H. R. 20521. Alice E. Atherton, insane.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of Lettie E. Wilson, formerly Lettie E. Thayer, nurse, United States Army, and pay her a pension at the rate of $12 per month.

Mr. FINLEY. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I observe here the name of Lettie E. Wilson, formerly Lettie E. Thayer, nurse, United States Army. Are nurses not pensioned under some general law?

Mr. ADAIR. There is no general law pensioning nurses of which I know. There is a bill pending before the committee now, but it has not been reported.

Mr. FINLEY. It has not been reported?

Mr. ADAIR. No, sir.

Mr. FINLEY. I wish to ask this question. I see that a number of widows are pensioned at $12 a month. Those widows have been receiving no pension heretofore?

Mr. ADAIR. No; I think not.

Mr. FINLEY. Why do they not come in under the general law?

Mr. ADAIR. To which particular case has the gentleman reference?

Mr. FINLEY. Any of those cases, as a rule, where the pension is $12 a month.

Mr. ADAIR. It may be possible that those the gentleman refers to married again and lost their pension, and could not be reinstated at the bureau because they were not war widows.

Mr. FINLEY. To what extent are pensions provided for widows who married subsequent to 1890?

Mr. ADAIR. To what extent?

Mr. FINLEY. Yes; in this bill.

Mr. ADAIR. Widows who were married subsequent to June 27, 1890, can be pensioned at $12 a month.

Mr. FINLEY. To what extent is it proposed to pension them in this bill?

Mr. ADAIR. There may be a few cases in the bill—possibly two or three—where widows were married within a short time after June 27, 1890, but——

Mr. FINLEY. It is not a general policy?

Mr. ADAIR. No; it is the exception and not the rule.

Mr. FINLEY. And where special circumstances are shown?

Mr. ADAIR. Yes, sir.

The Clerk read as follows:

The name of Henry Barkey, late of Company F, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. ADAIR. Mr. Chairman, I offer the following amendment: On line 15, page 34, insert, after the name "Barkey," the following: "late of Company A, First Battalion, Pennsylvania Volunteer Cavalry."

Mr. LANGLEY. I suggest to the gentleman to strike out the word "late," in the same line, so as not to repeat it, and to use the words "and of."

Mr. ADAIR. Yes; so that it will show both services.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 15, after the word "Barkey," insert the words "late of Company A, First Battalion, Pennsylvania Volunteer Cavalry, and," and strike out the word "late" in line 15, page 34.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

The name of Alice E. Atherton (insane), widow of Charles W. Atherton, late of Company D, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles W. Atherton, helpless and dependent son of said Charles W. Atherton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Alice E. Atherton, the name of said Charles W. Atherton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Alice E. Atherton.

Mr. RUSSELL. Mr. Speaker, I offer the following committee amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. RUSSELL. It is to be added as a new paragraph.

The Clerk read as follows:

Insert as a new paragraph at the end of the bill the following: "The name of Joseph E. Crow, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

Mr. RUSSELL. Mr. Speaker, it has always been the rule of our committee not to encourage or to permit amendments to the bill, but this is a committee amendment and is proposed for this reason: The whole committee has approved of this item and has recommended $36 per month, and directed the clerk to put it in this bill; but the clerk told me this morning that it is due to his oversight that it is not in the bill. So it is simply to correct a clerical error or omission that we ask to insert it in the bill. The committee asks its insertion in order to make the correction.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. RUSSELL. I do.

Mr. MOORE. Did I not hear the gentleman from Indiana [Mr. ADAIR] say a little while ago that there had been an agreement as to amendments? Would this amendment contravene that agreement?

Mr. RUSSELL. I think not, because this is a germane amendment. It is simply to correct a clerical error. This is germane, simply adding an item that should have been in the bill.

Mr. MOORE. Is this a committee amendment or is it an amendment offered by the gentleman himself?

Mr. RUSSELL. It is not my own personal item. It was introduced by another Member. It is a committee amendment, authorized by the committee to be offered on the floor.

Mr. LANGLEY. It does not belong to a member of the committee?

Mr. RUSSELL. No member of the committee introduced the original bill.

Mr. MOORE. It is not an individual Member's bill, but is offered by the committee?

Mr. RUSSELL. It is offered by the committee to correct an error, the result of the omission of one of the clerks in the examiner's office.

Mr. GARRETT of Tennessee. It is simply carrying out the intention of the committee and the order of the committee?

Mr. RUSSELL. Yes. It ought to have been inserted, but the clerk says it was through his oversight that it was omitted.

I will ask, Mr. Speaker, to insert in the RECORD the report of the committee on this item, showing the facts in the case, so that there will be no mistake about it. The RECORD will show the facts.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Following is the report of the committee referred to:

JOSEPH E. CROW.

The last certificate of examination by a board of surgeons, dated October 14, 1914, shows him rated at $24 per month for gunshot wound of left shoulder, with a statement to the effect that the wound is equivalent to the loss of hand or foot for the purpose of manual labor. On that certificate the rejection of his claim for increase from $24 per month under the general law was affirmed.

Medical and other testimony presented this committee indicates the claimant is incapacitated for the performance of manual labor and unable to earn a support by his own exertions by reason of the gunshot wound of left shoulder, for which now pensioned, resulting complete disorganization of joint structure and loss of use of left arm and hand, and the infirmities of age; that he is without means of support, no property except a home place, valued at $3,150 and mortgaged for $1,000, and that he has no income except his pension, which, it is recommended, be increased to $36 per month.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

Mr. LOBECK. Mr. Speaker, I wish to call to the attention of the committee the fact that on page 16 the name of "Catherine Doty" appears at the rate of $12 a month, and in the report, No. 1261, accompanying this bill, on page 38, it is stated that she is now getting $12 per month, and they recommend an increase on account of her troubles to $12 per month. Evidently it is intended to increase the sum to some higher amount, and I think the committee ought to make some recommendation outside of increasing it to $12 a month while she is now receiving $12 per month. I would like to ask the committee about that.

Mr. ADAIR. I will say to the gentleman that from the report I judge it is an error in printing the bill, and that it was intended for $20 instead of $12, because she has been drawing $12.

Mr. LOBECK. I just happened to read the report, and saw that it was not consistent with the bill.

Mr. LANGLEY. Either the report or the bill is in error.

Mr. ADAIR. It is hard to tell which is in error, without examining the original documents.

Mr. LOBECK. It states that she was receiving $12 a month, that she is 73 years of age, and that you increase the amount.

Mr. ADAIR. The clerk of the committee thinks it should have been $20 instead of $12.

Mr. LOBECK. I should think so by the reading of the report, and I move to amend to make it $20 a month, if the committee will accept it.

Mr. GARRETT. Do not do that. The report may be in error.

Mr. ADAIR. We will let it go as it is, and if we find that it should be $20 we will ask to have it changed in the Senate, and will take care of it in conference.

Mr. MAPES. Mr. Speaker, I wish to ask the gentleman from Indiana [Mr. ADAIR] who has this bill in charge in regard to a paragraph in the bill that we have passed. On page 28, line 17, of the bill I notice that it is proposed to give Elizabeth H. Emmel, widow of Albert S. Emmel, a pension of $12 a month. In the report of the committee, on page 65, I notice that she and the soldier were married in September, 1895. The report of the committee also states that she owns a home taxed at $1,850, besides having money in the bank. Is it the policy of the committee to recommend pensions to deserving widows who married their soldier husbands as late as 1895?

Mr. ADAIR. This bill was introduced by the gentleman from New Jersey [Mr. BROWNING]. I have not all the proofs here in connection with the claim and I could not answer the gentleman's question without looking at the papers.

Mr. MAPES. My question is directed more to the policy of the committee than to the facts in this particular case. I would like to know if it is the policy of the committee to recommend pensions to deserving widows who married their soldier husbands as late as 1895?

Mr. ADAIR. We have passed a few such cases, where the physical condition of the widow was such that we felt she deserved it and needed it, where she was destitute, and so on. I do not know what the facts are in relation to the property owned by this widow except what is stated in the report. In a few instances we have passed bills for widows who married as late as 1895, but very few.

Mr. MAPES. I have one or two very deserving cases of this kind in which I am very much interested.

Mr. ADAIR. If the gentleman will introduce the bills and send them to the committee, we will give them consideration.

Mr. MAPES. I have one case where the widow is bedridden and has no property, who was married a little later than 1895. That bill has been before the committee for some time, and I

hope this case here is an evidence of a more liberal policy on the part of the committee in this class of cases.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ADAIR, a motion to reconsider the last vote was laid on the table.

Mr. HARRIS. Mr. Speaker, I desire to call up the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER pro tempore. The gentleman from Alabama calls up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 997. Edward J. Baker.
H. R. 1478. Robert L. Abston.
H. R. 2041. Edward Wilson.
H. R. 2510. Margaret A. Warren.
H. R. 3515. Philip Raper.
H. R. 3628. Lottie A. Fox.
H. R. 4003. John P. Murphy.
H. R. 4845. Jane Augusta Beasley.
H. R. 5001. William Kral.
H. R. 6874. Charles Strassburg.
H. R. 7345. Walter E. Petrie.
H. R. 7492. Wesley C. Beatty.
H. R. 7941. Ernest Miller.
H. R. 8359. Ida V. Kelley.
H. R. 8375. George Brant.
H. R. 8894. Thomas J. McQuillen, alias Thomas J. Jones.
H. R. 9166. Charles B. Ross.
H. R. 9215. Mahala J. H. Johnson.
H. R. 9449. Edward Younger.
H. R. 9517. William S. Wilmoth.
H. R. 10105. Margaret McGreevy.
H. R. 10188. Hayse Butler.
H. R. 10275. Samuel R. Price.
H. R. 10662. Eugene Belanger.
H. R. 11148. Michael E. Fogarty.
H. R. 11464. Thomas B. Lumpkin.
H. R. 11534. Arthur D. Murphy.
H. R. 11769. Oscar H. Cox.
H. R. 11775. Thomas McCormick.
H. R. 11854. Monroe F. Kirby.
H. R. 11876. Henry Kehl.
H. R. 11885. Albert Foraker.
H. R. 12703. Irving Reed.
H. R. 13109. Ellen Owens.
H. R. 13151. Swain M. Bunn.
H. R. 13252. Otto C. Fredericks.
H. R. 13265. Ernest F. Slater.
H. R. 13436. Ex Reynolds.
H. R. 13748. Warren E. Beam.
H. R. 14005. Zachariah Divine.
H. R. 14207. James W. Gillespie.
H. R. 14340. Herbert A. Miller.
H. R. 14374. David W. Duncan.
H. R. 14375. Lydia L. Gardner.
H. R. 14610. Edward B. Earl.
H. R. 14703. Roscoe City.
H. R. 14779. Ella V. Temple.
H. R. 14852. William R. Ford.
H. R. 14962. Archie M. Leighton.
H. R. 15065. Daisy M. Watson.
H. R. 15163. John C. Wilson.
H. R. 15165. Lewis G. Trotter.
H. R. 15335. Mary J. Grogan.
H. R. 15378. Mary A. Daniel.
H. R. 15396. Lewis M. Benaway.
H. R. 15676. Virginia Fleming.
H. R. 15825. Peter Zarr.
H. R. 15895. Cornelius Meek.
H. R. 15921. Elizabeth I. Pulsipher.
H. R. 15925. Frederick C. Hammetter.
H. R. 15944. Otto Burkart.
H. R. 15971. Thomas Allen.
H. R. 16048. Katharina Bamberg.
H. R. 16118. Robert W. Parker.
H. R. 16232. Elizabeth J. Brennan.
H. R. 16401. Walter E. Swett.
H. R. 16656. Malcom J. McNeill.
H. R. 16733. George Hofius.
H. R. 16766. Clifford Rowley.
H. R. 16966. Joseph E. La Rocque.
H. R. 16995. Sallie F. Sheffield.
H. R. 17148. William H. Miller.
H. R. 17274. Mary A. Judson.
H. R. 17372. William H. Phillips.
H. R. 17451. Tressie Bratton.
H. R. 17467. Louise P. Freelon.
H. R. 17489. Guy C. King.
H. R. 17547. Bella Doyle.
H. R. 17626. Susan Lanckart.
H. R. 17798. William T. Hamilton.
H. R. 17844. Ann M. Morrison.
H. R. 18007. Walter C. Lettie.
H. R. 18039. Henry Wachter.
H. R. 18111. Henry H. Collins.
H. R. 18330. Helen R. Cantwell.
H. R. 18333. Alice R. Jones.
H. R. 18422. Volney A. Parmer.
H. R. 18697. Alice W. France.
H. R. 18699. Thomas L. Sharp.
H. R. 18724. Frederick Ernest.
H. R. 18786. Charles Hoff.
H. R. 18849. Mary Koons.
H. R. 18953. Elizabeth Smith.
H. R. 18975. Mary E. Patterson.
H. R. 19014. Catherine E. Wooldridge.
H. R. 19022. Augusta Neff.
H. R. 19083. William H. Peavy.
H. R. 19280. Charles L. Nance.
H. R. 19290. Levi B. Roseberry.
H. R. 19513. Joseph C. White.
H. R. 19621. Mollie Crosswhite.
H. R. 19625. George L. Porter.
H. R. 19669. Goldie M. Nichols.
H. R. 19774. William Lammerhirt.
H. R. 19873. Alice McClung.
H. R. 19929. Harry Wildey.
H. R. 19930. James Scroggins.
H. R. 19986. Luther Detwiler.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of Mrs. Lydia L. Gardner, wife of James E. Gardner, late of Company B, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

Mr. KEY of Ohio. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 8, line 12, strike out, after the words "the name of," the word "Mrs."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Elizabeth I. Pulsipher, widow of David Pulsipher, late of Company C, Morman Battalion Iowa Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. KEY of Ohio. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 11, line 3, after the word "volunteers," insert the words "War with Mexico."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. ADAIR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Saturday, January 9, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy reporting that the Navy Department has considered, ascertained, adjusted, and determined the respective amounts due claimants therein specified on account of damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 1477); to the Committee on Appropriations and ordered to be printed.

2. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., with a view to determining whether there should be any change in that part of the route from Alligator River southwardly to Neuse River from that heretofore recommended in House Document 391, Sixty-second Congress, second session, and heretofore adopted, and whether it would be desirable to extend the route from Alligator River to Pungo River, thence to Goose Creek, thence from the head of Goose Creek to Jones Bay, and thence to Neuse River, or whether any modification of said part of the route is desirable (H. Doc. No. 1478); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19078) granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio, reported the same without amendment, accompanied by a report (No. 1267), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 2668) for the relief of the heirs of Ellery B. Wilmar, reported the same with amendment, accompanied by a report (No. 1266), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XX, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20530) granting a pension to Clarence E. Gleason, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 20688) to place Bartow County, Ga., in the eastern division of the northern district of Georgia; to the Committee on the Judiciary.

By Mr. MOSS of Indiana: A bill (H. R. 20689) to establish national farm-land banks; to the Committee on Banking and Currency.

By Mr. KINKAID of Nebraska: A bill (H. R. 20690) to appropriate $10,000 for a highway across the Fort Robinson Military Reservation and the timber reservation; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 20691) to sell and dispose of the Panama Canal bonds heretofore authorized and not disposed of, and to expend the proceeds in further fortifying and strengthening existing fortifications of the coast defenses of the United States and its insular possessions, and to strengthen the Navy of the United States; to the Committee on Military Affairs.

By Mr. TEN EYCK: A bill (H. R. 20692) providing for the purchase of a site and the erection of a public building at Watervliet, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: A bill (H. R. 20693) to supplement existing legislation relative to the United States court for China, and to increase the serviceability thereof; to the Committee on the Judiciary.

By Mr. WITHERSPOON: A bill (H. R. 20694) to repeal section 9 of the naval personnel act of March 3, 1899, and to transfer certain classes of officers from the retired to the active list of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. OLDFIELD: A bill (H. R. 20695) to amend sections 21 and 31 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. TAVENNER: A bill (H. R. 20696) to add two upper stories to the one-story portion of the west side of the post-office building at Rock Island, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CHURCH: A bill (H. R. 20697) to create a Federal tariff commission; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 20646) granting a pension to Ellen Moffatt; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 20698) granting an increase of pension to Amos Hall; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 20699) granting a pension to William Sommers; to the Committee on Pensions.

Also, a bill (H. R. 20700) granting a pension to Winnie Turner; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 20701) granting an increase of pension to Samuel Brown; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 20702) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert A. Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.; to the Committee on the District of Columbia.

By Mr. BURKE of Wisconsin: A bill (H. R. 20703) granting an increase of pension to Silas M. Abers; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 20704) granting an increase of pension to Justin S. Randolph; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 20705) granting an increase of pension to Abraham Gindlesparger; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 20706) granting a pension to Maud S. Hayes; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 20707) granting a pension to Gilbert Wilson; to the Committee on Pensions.

Also, a bill (H. R. 20708) granting an increase of pension to Jacob Mapes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20709) granting an increase of pension to Clara E. Smith; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 20710) granting an increase of pension to Thomas Phillips; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 20711) to place the name of James P. Barney on the lineal list of first lieutenants of Cavalry of the Army; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 20712) granting a pension to Catharine Walker; to the Committee on Pensions.

Also, a bill (H. R. 20713) granting an increase of pension to Pauline Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20714) granting an increase of pension to William Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20715) granting an increase of pension to Rebecca J. Gist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20716) granting an increase of pension to Louisa Haun; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20717) for the relief of Mary Ann Snider; to the Committee on War Claims.

By Mr. HOLLAND: A bill (H. R. 20718) granting a pension to James J. Booth; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 20719) granting a pension to Cynthia Rudler Osgood; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 20720) granting an increase of pension to Eliza A. McKallip; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 20721) granting an increase of pension to Elizabeth C. Johnson; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 20722) granting an increase of pension to Allen D. Wolf; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 20723) granting an increase of pension to Lydia A. Heatherly; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 20724) granting an increase of pension to Nora Davis; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20725) granting an increase of pension to Augusta Albert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20726) granting an increase of pension to Barbara Mehringer; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 20727) granting an increase of pension to Frank Coalman; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 20728) granting a pension to Anderson Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20729) granting a pension to Joseph Stevens; to the Committee on Pensions.

Also, a bill (H. R. 20730) granting a pension to Lulu E. Winans; to the Committee on Pensions.

Also, a bill (H. R. 20731) to remove the charge of desertion from the military record of John B. Connolly; to the Committee on Military Affairs.

By Mr. TEN EYCK: A bill (H. R. 20732) granting a pension to Walter V. Haskell; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 20733) granting an increase of pension to John W. B. Huntsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20734) granting an increase of pension to Barbara J. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20735) for the relief of Samuel A. Jones; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of William H. Steinkemp and other citizens of Topeka, Kans., favoring House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petition of L. N. De Lozier, C. Liebegott, C. E. Howley, William M. Piper, and L. McMaster, all of Duncansville, Pa., for the passage of House bill 5308, a bill providing for the taxation of mail-order houses for local purposes; to the Committee on Ways and Means.

By Mr. BRITTEN: Memorial of the Illinois State Federation of Labor, protesting against the agitation for a greater Army and Navy; to the Committee on Military Affairs.

By Mr. BROWNE of Wisconsin: Petition signed by Charles F. Reuter, Charles Zerge, and other residents of New London, Wis., and its vicinity, asking that laws be passed enabling the President of the United States to levy an embargo on all contraband of war, save foodstuffs only, thereby withdrawing from

all contending powers all aid and assistance from this Republic; to the Committee on Foreign Affairs.

Also, petition signed by Gustav Kosanke, H. F. Roloff, and other residents of Waupaca County, Wis., asking that House joint resolution 377, which provides that the President be authorized, in his discretion, to prohibit the export of arms, ammunition, and munitions of war of every kind, be enacted into law; to the Committee on Foreign Affairs.

Also, petition signed by J. H. Deterding, C. F. Schroeder, and other residents of Mattoon, Wis., asking that further shipment of ammunition to any of the belligerent countries cease, and urgently requesting the enactment of a law to that effect; to the Committee on Foreign Affairs.

Also, petition signed by Rev. H. J. Anger, G. M. Byse, and other residents of Wautoma, Wis., asking that laws be passed enabling the President of the United States to levy an embargo on all contraband of war, save foodstuffs only, thereby withdrawing from all contending powers all aid and assistance from this Republic; to the Committee on Foreign Affairs.

Also, petition signed by Wilhelm Hagen, Jerry Bradley, and other residents of Marathon County, Wis., asking that House joint resolution 377, which provides that the President be authorized, in his discretion, to prohibit the export of arms, ammunition, and munitions of war of every kind, be enacted into law; to the Committee on Foreign Affairs.

Also, petition signed by George Fiorke, Martin Brandt, and other residents of Nekoosa, Wis., asking that House joint resolution 377, which provides that the President be authorized, in his discretion, to prohibit the export of arms, ammunition, and munitions of war of every kind, be enacted into law; to the Committee on Foreign Affairs.

Also, petition signed by Guy Van Doren, S. K. Adams, and other residents of Birnamwood, Wis., asking that the United States forbid the sale of bonds of a belligerent, issued since the war began, in this country, and to forbid the exportation of arms and ammunition to any country for use against a country with which the United States is at peace; to the Committee on Foreign Affairs.

Also, petition signed by Peter A. Eberhardy, F. X. Durst, and all other members of the American Society of Equity, of Hewitt, Wis., asking that an embargo be placed on ammunition and all munitions of war of every kind; to the Committee on Foreign Affairs.

Also, petition signed by H. E. Gerlach, H. W. Glocke, and other residents of Waupaca County, Wis., asking that House joint resolution 377, which provides that the President be authorized, in his discretion, to prohibit the export of arms, ammunition, and munitions of war of every kind, be enacted into law; to the Committee on Foreign Affairs.

By Mr. CLINE: Petitions of 9 business men of South Whitley, 6 business men of Larwill, 8 business men of Butler, 22 business men of Kendallville, and 12 business men of Topeka, all in the State of Indiana, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 47 householders on route No. 2, rural free delivery, Fremont, Ind., favoring retention of present rural delivery system; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: Petitions of Carl Binhammer and 124 others, of Sebewaing; J. H. Nieschulz, of Pigeon; E. E. Sauer and 13 others, of Avoca; Gustav and Theodore Eggert, of Port Hope; A. G. Kurth and 15 others, of Port Huron; Albert Stange, of Vassar; Charles W. Fitz, of Lamb; George Huber, of Gera; Rev. J. A. Bohn and 14 others, of Fraser; Frank Shock, of Ruth; W. F. Mundt and 12 others, of Ubly; Theodore Stank and 7 others, of Bad Axe; and Fred Kolberg and 10 others, of Harbor Beach, all in the State of Michigan, in support of House joint resolution 377, proposing to prohibit exportation of arms, etc.; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of citizens of Parkston, S. Dak., favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petition of New York Board of Trade and Transportation, favoring the passage of the Root bill (S. 3672); to the Committee on Rivers and Harbors.

By Mr. DOOLITTLE: Petitions of citizens of Marion County, Hillsboro, Vassar, and Lehigh, Kans., favoring prohibiting exportation of war material to warring nations; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Petitions of various church organizations of Philadelphia, Pa., protesting against violation of the spirit of neutrality in America; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of citizens of the State of Wisconsin, favoring passage of House joint resolution 377, prohibiting exportation of war material; to the Committee on Foreign Affairs.

By Mr. GOOD: Petition of citizens of the fifth congressional district of Iowa, favoring passage of House joint resolution 377, relative to exportation of war material; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Petition of citizens of Arkadelphia, Ark., and vicinity, against contract plan of rural delivery; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia (Pa.) Maritime Exchange, protesting against passage of House bill 18666, providing Government ownership, etc., of merchant vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON of New York: Papers to accompany H. R. 20671, granting an increase of pension to John A. Peterson; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20165, granting a pension to Louise Jones Nesmith; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20666, granting a pension to Charles Gould; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20667, granting an increase of pension to Hiram Ells; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20668, granting an increase of pension to George W. Rice; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20669, granting an increase of pension to Hiram D. Stoddard; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20670, granting an increase of pension to John Peterson; to the Committee on Invalid Pensions.

By Mr. HARRIS: Petition of citizens of Athens, Ala., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Rhode Island Medical Society, urging provision in immigration bill for the examination of arriving aliens; to the Committee on Immigration and Naturalization

Also, petitions of Mrs. E. M. Harris, Mrs. Caroline Dowell, Miss Lucy McDonald, Mrs. J. J. Duffy, Mrs. J. J. Butler, and Mrs. Carl Barus, all of Providence, R. I., and Lizette G. Vise, of Newport, R. I., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. KONOP: Petition of citizens of ninth congressional district of Wisconsin, favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. LIEB: Petitions of William C. McGlacken, Evansville Planing Mill Co., H. G. Schmeltekop, C. Krieger & Son, Dr. W. F. Cleveland, Newton W. Thrall, J. Chester Vaught, William J. Walker, Oscar J. Oehlkuch, C. H. Battin, Horace M. Lukens, Paul Pfeiffer, Charles J. Nenneker, Gotlieb H. Bippus, Charles H. Kleiderer, Henry Bohnsack, F. O. Weber, and Henry F. Decker, all of Evansville, Ind., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petitions of Gustav Holland, of Hanna; Joseph Freudenberg, of Armstrong; Wilhelm E. Becker, of Cypress; William Hay and H. E. Menke, of the Indiana Furniture Co., and George Mohr and Dr. Ernst H. C. Heusler, of Evansville; and Rev. R. Godfrey Kurz, of Boonville, all in the State of Indiana, favoring House joint resolution 377, relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. LLOYD: Petition of 294 merchants of the first Missouri congressional district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of Mrs. Carl Becker, of Windsor, and other Connecticut citizens, favoring the passage of Senate bill 6688, to forbid export of arms; to the Committee on Foreign Affairs.

Also, memorial of Rev. C. E. Heydoureist and others, of Hartford, Conn., favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. MOON: Papers to accompany a bill (H. R. 15929) for the relief of Samuel T. Baker; to the Committee on Military Affairs.

By Mr. J. I. NOLAN: Petitions of sundry citizens of San Francisco, Cal., favoring the passage of House joint resolution 377, to prohibit the export of munitions of war from the United States; to the Committee on Foreign Affairs.

By Mr. O'BRIEN: Petition of New York Board of Trade and Transportation, favoring passage of the Root bill (S. 3672); to the Committee on Rivers and Harbors.

By Mr. PARKER of New Jersey: Petition of the Fair Play League of Newark, N. J., urging strict enforcement of neutrality; to the Committee on Foreign Affairs:

By Mr. POST: Memorial of 167 citizens of Springfield, Clark County, Ohio, protesting against exportation of war material to warring nations; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Petition of German-American Alliance of New Haven, Conn., favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petitions of Gottlob Fehrle and Martin Amareszkn, of South River; Louis Schmachtonberger, of Avon by the Sea; F. W. P. Bruning, of Atlantic Highlands; J. Gornb, of Matawan; Joseph A. Synchy, of Perth Amboy; William C. Ludi, of Matawan; and M. Lienert, of Matawan, all in the State of New Jersey, in favor of prohibition of the shipment of war material to foreign countries; to the Committee on Foreign Affairs.

By Mr. SUTHERLAND: Papers to accompany bill granting a pension to John B. Connolly; to the Committee on Invalid Pensions.

Also, papers to accompany pension claim of Lulu E. Winans; to the Committee on Pensions.

Also, affidavits in the pension claim of Jaseph Stevens; to the Committee on Pensions.

By Mr. UNDERHILL: Petitions of citizens of Cohocton, and New York State League of U. S. A., and German Roman Catholic Church of Elmira, N. Y., favoring passage of House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *January 9, 1915.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, Thou hast promised that Thou wilt never leave us nor forsake us. Fulfill unto us now, we beseech Thee, Thine own gracious word and be with us at this tender and holy hour. Thou hast called us to this day and to this hour, nor do we come, our Father, empty handed, but we come bringing the most precious gift that Thou dost grant unto us to present to Thee, for we come bringing to Thee the memory of one who was dear to Thee, and therefore dear to us, the memory of one whom we loved because Thou didst first love. Though we behold not now his face and listen in vain for his voice, yet we can not, our Father, forget the honored companion, the wise counselor, the faithful public servant. We thank Thee not as we would but as we may for the life and the public services of him whom this day our lips shall name.

We remember before Thee those to whom this loss is most sore and whose grief it is beyond our words to repair. Give unto them, we pray Thee, Thou most gracious One, the oil of joy for mourning, beauty for ashes, and the garment of praise for the spirit of heaviness. Lead them by the still waters of Thy grace. Grant that the rod of Thy faithfulness and the staff of Thy providence may be their comfort; and grant that neither the present with its sorrow, nor the future with its uncertainty, nor the height of their love nor the depth of their grief may be able to separate them from the love of God which is in Christ Jesus our Lord. And unto Thee, our Father, who loved us with an everlasting love and hast given us comfort and good hope through the gospel, unto Thee, be the glory, the praise, the dominion, and power, now and forevermore. Amen.

The Journal of yesterday's proceedings was read and approved.

THE PRESIDENT'S ADDRESS AT INDIANAPOLIS.

Mr. ASHURST. Mr. President, I ask unanimous consent to include in the RECORD a copy of the address delivered yesterday by the President of the United States at Indianapolis.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address is as follows:

"Gov. Ralston, ladies, and gentlemen, you have given me a most royal welcome, for which I thank you from the bottom of my heart. It is rather lonely living in Washington. I have been confined for two years at hard labor, and even now I feel that I am simply out on parole. You notice that one of the most distinguished members of the United States Senate is here to see that I go back. And yet, with sincere apologies to the Senate and House of Representatives, I want to say that I draw more inspiration from you than I do from them.

SHOULD CENTER THOUGHT ON UNITED STATES.

"They, like myself, are only servants of the people of the United States. Our sinews consist in your sympathy and support, and our renewal comes from contact with you and with the strong movements of public opinion in this country. That is the reason why I, for one, would prefer that our thoughts should not too often cross the ocean but should center themselves upon the policies and duties of the United States. If we think of the United States, when the time comes we shall know how this country can serve the world. I will borrow a very interesting phrase from a distinguished gentleman of my acquaintance and beg that you will keep your moral powder dry.

READY TO FIGHT FOR HIS BELIEFS.

"But I have come here on Jackson Day. If there are Republicans present, I hope they will feel the compelling influences of such a day. There was nothing mild about Andrew Jackson; that is the reason I spoke of the 'compelling influences of the day.' Andrew Jackson, was a forthright man, who believed everything he did believe in in fighting earnest. And, really, ladies and gentlemen, in public life, that is the only sort of man worth thinking about for a moment.

"If I was not ready to fight for everything I believe in, I would think it my duty to go and take a back seat. I like, therefore, to breathe the air of Jackson Day. I like to be reminded of the old militant hosts of Democracy which I believe have come to life again in our time.

"The United States had almost forgotten that it must keep its fighting ardor in behalf of mankind when Andrew Jackson became President; and you will notice that whenever the United States forgets its ardor for mankind, a Democrat is elected President.

REPUBLICANS WITHOUT IDEAS.

"The trouble with the Republican Party is that it has not had a new idea for 30 years. I am not speaking as a politician; I am speaking as an historian. I have looked for new ideas in the records, and I have not found any proceeding from the Republican ranks.

"They have had leaders from time to time who suggested new ideas, but they never did anything to carry them out. I suppose there was no harm in their talking, provided they could not do anything. Therefore when it was necessary to say that we have talked about things long enough which it was necessary to do and the time had come to do them, it was indispensable that a Democrat should be elected President.

REFUGE FOR THOSE AFRAID.

"I would not speak with disrespect of the Republican Party. I always speak with great respect of the past. The past was necessary to the present, and was a sure prediction of the future. The Republican Party is still a covert and refuge for those who are afraid, for those who want to consult their grandfathers about everything. You will notice that most of the advice taken by the Republican Party is taken from gentlemen old enough to be grandfathers, and that when they claim that a reaction has taken place they react to the reelection of the oldest members of their party. They will not trust the youngsters. They are afraid the youngsters may have something up their sleeves.

"You will see, therefore, that I have come to you in the spirit of Jackson Day. I got very tired staying in Washington and saying sweet things. I wanted to come out and get in contact with you once more and say what I really thought.

SAYS INDEPENDENT VOTERS RULE.

"My friends, what I particularly want you to observe is this, that politics in this country does not depend any longer upon the regular members of either party. There are not enough regular Republicans in this country to take and hold national power; and I must immediately add there are not enough regular Democrats in this country to do it, either. This country is guided and its policy is determined by the independent voter; and I have come to ask you how we can best prove to the independent voter that the instrument he needs is the Democratic Party and that it would be hopeless for him to attempt to use the Republican Party. I do not have to prove it; I admit it.

"What seems to me perfectly evident is this, that if you made a rough reckoning you would have to admit that only about one-third of the Republican Party is progressive; and you would also have to admit that about two-thirds of the Democratic Party is progressive. Therefore the independent progressive voter finds a great deal more company in the Democratic ranks than in the Republican ranks.

SOME DEMOCRATS HOLDING BACK.

"I say a great deal more because there are Democrats who are sitting on the breeching strap; there are Democrats who