

APPENDIX
to
BRIEF OF AMICUS CURIAE CHEROKEE NATION

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ATTACHMENT NO. 1

Cherokee Nation Cross-Deputization Agreement List (1992-2019)

CHEROKEE NATION CROSS-DEPUTIZATION AGREEMENTS (1992-2019)

50186 [12/31/2019] - County Addendum - Addition of Cherokee County to Deputation Agreement for Law Enforcement in the Cherokee Nation - Cherokee Nation and (original agreement 1992 - sos file number 27286)
<https://www.sos.ok.gov/documents/filelog/93289.pdf>

49793 [04/16/2019] - City Addendum addition of the City of Spavinaw deputation agreement for law enforcement in the Cherokee Nation
<https://www.sos.ok.gov/documents/filelog/92899.pdf>

49794 [04/16/2019] - City of Muskogee Addendum addition of the City of Muskogee to deputation agreement for law enforcement in the Cherokee Nation
<https://www.sos.ok.gov/documents/filelog/92900.pdf>

49070 [02/02/2019] - County Addendum, Addition of Tulsa County to Deputation Agreement for Law Enforcement in the Cherokee Nation - original agreement Attorney General file number ICA-93-0019-Cross-Deputization Agreement between the Cherokee Nation, the State of Oklahoma, and the U.S. Government
<https://www.sos.ok.gov/documents/filelog/92187.pdf>

[2/2/2018] – Agreement between Cherokee Nation and the City of Tulsa File not yet uploaded to <https://www.sos.ok.gov/>.

48981 [12/01/2017] – Agreement between Rogers State University and the Cherokee Nation
<https://www.sos.ok.gov/documents/filelog/92061.pdf>

48982 [12/01/2017] – Agreement between the Town of Gans and the Cherokee Nation
<https://www.sos.ok.gov/documents/filelog/92062.pdf>

48414 [01/25/2017] – ICA between Cherokee Nation Marshal Service and Okla. Bureau of Narcotics and Dangerous Drugs Control - Agreement and Protocol for Cross-Deputization and Addendum - signed 01/23/2003 <https://www.sos.ok.gov/documents/filelog/91480.pdf>

48415 [01/25/2017] – ADDENDUM - Okla. Dept. of Agriculture Food and Forestry-Forestry Division joining as members of the foregoing agreement and compact - signed 04/15/2003
<https://www.sos.ok.gov/documents/filelog/91481.pdf>

48211 [08/11/2016] – Agreement between Cherokee Nation and the City of Chelsea
<https://www.sos.ok.gov/documents/filelog/91272.pdf>

47316 [01/30/2015] – Agreement between Cherokee Nation of Oklahoma and City of Claremore
<https://www.sos.ok.gov/documents/filelog/90347.pdf>

47315 [01/30/2015] – Agreement between Cherokee Nation of Oklahoma and City of South Coffeyville <https://www.sos.ok.gov/documents/filelog/90346.pdf>

47054 [07/16/2014] – Agreement between Cherokee Nation and Nowata County and the City of Nowata <https://www.sos.ok.gov/documents/filelog/90081.pdf>

46988 [04/09/2014] – Agreement between Cherokee Nation and the City of Tulsa <https://www.sos.ok.gov/documents/filelog/90014.pdf>

44913 [06/14/2011] – Agreement between Cherokee Nation and Northeastern State University (NSU) <https://www.sos.ok.gov/documents/filelog/87845.pdf>

44920 [06/14/2011] – Agreement between Cherokee Nation and the City of Big Cabin, Catoosa, Ft. Gibson, Grove, Inola, Jay, Langley, Locust Grove, Marble City, the City of Owasso, Pryor, Salina, Sallisaw, Stilwell, Sprerry, Tahlequah, Vian, Vinita, Westville, Town of Colcord, Town of Ramona, The Kansas Police Department, The Collinsville Police Department, and The Roland Police Department <https://www.sos.ok.gov/documents/filelog/87852.pdf>

44921 [06/14/2011] – Agreement between Cherokee Nation and the Board of County Commissioners of Cherokee County, Delaware County, Muskogee County, Sequoyah County, Mayes County, McIntosh County, Ottawa County, Wagoner County, the Rogers County Sheriff's Office, the Sequoyah County Sheriff, and the Sheriff of Wagoner County <https://www.sos.ok.gov/documents/filelog/87853.pdf>

44914 [06/14/2011] – Agreement between Cherokee Nation and The District Attorney of Ottawa and Delaware Counties, and The District Attorney for Craig, Rogers and Mayes Counties <https://www.sos.ok.gov/documents/filelog/87846.pdf>

41989 [04/18/2007] – Agreement between Cherokee Nation and Bureau of Indian Affairs <https://www.sos.ok.gov/documents/filelog/64803.pdf>

34841[08/29/1997] – Agreement between Cherokee County, City of Tahlequah, State of OK & Bureau of Indian Affairs <https://www.sos.ok.gov/documents/filelog/51268.pdf>

27286 [07/08/1992] – Cherokee Nation /U.S. Department of Interior/Co Comm. Various Law Enf. including by not limited to County Sheriff's Department, Oklahoma State Bureau of Investigation, Oklahoma Highway Patrol, State Fire Marshal, Oklahoma Department of Dangerous Drugs and Narcotics, Department of Corrections, Council on Law Enforcement Education and Training, Oklahoma Game Rangers, Oklahoma Lake Patrol, Oklahoma State Fire Marshal, etc. <https://www.sos.ok.gov/documents/filelog/54074.pdf>

ATTACHMENT NO. 2

Cherokee Nation Boundaries and Service Area Maps

List of Documents:

Map of Cherokee Nation Reservation Boundaries (2020)

Map of Cherokee Nation Service Sites (2018)

Map of Cherokee Nation Medical Facilities (2018)

Map of Cherokee Nation Tribal Transit Bus Routes (2018)

Map of Cherokee Nation Tribal Transportation Program Construction Projects (2018)

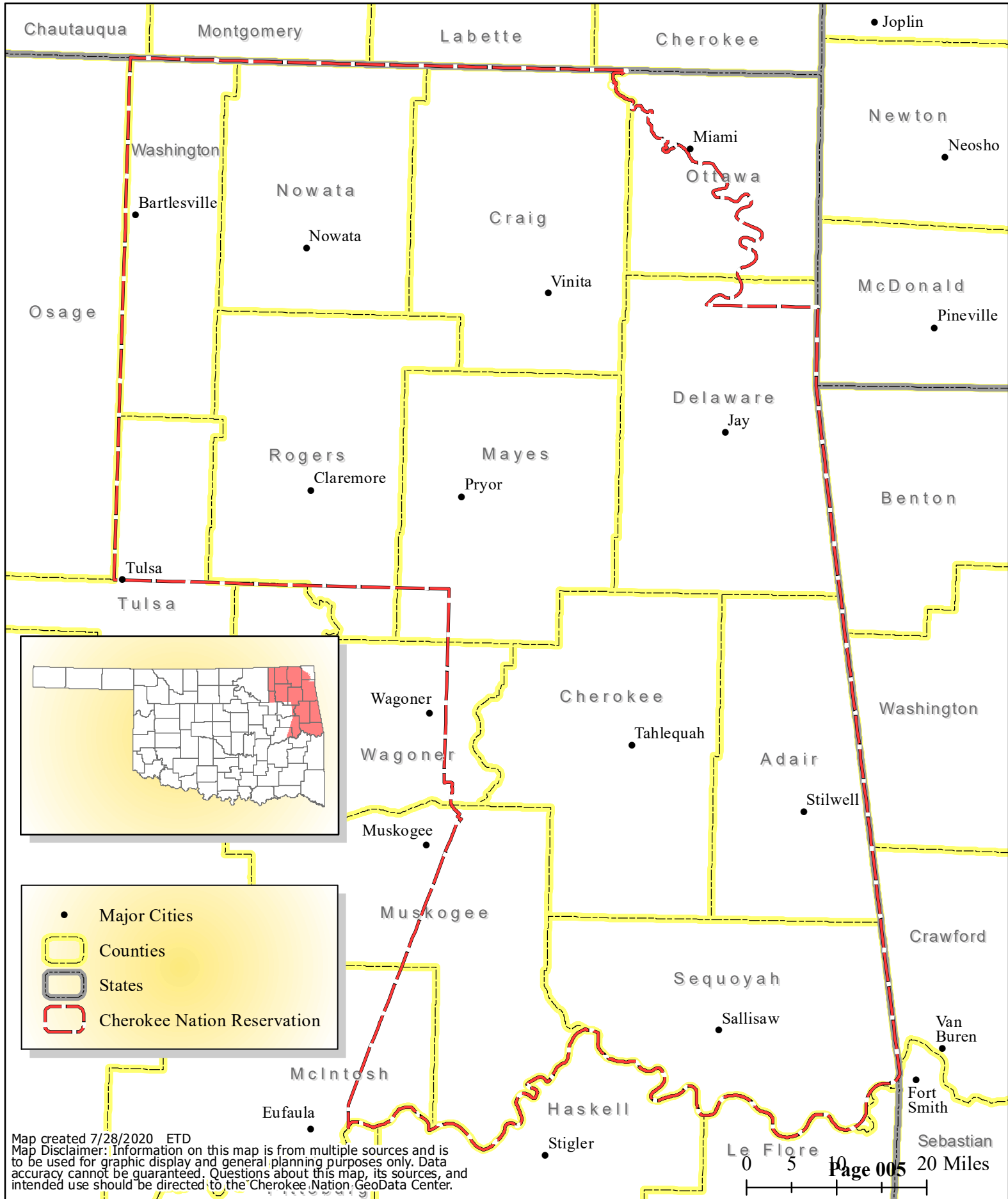
Map of Cherokee Nation Businesses (2018)



Cherokee Nation



1776 INC. CHEROKEE NATION®

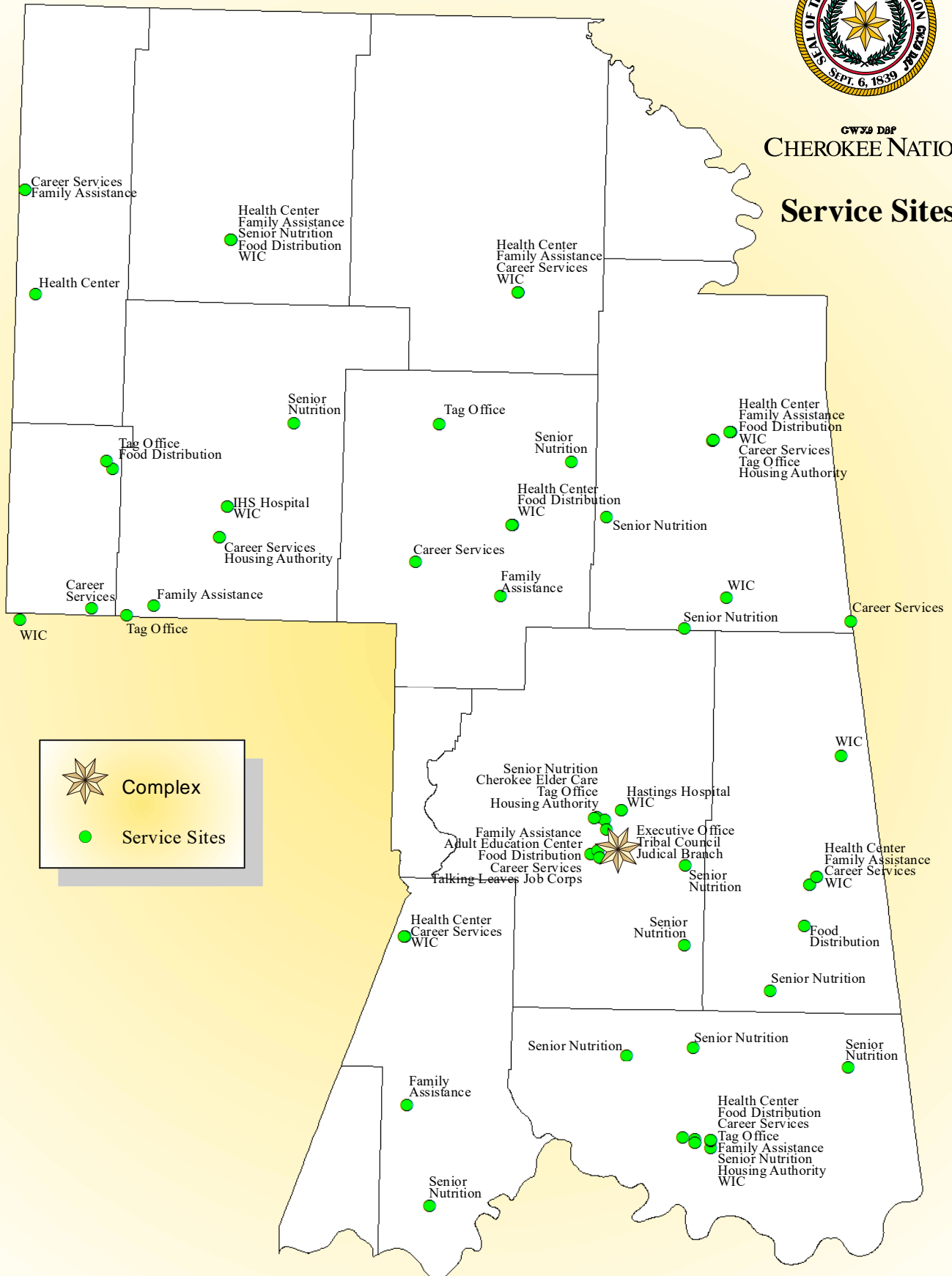


Map created 7/28/2020 ETD
 Map Disclaimer: Information on this map is from multiple sources and is to be used for graphic display and general planning purposes only. Data accuracy cannot be guaranteed. Questions about this map, its sources, and intended use should be directed to the Cherokee Nation GeoData Center.



GW39 DBF
CHEROKEE NATION®

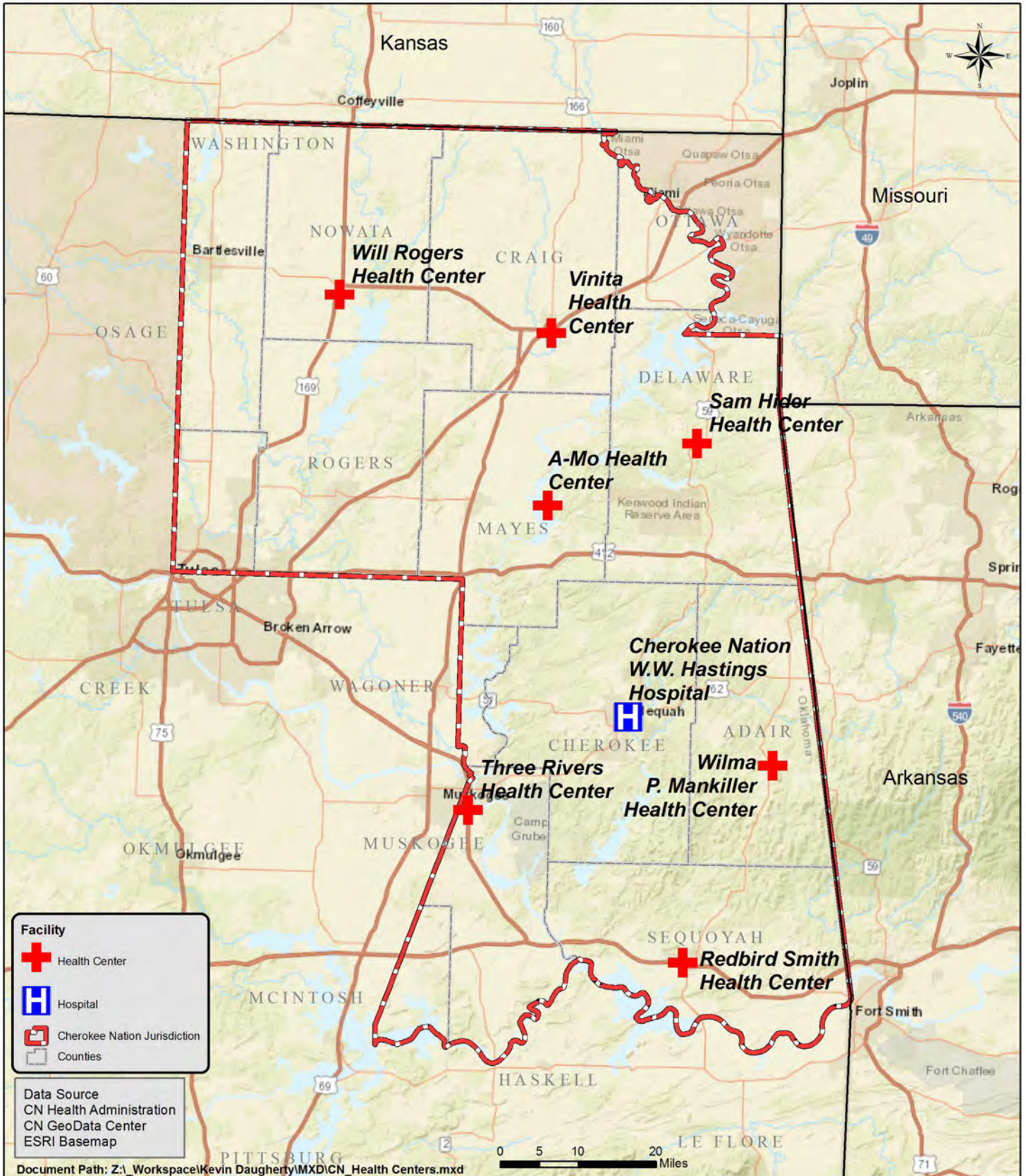
Service Sites



Map created 1/31/2018 ETD
Note: This map is based on multiple sources and was prepared to demonstrate the general locations of the identified services.

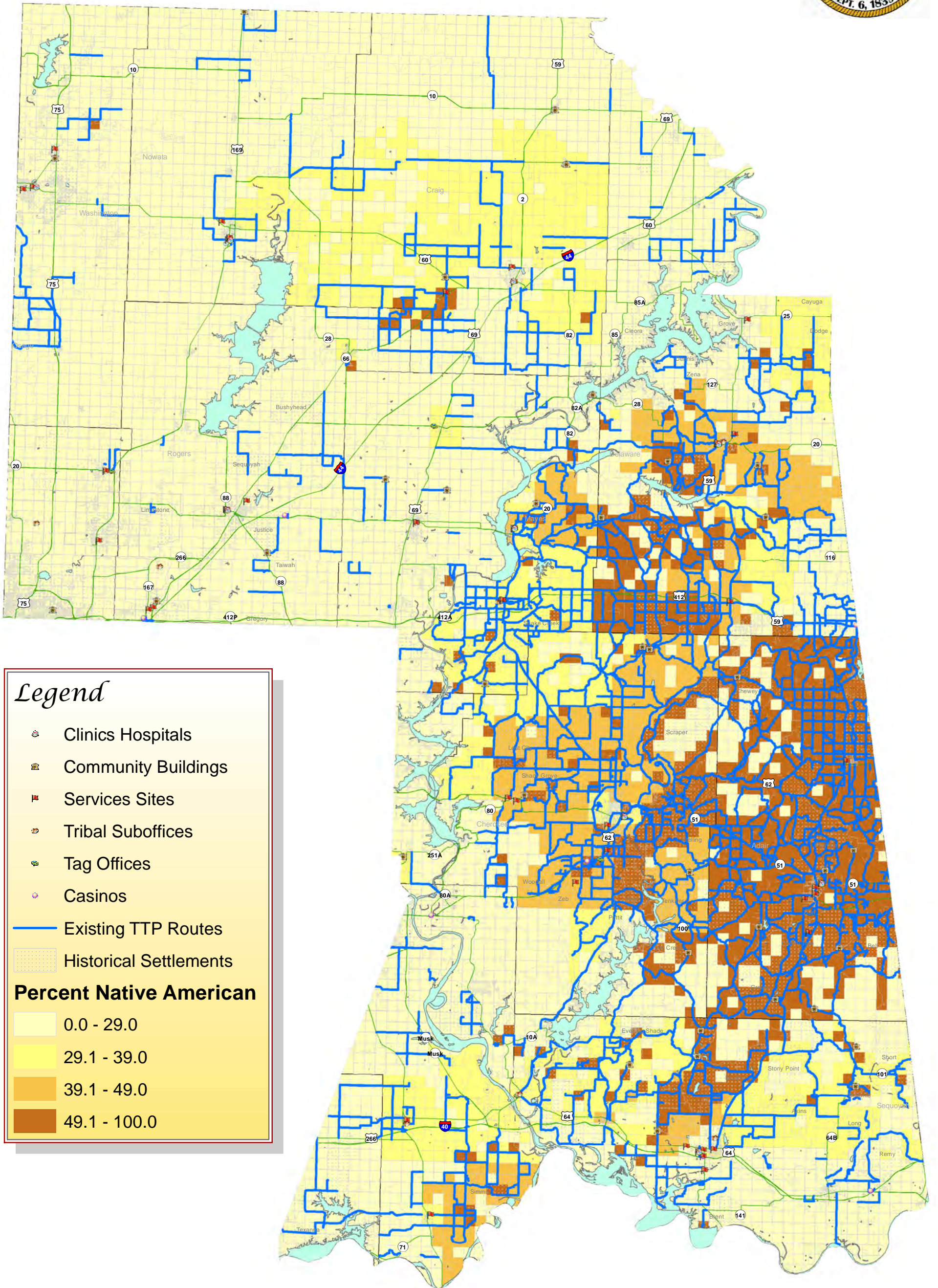


Cherokee Nation Medical Facilities





2017 Cherokee Nation Tribal Transit Bus Routes



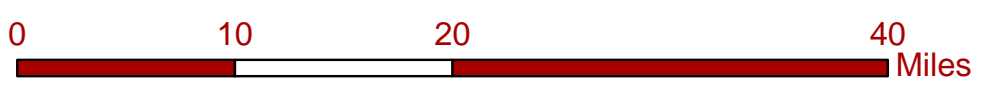
Legend

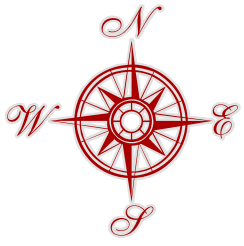
- Clinics Hospitals
- Community Buildings
- Services Sites
- Tribal Suboffices
- Tag Offices
- Casinos
- Existing TTP Routes
- Historical Settlements

Percent Native American

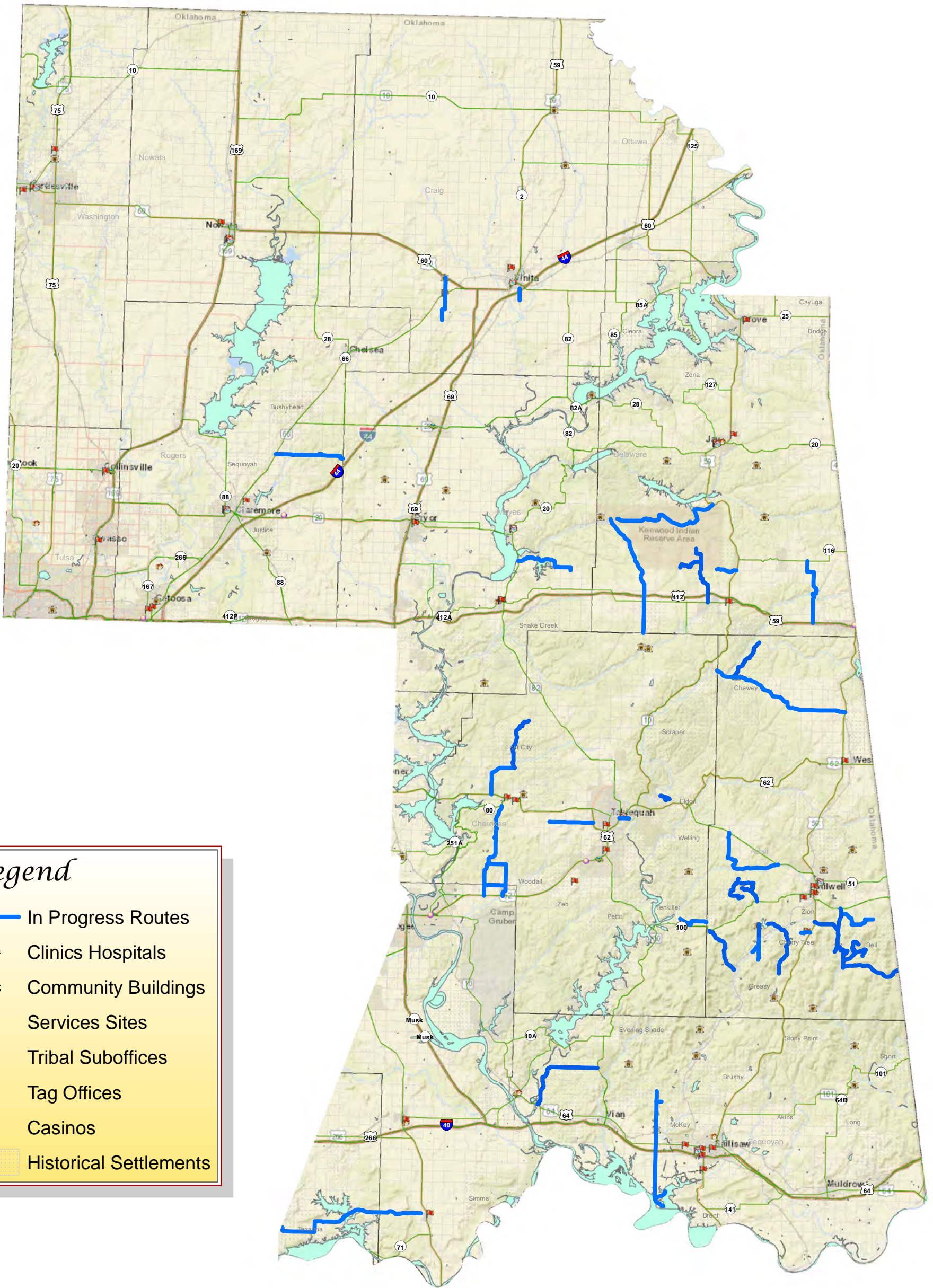
- 0.0 - 29.0
- 29.1 - 39.0
- 39.1 - 49.0
- 49.1 - 100.0

Data Source:
Cherokee Nation Department of Transportation
Date: 9/21/2018
This map is for reference use only





Cherokee Nation Tribal Transportation Program Construction Projects



Legend

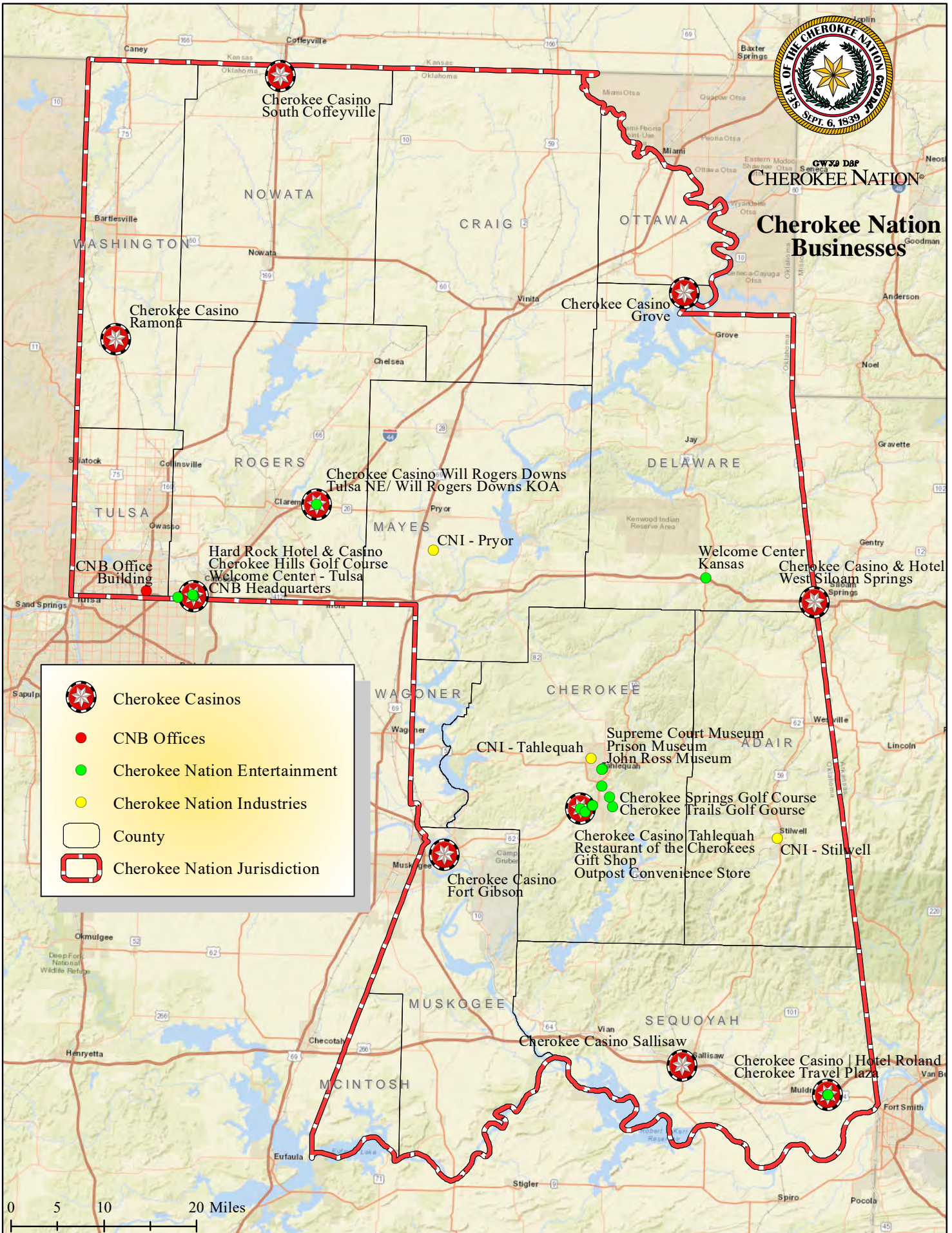
- In Progress Routes
- Clinics Hospitals
- Community Buildings
- Services Sites
- Tribal Suboffices
- Tag Offices
- Casinos
- Historical Settlements

Data Source:
Cherokee Nation Department of Transportation
Date: 9/21/2018
This map is for reference use only





CHEROKEE NATION
Cherokee Nation
Businesses



	Cherokee Casinos
	CNB Offices
	Cherokee Nation Entertainment
	Cherokee Nation Industries
	County
	Cherokee Nation Jurisdiction



ATTACHMENT NO. 3

Indian Country Criminal Jurisdictional Chart

NON-INDIAN OFFENDER:

1. VICTIM CRIMES: AN OFFENSE AGAINST A VICTIM'S PERSON OR PROPERTY

WHO IS THE VICTIM?	WHAT WAS THE CRIME?	JURISDICTION
INDIAN (enrolled or recognized as Indian by a government entity <u>and</u> possessing some degree of Indian blood)	Indian Country Crimes Act Crimes: All federal crimes which apply to the "special maritime and territorial jurisdiction of the United States under the U.S. Code." (Authority: General Crimes Act - 18 U.S.C. § 1152)	FEDERAL
	All remaining crimes contained in state code (where there is no federal statute for the category of offense) under the Assimilative Crimes Act. (Authority: General Crimes Act - 18 U.S.C. §§ 1152 & 13)	FEDERAL
	Domestic Violence, Dating Violence, or Violation of Protection Order offenses [when defendant: 1) resides in Indian country, 2) works in Indian country, or 3) is a spouse or partner of a member of a participating tribe or is an Indian residing in Indian country of a participating tribe] (Authority: tribal code and 25 U.S.C. § 3101)	TRIBAL * **
NON-INDIAN	All crimes contained in state code. (Authority: <i>United States v. McBratney, 104 U.S. 621 (1881)</i>)	STATE

* limited to 1 year sentence & \$5,000. fine, unless tribe approved under Tribal Law & Order Act for 3 yr. felonies.

** effective after 3/7/15 if the tribe provides U.S. Constitutional protections in tribal court.

2. VICTIMLESS CRIMES: NO VICTIM'S PERSON OR PROPERTY INVOLVED IN CRIME

STATE ONLY

(e.g., traffic offenses, disorderly conduct, prostitution, etc.)

3. GENERAL FEDERAL CRIMES: OTHER FEDERAL CRIMES OF GENERAL APPLICABILITY (Affecting Interstate Commerce or a Federal Interest)

FEDERAL

(Federal prosecution based on federal interest, not based on territorial jurisdiction over location of crime) (e.g., drug offenses, firearms offenses, mail fraud, embezzlement or theft from tribal organization, theft from casino, failure to report child abuse, etc.) (Authority: individual federal statute)

*created by Arvo Q. Mikkanen, Assistant U.S. Attorney & Tribal Liaison,
U.S. Attorney's Office, Western District of Oklahoma
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August 2017 Version

ATTACHMENT NO. 4

Cherokee Cessions Map, Goins and Goble, "Historical Atlas of Oklahoma"

Historical Atlas of Oklahoma

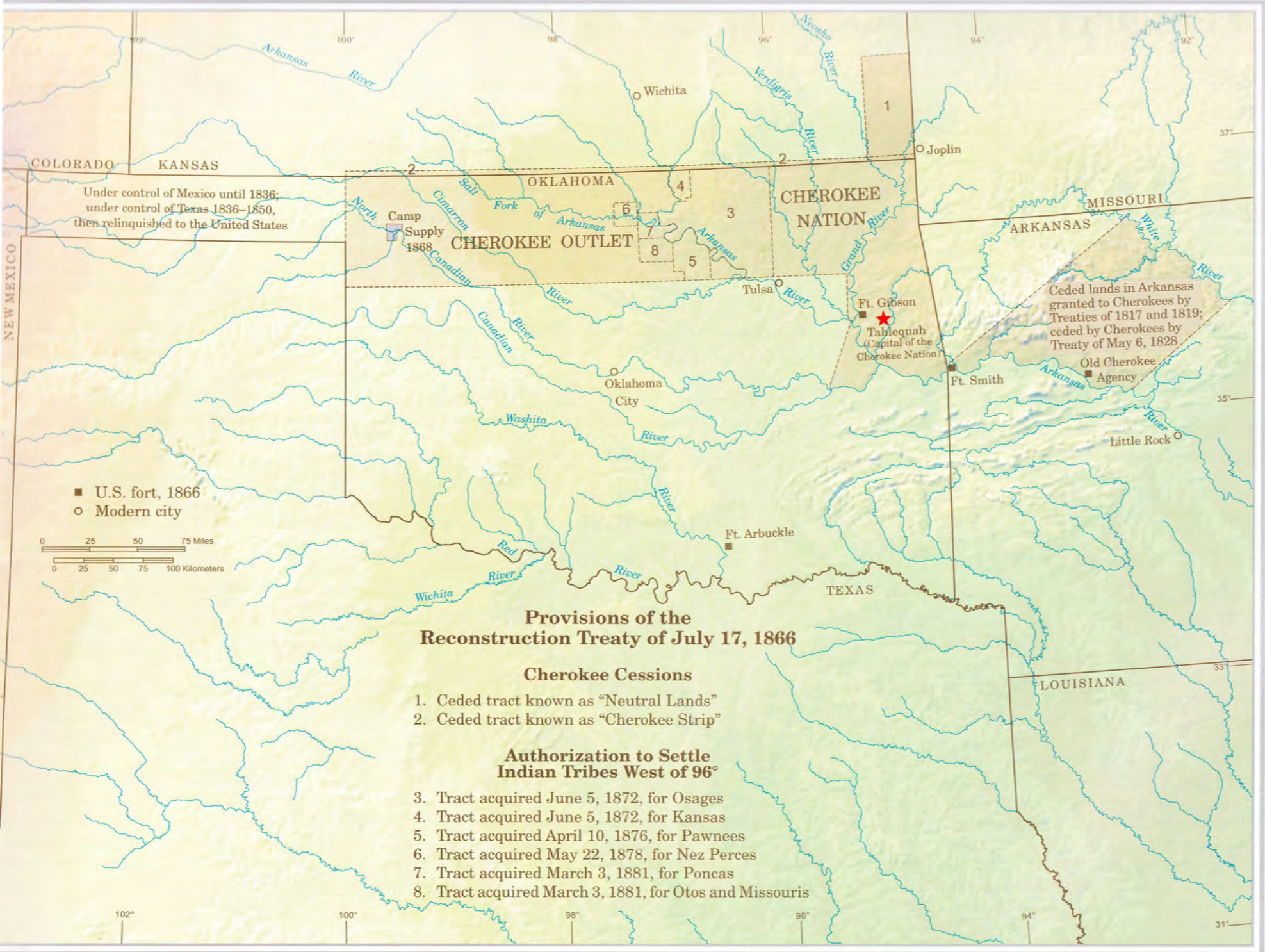
FOURTH EDITION

CHARLES ROBERT GOINS
& DANNEY GOBLE

Cartography by

CHARLES ROBERT GOINS AND JAMES H. ANDERSON

INTRODUCTION BY DAVID L. BOREN



Provisions of the Reconstruction Treaty of July 17, 1866

Cherokee Cessions

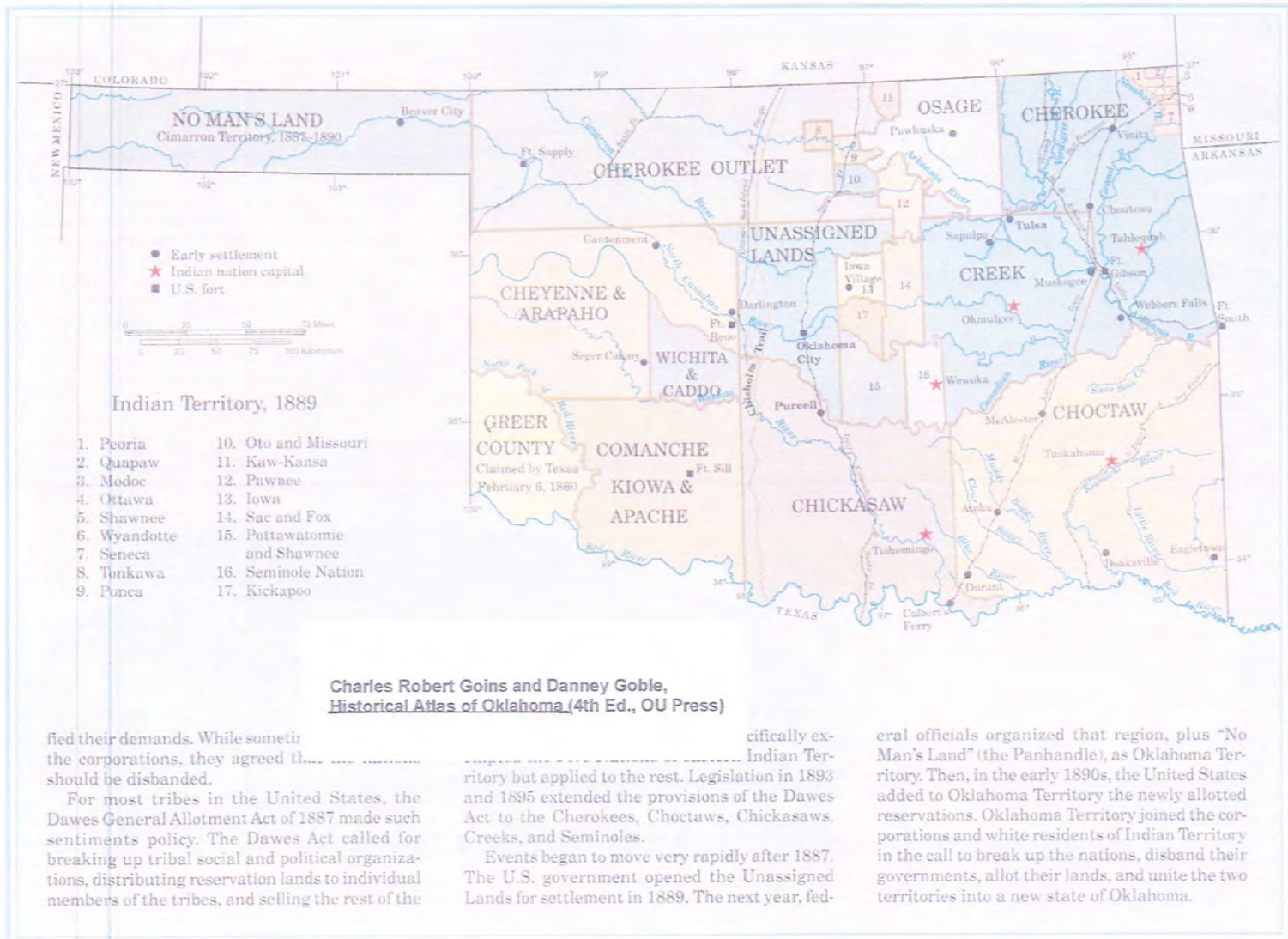
1. Ceded tract known as "Neutral Lands"
2. Ceded tract known as "Cherokee Strip"

Authorization to Settle Indian Tribes West of 96°

3. Tract acquired June 5, 1872, for Osages
4. Tract acquired June 5, 1872, for Kansas
5. Tract acquired April 10, 1876, for Pawnees
6. Tract acquired May 22, 1878, for Nez Perces
7. Tract acquired March 3, 1881, for Poncas
8. Tract acquired March 3, 1881, for Otos and Missouris

ATTACHMENT NO. 5

Map of Indian Territory



fied their demands. While some of the corporations, they agreed that some should be disbanded.

For most tribes in the United States, the Dawes General Allotment Act of 1887 made such sentiments policy. The Dawes Act called for breaking up tribal social and political organizations, distributing reservation lands to individual members of the tribes, and selling the rest of the

territory but applied to the rest. Legislation in 1893 and 1895 extended the provisions of the Dawes Act to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles.

Events began to move very rapidly after 1887. The U.S. government opened the Unassigned Lands for settlement in 1889. The next year, fed-

cifically ex-

eral officials organized that region, plus "No Man's Land" (the Panhandle), as Oklahoma Territory. Then, in the early 1890s, the United States added to Oklahoma Territory the newly allotted reservations. Oklahoma Territory joined the corporations and white residents of Indian Territory in the call to break up the nations, disband their governments, allot their lands, and unite the two territories into a new state of Oklahoma.

ATTACHMENT NO. 6

Map of Oklahoma and Indian Territories

Oklahoma and Indian Territories



ATTACHMENT No. 7

Ann. Rept. of the Comm. Five Civ. Tribes of 1894, 1895, and 1896 (1897)(Excerpts)

U.S. COMMISSION

TO THE

FIVE CIVILIZED TRIBES.

ANNUAL REPORTS OF 1894, 1895 AND 1896.

See copy of the Interior

AND

CORRESPONDENCE WITH THE REPRESENTATIVES OF THE FIVE CIVILIZED TRIBES.

FROM

MARCH 3, 1893, TO JANUARY 1, 1897.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 10, 1894.—*Resolved*, That the Report of the Commission appointed to negotiate with the Five Civilized Tribes of Indians, known as the Dawes Commission, which report is attached to the Annual Report of the Secretary of the Interior as Appendix B, be printed as a Senate document.

Attest:

Wm. R. Cox,
Secretary.

B.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

WASHINGTON, D. C., November 20, 1894.

SIR: The Commission to the Five Civilized Tribes, appointed under the sixteenth section of an act of Congress making appropriations for the Indian service approved March 3, 1893, report what progress has thus far been made by it.

Immediately upon receiving their instructions they entered upon their work and made their headquarters, on reaching the Territory, at Muskogee, in the Creek Nation, removing it in March to South McAlester, in the Choctaw Nation, where it still remains.

Upon arriving in the Territory the commission immediately sent to the chief or governor of each tribe an official notice of their appointment and of their authority and the objects of their mission in accord with their instructions, and requested an early conference with him, or those who might be authorized to confer with this commission, at such time and place as might be designated by him. Such conferences were held separately with the chief and duly authorized commission of each of the tribes. At each of these conferences the commission explained with great pains the wishes of the Government and their authority to enter into negotiations with them for an allotment of their lands and exchange of their tribal for a Territorial government. They were listened to attentively, and were asked many pertinent questions, which were fully answered so far as their authority justified. No definite action was taken at either of these conferences, though the indications were adverse to a favorable result. They all asked for time to consider, and promised a renewal of the conferences.

Afterwards, at the suggestion of one of the chiefs, an international council, according to their custom on important questions, consisting of delegates appointed for that purpose from each of the tribes, except the Seminoles, who took no part in it, was held to confer upon the purposes of this commission. The commission attended this conference, and on request presented the subject to them more elaborately and fully than had been done before. The conference continued three days, and at first the views of the commission were treated with seriousness, and the impression seemed favorable in the body that a change in their present condition was necessary and was imminent, and that it was wise for them to entertain our propositions. During the deliberations, however, telegraphic dispatches from Washington reached them indicating that the sentiment of the Government, and especially of Congress, from whose action they had most to apprehend, was strongly in favor of what they maintained as "the treaty situation," and that no steps would be taken looking to a change unless they desired it. This put an effectual check upon the disposition to negotiate, and the result at this international conference was the adoption of resolutions strongly condemning any change and advising the several tribes to resist it. Each of the

ernment, with such other facts as may seem pertinent and will enable the government to take such further action as it may deem wise.

Information, alike accessible to all, must convince you of the earnest desire of the United States to effect a change in the condition of the Five Civilized Tribes, and of the many advantages which would accrue to your people if they shall effect such change by agreement.

We have the honor to be, respectfully yours,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. JOHN F. BROWN,
Principal Chief, Seminole Nation, Wewoka, Ind. T.

To the above propositions we have not, as yet, received any reply.

SOME EXPLANATIONS.

Early interviews with us by commissioners appointed by the several tribes, and with citizens, satisfied us that the Indians would not, under any circumstances, agree to cede any portion of their lands to the Government, but would insist that if any agreements were made for allotment of their lands it should all be divided equally among them. Among other reasons assigned, it was stated that a cession to the United States would likely make operative and effective the various railroad grants: that they preferred each to sell his share of the lands and receive the money for it, as if ever their lands were converted into money it would go into the hands of the officers of the tribes, who would swindle them out of a large portion of it. Finding this unanimity among the people against the cession of any of their lands to the United States, we abandoned all idea of purchasing any of it and determined to offer them an equal division of all their lands. Hence the first proposition made to each tribe.

An objection very generally urged to allotment of lands was that they would be in possession, when allotted, of non-citizens, whom they could not dispossess without interminable lawsuits, and as the Indians, especially the full-bloods, have a settled aversion to go into our courts, we, to remove this difficulty, submitted the second proposition to each tribe.

There are towns in the Territory ranging in population from a few people to 5,000 inhabitants. Nearly all of them are non-citizens. These towns have not been surveyed or platted, and streets exist only by agreement and arrangement among the people who constructed them, and are often bent and irregular. Many large and valuable stone, brick and wooden buildings have been erected by non-citizens of these towns, and the lots on which they stand are worth many thousands of dollars. These town sites are not susceptible of division among the Indians, and the only practicable method of adjusting the equities between the tribes who own the sites and those who have constructed the buildings is to appraise the lots without the improvements and the improvements without the lots, and allow the owners of the improvements to purchase the lots at the appraised value, or to sell lot and improvements and divide the money according to the appraisement. Hence, the third proposition to all the tribes, town sites were reserved for disposition under special agreements.

Complaints are made by the Cherokees that many freedmen are on the rolls made under the direction of the Government, and known as the "Wallace Roll," who are not entitled to be there, and many freedmen complain that they have been improperly omitted. The chief of the Cherokee tribe suggested that they might be willing to submit all these disputes to this commission for decision, but it was believed that if an intelligent Cherokee by blood was one of such board, it would give the Cherokee people a knowledge of the good faith and correctness of the decision, and secure their confidence in the conclusions arrived at. Hence, in the eighth proposition to the Cherokees, we propose such board be composed of two members of this commission and one Cherokee by blood.

The Cherokee tribe is clamorous for the execution of the agreement in regard to intruders contained in the contract heretofore made with that tribe in purchasing the "Outlet," and we have been met by the declaration repeatedly made by those in power, that when that agreement was carried out it would be time to

in the subject they have in charge induces me to write you a few words concerning their work.

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

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

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

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

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

Yours, very truly,
(Signed)

GROVER CLEVELAND.

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

MUSCOGEE, INDIAN TERRITORY, May 18, 1895.

To the PRINCIPAL CHIEF OF THE NATION.

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

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

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

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

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

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

Very truly, yours,

(Signed)

HENRY L. DAWES, Chairman.

ATTACHMENT NO. 8

Sixth Ann. Rept. of the Comm. Five Civ. Tribes (1899) (Excerpts)

SIXTH ANNUAL REPORT
OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
TO THE
SECRETARY OF THE INTERIOR
FOR THE
FISCAL YEAR ENDED JUNE 30, 1899.

3

ANNUAL REPORT
OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

LEGISLATION AND AGREEMENTS.

Since the report made by the Commission, October 3, 1898, no legislation affecting its work other than that making appropriations and providing for appeals in citizenship cases from the United States courts in Indian Territory to the Supreme Court of the United States, has been enacted by Congress.

The act of Congress June 28, 1898, ratified, in an amended form, the agreement made by the Commission to the Five Civilized Tribes with the Choctaws and Chickasaws on April 23, 1897, and with the Creeks September 27, 1897, to become effective if ratified by a majority of the voters of those tribes at an election held prior to December 1, 1898. Pursuant thereto a special election was called by the executives of the Choctaw and Chickasaw nations to be held August 24, and the votes cast were counted in the presence of the Commission to the Five Civilized Tribes at Atoka, August 30, resulting in the ratification of the agreement by a majority of seven hundred ninety-eight votes. Proclamation thereof was duly made and the "Atoka agreement," so called, is therefore now in full force and effect in the Choctaw and Chickasaw nations. A copy thereof is hereto appended. (Appendix No. 1, p. 31.)

Chief Isparhecher of the Creeks was slow to call an election, and it was not until November 1, 1898, that the agreement with that tribe (Appendix No. 1, p. 31) was submitted in its amended form for ratification. While no active interest was manifested, the full bloods and many of the freedmen were opposed to the agreement and it failed of ratification by about one hundred and fifty votes. As a result the act of June 28, 1898 (Appendix No. 1, p. 31) known as the Curtis Act, became effective in that nation.

The Cherokees now began to realize the sensations of "a man without a country," and again created a commission at a general session of the national council in November, 1898, clothed with authority to negotiate an agreement with the United States. The earlier efforts of this commission to conclude an agreement with that tribe were futile, owing to the disinclination of the Cherokee commissioners to accede to such propositions as the Government had to offer. The commission now cre-

ated was limited in its power to negotiate to a period of thirty days. The United States Commission had advertised appointments in Mississippi extending from December 19, 1898, to January 7, 1899, for the purpose of identifying the Mississippi Choctaws, a duty imposed upon the commission by the act of June 28, 1898, but on receiving a communication from the chairman of the Cherokee Commission requesting a conference it was deemed desirable to postpone the appointments in Mississippi and meet the Cherokee Commission, which it did on December 19, 1898, continuing negotiations until January 14, 1899, producing the agreement which is appended hereto. (Appendix No. 2, p. 49.)

In the meantime the Creeks had, by act of council, created another commission with authority to negotiate an agreement with the United States, and a conference was accorded it immediately upon conclusion of the negotiations with the Cherokees, continuing to February 1, 1899, when an agreement was concluded. (Appendix No. 3, p. 50.) The agreement with the Cherokees was ratified by the tribe at a special election held January 31, 1899, by a majority of two thousand one hundred six votes, and that with the Creeks on February 18, 1899, by a majority of four hundred eighty-five.

While these agreements do not in all respects embody those features which the commission desired, they were the best obtainable, and the result of most serious, patient, and earnest consideration, covering many days of arduous labor. The commissions were many times on the point of suspending negotiations, there having arisen propositions upon the part of one of the commissions which the other was unwilling to accept. Particularly were the tribal commissioners determined to fix a maximum and minimum value for the appraisal of lands, while this commission was equally vigorous in its views that the lands should be appraised at their actual value, excluding improvements, without limitations in order that an equal division might be made. The propositions finally agreed upon were the result of a compromise, without which no agreement could have been reached.

The desirability, if not the absolute necessity, of securing a uniform land tenure among the Five Tribes leads the commission to recommend that these agreements, with such modifications and amendments as may be deemed wise and proper, be ratified by Congress.

ENROLLMENT OF CITIZENS.

A very general impression exists among those unacquainted with conditions in Indian Territory that the work of making rolls of "Indians" is a comparatively simple matter, susceptible of accomplishment in a short space of time. Were Indian Territory merely a reservation peopled only by full-blood Indians, that impression would have foundation in fact, but Indian blood, unfortunately, is not the sole qualification for citizenship in Indian Territory, and, indeed, as will be seen later, if other requisites are not lacking, it is not even an element. In other words, certain arbitrary laws and decisions govern the commission in determining who are and who are not eligible to enrollment. For example, were a full-blood Cherokee Indian from North Carolina now to present himself for enrollment to the commission, his application would be rejected; whereas, were a white man to now contract marriage with a Choctaw or Chickasaw, conformable to the laws of those nations, he would be entitled to enrollment. When completed the citizenship rolls of the Five Tribes will be found to contain the names of full-blood Indians, negroes, and white men, with every intervening degree of blood.

MISCELLANEOUS.

34. Neither the town lots nor the allotment of land of any citizen of the Muscogee or Creek Nation shall be subjected to any debt contracted by him prior to the date of his patent.

35. All payments herein provided for shall be made, under the direction of the Secretary of the Interior, into the United States Treasury, and shall be for the benefit of the citizens of the Muscogee or Creek Nation. All payments hereafter to be made to the members of the said nation 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 the Secretary.

36. The United States agrees to maintain strict laws in the territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

37. All citizens of said nation, when the tribal government shall cease, shall become possessed of all the rights and privileges of citizens of the United States.

38. This agreement shall in no wise affect the provisions of existing treaties between the Muscogee or Creek Nation and the United States, except in so far as it is inconsistent therewith.

In witness whereof, the said Commissioners do hereunto affix their names at Muscogee, Indian Territory, this the twenty-seventh day of September, eighteen hundred and ninety-seven.

HENRY L. DAWES, Chairman.

TAMS BIXBY, Acting Chairman.

FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
A. B. MONTGOMERY,
Commission to the Five Civilized Tribes.

ALLISON L. AYLESWORTH,
Acting Secretary.

PLEASANT PORTER, Chairman.

JOSEPH MINGO,
DAVID M. HODGE,
GEORGE A. ALEXANDER,
ROLAND (his x mark) BROWN,
WILLIAM A. SAPULPA,
CONCHARTY (his x mark) MICCO,
Muscogee or Creek Commission.

J. H. LYNCH, Secretary.

Approved, June 28, 1898.

APPENDIX NO. 2.

CHEROKEE AGREEMENT, JANUARY 14, 1899.

This agreement by and between the Government of the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Cherokee tribe of Indians in Indian Territory, entered into by its commission, Robert B. Ross, Clem V. Rogers, Percy Wyly, Henry C. Lowrey, John E. Gunter, George Sanders, and Wolfe Coon, duly appointed and authorized thereunto,

Witnesseth, that in consideration of the mutual agreements and undertakings herein contained, it is agreed as follows:

GENERAL ALLOTMENT OF LAND.

1. All lands in Indian Territory belonging to the Cherokee tribe of Indians, except such as may be reserved for railroads as provided by treaty, and for townsites, cemeteries, churches, schools, and other public institutions and public buildings, shall be divided among the members of said tribe so as to give to each citizen, as hereinafter provided, an equal share, in value, of all the lands of the tribe.

IND, PT 2—4

use as a court-house and a Federal jail, the value of said buildings and grounds to be immediately ascertained by a committee of two, one to be appointed by the Secretary of the Interior and one by the principal chief of the Cherokee Nation; and in case of a disagreement as to the value thereof, then the two members so appointed shall select a third disinterested person, and the decision of a majority of the members of said committee shall be final, and an appropriation of the amount of said appraisements shall be made within two years from the date of the ratification of this agreement; provided, however, that the Cherokee Nation shall be permitted to retain possession of the capitol building and inclosed grounds until final allotment is made, but immediate possession of the national jail shall be given.

69. It is further stipulated and agreed that all of the other public buildings of the Cherokee Nation not otherwise specially provided for shall be disposed of as may hereafter be provided by the national council of the said nation.

CHEROKEE ADVOCATE.

70. That the national newspaper, the Cherokee Advocate, printed in both the Cherokee and English languages, shall continue to be published the present year, under the appropriation already made by the Cherokee Nation, and after which time the same shall be leased, by the principal chief of the Cherokee Nation for a period of two years at a time, to the lowest responsible citizen bidder, at an annual expense to the Cherokee Nation not to exceed one thousand dollars, to be paid out of the annuities belonging to the general fund of the Cherokee Nation; provided that said newspaper plant, including everything connected therewith, together with the building and grounds reserved for said newspaper shall be sold, when final allotment is completed under this agreement, under the direction of the Secretary of the Interior, and the proceeds placed to the credit of the general fund of the Cherokee Nation.

COURTS AND JURISDICTION.

71. The Cherokee Nation consents to the extinguishment of Cherokee courts, as provided in section 28 of the act of Congress of June 28th, 1898, and that the United States courts in Indian Territory have full criminal and civil jurisdiction over all Cherokee citizens and their property, as is now or may hereafter be provided by law.

72. The places of holding courts shall be, in addition to the same as are now designated by law, the town of Claremore.

73. United States commissioners shall be permanently established at Vinita, Claremore, Tahlequah, Sallisaw, Fairland, and Nowata, in the Cherokee Nation, and the United States judge of the northern district of Indian Territory shall make such appointment of commissioners as may be necessary for this purpose.

74. All Cherokee citizens who may be charged with any criminal offense shall be tried within the bounds of the Cherokee Nation and in the court nearest to which the offense is alleged to have been committed, unless the defendant elects to take a change of venue from such court to some other court beyond the limits of the Cherokee Nation. All civil suits brought against Cherokee citizens shall be tried within the bounds of the Cherokee Nation and in the court nearest the defendant's residence.

75. All Cherokee citizens while in confinement awaiting trial, and those serving a jail sentence, shall be held in confinement within the bounds of the Cherokee Nation.

76. All instruments of writing required by law to be recorded shall be filed with the clerk or deputy clerk at the court in Cherokee Nation nearest the property to which such instrument relates, and it shall be the duty of such officer to file or record the same.

77. All Cherokee citizens, possessing the qualifications of grand and petit jurors, as provided in chapter 90 of Mansfield's Digest of the Statutes of Arkansas, shall be competent to sit on juries in the United States courts in Indian Territory.

78. Immediately upon the ratification of this agreement, the principal chief of the Cherokee Nation shall have authority and he is directed to grant absolute and unconditional pardon to all persons who have heretofore been convicted in the courts of the Cherokee Nation of a violation of Cherokee laws.

79. In view of the fact that all courts and laws of the Cherokees have been abolished and they have herein generously assented thereto and placed themselves and their property under the care and protection of the courts and laws of the United States, and since the United States courts within their country are wholly inadequate for the transaction of business and the protection of the people, we urge upon Congress the necessity of so districting Indian Territory, and especially that part embracing the Cherokee Nation, and of providing courts therein, with other facilities, as may be sufficient to fully protect the persons and property of the Cherokee people and all other persons living among them and within their territory,

ATTACHMENT No. 9

Seventh Ann. Rept. of the Comm. Five Civ. Tribes (1900) (Excerpts)

ANNUAL REPORTS

OF THE

DEPARTMENT OF THE INTERIOR

FOR THE

FISCAL YEAR ENDED JUNE 30, 1900.


PROPERTY OF
UNITED STATES SENATE
LIBRARY
INDIAN AFFAIRS.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
INDIAN INSPECTOR FOR INDIAN TERRITORY.

INDIAN CONTRACTS.

BOARD OF INDIAN COMMISSIONERS.

WASHINGTON DI
GOVERNMENT PRINTING OFFICE.
1900.



SEVENTH ANNUAL REPORT
OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
TO THE
SECRETARY OF THE INTERIOR
FOR THE
FISCAL YEAR ENDED JUNE 30, 1900.

PREFATORY.

The Commission to the Five Civilized Tribes was created by act of Congress March 3, 1893, with instructions to enter into negotiations with the several nations of Indians in Indian Territory for the allotment of land in severalty or to procure the cession to the United States of the lands belonging to the Five Tribes at such price and terms as might be agreed upon, it being the express determination of Congress to bring about such changes as would enable the ultimate creation of a territory of the United States, with the view to the admission of the same as a State of the Union. The ever-changing kaleidoscope of human events has wrought during the past seven years in the personnel of the commission, as well as in the territory with which it had to deal, a full quota of changes, involving, aside from the present membership, the appointment of Messrs. Meredith H. Kidd, of Indiana; Thomas B. Cabaniss, of Georgia; Alexander B. Montgomery, of Kentucky; Frank C. Armstrong, of Washington, D. C.; and A. S. McKennon, of Arkansas, whose retirement has been brought about by the vicissitudes of political life, change in legislation, or the demands of private interests.

The results which have thus far been attained, and the means adopted for their attainment, are fully set forth in this and preceding reports. Had it been possible to secure from the Five Tribes a cession to the United States of the entire territory at a given price, the tribes to receive its equivalent in value, preferably a stipulated amount of the land thus ceded, equalizing values with cash, the duties of the commission would have been immeasurably simplified, and the Government would have been saved incalculable expense. One has but to contemplate the mineral resources, developed and undeveloped, and existing legislation with reference thereto, to realize the advantages which awaited such a course. When an understanding is had, however, of the great difficulties which have been experienced in inducing the tribes to accept allotment in severalty—a direct division of their estate with consequent individual ownership of their homes—it will be seen how impossible it would have been to have adopted a more radical scheme of tribal extinguishment, no matter how simple its evolutions. Nevertheless the plan adopted by the commission for the administration of this vast estate is not without its advantages; and when its labors, and those of the various officers who have been detailed or appointed to aid in closing the history of these nations shall have been completed, there will have been dissipated one of the most vexatious internal questions with which Congress in recent years has had to deal.

Instead of an arid western plain, occupied by the savage of tradition, as many suppose, the commission found a territory not greatly smaller than the State of Maine, rich in mineral and agricultural

resources and in valuable timber; a country which has been occupied and cultivated for over half a century, whose fertile valleys yielded bountiful harvests of southern products, and on whose prairies grazed a quarter of a million cattle yearly; where cities had sprung up; through which railroads had been constructed; and where five distinct modern governments existed, independent of the sovereignty of the United States.

For diversity, the social and political conditions found here were unexampled. Thousands of white children without the meanest of educational advantages, yet no one of the nations without an institution of learning that would have been a credit to a more advanced civilization; men of Indian blood whose genius would have adorned the halls of Congress or challenged admiration in the *fin de siècle* business world—high minded, able, and politic; and within the same tribes, in no small numbers, those who, when in normal condition, had scarcely sufficient intelligence to realize or express the ordinary wants of man. Men and women, to depict whose characters were to introduce the biographies of patron saints, yet among whose neighbors might be counted some of the most notorious criminals that have infested the western borders. Indeed, the phases of life found here were as variegated as the hues of autumn, and the degrees of intelligence and civilization as widely separate as East from West. Nature, were she to have searched the country from end to end, could have found no more appropriate canvas upon which to display her moods.

The commission's duties have at times been found extremely arduous, yet never uninteresting. It has earnestly endeavored in the course of its labors not to lose an opportunity to secure and retain the confidence, not only of those who have received the benefits of education and society, but of the ignorant full-blood and negro as well, and to impress upon their minds the benefits of civilization and education and the beneficent advantages of that Government, which, more than any other in the world, affords liberty, protection, peace, and prosperity to its subjects.

and "Freedmen," entitled to tribal property in different proportions and on different conditions. There is also in the Chickasaw Nation, in addition to the Chickasaw proper, a disputed claim of Freedmen, the validity of which is yet to be determined by a suit in the Court of Claims. The equal value of all allotment in these nations is to be determined in the face of superincumbent leaseholds covering a large portion of the area, carrying the right to mine all coal and other minerals in the same.

The commission encounters every day other work preliminary to final allotment, such as questions of compensation for improvements found on land taken by allottees, claims of a right of occupancy by noncitizens in the way of allottees, and of priority of right to the same allotment. But what has already been called to notice will suffice to bring this work into striking contrast with that of allotting to Indians on reservations, where all that is required is the allotment of a specific number of acres, without regard to comparative value, in such locality as seems best to the allotting commission, to each Indian found on the agency rolls, and then a disposal of what is left of the reservation.

This work, necessarily preceding final allotment, has largely engaged the attention of the commission during the past year, and with a better feeling among the tribes toward the work, bringing to its aid cooperation and valuable assistance, encouraging progress has been made.

LEGISLATION AND AGREEMENTS.

On the third of January, 1900, three members of the commission, Messrs. Dawes, Bixby, and McKennon, at the request of the Secretary, met, at the Department in Washington, the chiefs of the Cherokee and Creek nations for consultation. This conference was held at the solicitation of those chiefs, who represented their respective tribes as very much dissatisfied with prospective allotment under the provisions of the Curtis Act. They were beginning to understand more clearly than ever the great disadvantage they would be subjected to, in contrast with the other tribes, unless their conditions could be brought by agreements more in harmony with those which had been thus secured by them. They were for these reasons very anxious to open new negotiations. The result of this conference was the appointment of a commission by each of these tribes with ample power, and negotiations were at once opened at Washington. These negotiations engaged the attention of these three commissioners at Washington till agreements were concluded with the Creeks on April 8 and with the Cherokees on April 9. These agreements were immediately reported to the Secretary and by him laid before Congress for its action. Final action has not been taken on them by Congress. There is every indication that they are highly satisfactory to the great body of the citizens of both tribes, and that they will be speedily ratified by them at an early day after final action by Congress. When this is done, final allotment will be made in all the tribes upon terms and by a tenure of title to which they have each assented.

The conditions and character of title will be substantially the same in them all, and will be the basis of an ultimate common government, the advantages of which will be common to all. This result will greatly

APPENDIXES.

APPENDIX NO. 1.

AGREEMENT BETWEEN THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES
AND THE CHEROKEE TRIBE OF INDIANS, APRIL 9, 1900.

AGREEMENT.

This agreement, by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Cherokee tribe of Indians, in the Indian Territory, entered into in behalf of said tribe by Lucien B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hildebrand, duly appointed and authorized thereunto—

Witnesseth: That, in consideration of the mutual undertakings herein contained, it is agreed as follows:

DEFINITIONS.

1. The words "nation" and "tribe" shall each be deemed to refer to the Cherokee Nation or tribe of Indians in the Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of said tribe. The words "Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes. The word "secretary" shall be deemed to refer to the Secretary of the Interior.

GENERAL ALLOTMENT.

2. All lands belonging to the Cherokee tribe of Indians in the Indian Territory, except as herein reserved, shall be appraised at their true value, considering location and fertility of soil in each case, excluding improvements placed by allottee on lands selected by him: *Provided, however,* That in cases where a citizen holding lands in excess of his rightful share has failed to sell or remove the buildings and fences from said excessive holding on or before the 1st day of January, 1901, the value of the buildings and the fences shall be added to the value of the land by the appraisal committee.

3. The appraisal shall be made under the direction of the Dawes Commission by such number of committees of appraisal as may be deemed sufficient to expedite the work, one member of each committee to be appointed by said commission and one by the principal chief, and if the members of the committee fail to agree as to the value of any tract of land the value thereof shall be determined by said commission. The committees shall make report of their work to the commission as may be required. The commission shall prepare reports of the same in duplicate and transmit them to the Secretary of the Interior for his approval, and when approved one copy shall be furnished the principal chief and one copy returned to the commission for its use in making allotments, as herein provided.

4. All lands of said tribe, except as herein provided, shall be allotted by said commission among the citizens of the tribe entitled to share therein, so as to give each an equal share of the whole, in value, as near as may be, in manner following: There shall be allotted to each citizen 80 acres of land—boundaries to conform to Government surveys as nearly as may be—which may be selected by him, so as to include improvements which belong to him; 80 acres of land, valued at \$6.50 per acre, shall constitute a standard allotment and be the measure for the equalization of values. A citizen selecting lands of less value than such standard may select other lands, not lawfully held or occupied by any other citizen, which at their appraised value will make his allotment equal in value to the standard so fixed.

been granted by the principal chief and approved by the Secretary of the Interior; in which case the Secretary is authorized to collect from the owners of such cattle a reasonable grazing tax for the benefit of the tribe. Section 2117, Revised Statutes of the United States, shall not apply to Cherokee lands, and no penalties or tax already accrued under said section shall be collectible.

78. All deferred payments under the provisions of this agreement shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if default in any annual payment is made, the lien for the payment of all purchase money remaining unpaid may thereupon be enforced in the United States court in the same manner as vendor's liens are enforced, suit therefor to be brought in the name of the principal chief for the benefit of the tribe, or, on his failure for any cause, in the name of some person appointed therefor by the court. All other liens herein created may be in like manner enforced after the expiration of two years from the date when the amount secured thereby becomes a charge upon the property.

79. The provisions of section 13 of 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," shall not apply to or in any manner affect the lands or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections 14 and 27 of said last mentioned act, which shall continue in force as if this agreement had not been made.

80. Nothing contained in this agreement, however, shall be construed to revive or reestablish the Cherokee courts abolished by said last mentioned act of Congress, or the authority of any officer at any time in any manner connected with said courts.

81. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of ratification of this agreement which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law after the ratification of this agreement and prior to the dissolution of the tribal government, such payment to be made from any funds in the United States Treasury belonging to said tribe. And all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needful rules and regulations to carry this provision into effect.

82. All instruments of writing affecting lands in the Cherokee Nation which lie south of the Spavinaw Creek, east of Grand River and north of the Arkansas River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Tahlequah; and all instruments of writing affecting lands in said nation lying north of the Arkansas River, north of Spavinaw Creek and west of Grand River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Vinita: Provided that it shall not include the record of original deeds to allotments and other parcels of land, and of town lots, herein otherwise provided for.

83. No act, ordinance, or resolution of the Cherokee National Council in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof—except appropriations for the necessary incidental and salaried expenses of the Cherokee government—shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after its receipt, approve or disapprove the same. If disapproved, it shall be so endorsed and returned to the principal chief. If approved, the approval thereof shall be indorsed thereon, and shall be published in at least two newspapers having bona fide circulation in the Cherokee Nation.

84. All lands herein reserved from allotment and not sold as provided in this agreement, when they cease to be used for the purpose for which they have been set apart, shall, if that occur prior to the completion of the allotment or lands, or to the dissolution of the tribal government, revert to the tribe, and be sold under the direction of the Secretary of the Interior and the proceeds paid into the United States Treasury and become a part of the general fund of the tribe; but if said lands revert after allotment has been completed, and after dissolution of the tribal government, the same may in like manner be sold, and the proceeds thereof used by the United States for the support of an insane asylum herein provided for: Provided, that the lots of land upon which the churches and schoolhouses outside of towns are located, with improvements thereon, when they cease to be used for the purposes for which they are herein reserved, shall go to the allottees taking the forty-acre tracts from which said reservations were taken.

ATTACHMENT No. 10

Ninth Ann. Rept. of the Comm. Five Civ. Tribes (1902) (Excerpts)

LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. T., July 20, 1902.

SIR: I have the honor to transmit herewith the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1902.

Very respectfully,

TAMS BIXBY,
Acting Chairman.

The SECRETARY OF THE INTERIOR.

7

ANNUAL REPORT
OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

LEGISLATION AND AGREEMENTS.

Accompanying this report as an appendix (No. 1, p. 53) will be found assembled those laws which have been enacted by Congress affecting the work of the Commission since the creation of this body in 1893. There will also be found such of the agreements negotiated from time to time as have been ratified by Congress and the tribes, together with those concluded in the city of Washington during the past fiscal year, and which at this time await the action of the several tribes.

The first agreement negotiated by the Commission to become effective was that concluded on April 23, 1897, with the Choctaws and Chickasaws, known as the Atoka agreement (30 Stat. L., 495). With respect thereto, the Commission in its eighth annual report used the following language:

The Atoka agreement (act of June 28, 1898, 30 Stat. L., 495) is inadequate and ambiguous, and affairs within those tribes may not be satisfactorily administered under its provisions. It is essential that a date be fixed for closing the rolls, that some legislation touching upon the rights and benefits of Mississippi Choctaws and upon other matters of somewhat less importance be had if the work of the Government is to proceed satisfactorily.

To remedy these conditions a supplemental agreement was concluded with the Choctaw and Chickasaw representatives during the past fiscal year, and was ratified by act of Congress approved July 1, 1902 (Appendix No. 1, p. 90). This agreement, though somewhat torn and distorted by the contentions of conflicting interests so common to all legislation affecting the affairs of the Five Tribes, embraces provisions far-reaching in effect, and which, if ratified by the tribes, will practically complete the disintegration of the Choctaw and Chickasaw commonwealths and effect the installment of new political and social conditions and land tenures common to the States and Territories.

The legislation enacted by Congress for the administration of the affairs of the Cherokees (Appendix No. 1, p. 103) is not greatly different in effect from that with the Choctaws and Chickasaws, though interests of much less magnitude are at stake. If ratified by the Cherokees, the greatly desired change of land tenures—the conversion of the fee from tribes to the individual members—will have been effected. This has been the paramount aim of the Commission in all its negotiations.

The supplementary agreement with the Creeks (Appendix No. 1, p. 86) is designed to correct certain imperfections which existed in the

ATTACHMENT NO. 11

Ann. Rept. of the Comm. Five Civ. Tribes (1910) (Excerpts)

REPORTS OF THE
DEPARTMENT OF THE INTERIOR

FOR THE FISCAL YEAR ENDED JUNE 30

1910

ADMINISTRATIVE REPORTS

IN 2 VOLUMES

VOLUME II

INDIAN AFFAIRS
TERRITORIES



WASHINGTON : GOVERNMENT PRINTING OFFICE : 1911

REPORT OF THE COMMISSIONER TO THE
FIVE CIVILIZED TRIBES.

59554°—INT 1010—VOL 2—12

105

Unallotted land of the Five Civilized Tribes, by counties.

SEMINOLE NATION.		CHEROKEE NATION.	
	Acres.		Acres.
Seminole County	3,448.43	Sequoyah County	12,305.65
		Muskogee County	5,298.06
		Ottawa County	377.48
		Delaware County	5,021.04
		McIntosh County	1,277.50
		Craig County	2,349.38
		Wagoner County	421.83
		Tulsa County	10.00
		Nowata County	129.20
		Rogers County	1,121.50
		Washington County	38.28
		Cherokee County	11,435.65
		Adair County	6,656.01
		Mayes County	3,850.83
			50,301.50
		CREEK NATION.	
		Creek County	17,174.86
		Hughes County	13,319.11
		Mayes County	1.45
		Muskogee County	18.50
		McIntosh County	16,681.01
		Okfuskee County	6,208.69
		Okmulgee County	4,694.63
		Rogers County	37.69
		Seminole County	245.49
		Tulsa County	1,867.63
		Wagoner County	3,461.77
			63,610.83
		CHICKASAW NATION.	
		Bryan County	20,912.73
		Carter County	120,401.91
		Coal County	6,006.40
		Garvin County	107,301.53
		Grady County	81,490.43
		Jefferson County	74,255.40
		Johnston County	51,074.94
		Love County	96,971.47
		Murray County	41,826.61
		McClain County	55,761.45
		Marshall County	28,945.79
		Pontotoc County	68,421.51
		Stephens County	126,379.17
			879,749.32
			818,079.14

Preparations have been made for the early sale and disposition of these remaining surplus unallotted lands. Regulations governing the manner of sale of said lands, beginning in December, 1910, are under consideration by the department. Preparatory to the disposition of these lands lists thereof have been prepared in which they are described in tracts not exceeding 160 acres in extent, together with maps showing the location and area of the unallotted lands in each county, so that any particular tract of land offered for sale may be readily identified by the prospective purchaser.

ENROLLMENT.

In the last annual report reference was made to a field investigation which was under way to determine the date of death of a number of enrolled citizens on whose behalf no application had been made to select allotments or who, from information already secured, appeared to have died prior to the date upon which they must have been living to be entitled to allotments. As a result of this investigation it was found that in the Choctaw, Chickasaw, and Cherokee nations there were about 250 cases of persons who had died prior to

ended June 30, 1909, making a total of 5,877, cover all Seminole allotments. These have been executed by the principal chief of the Seminole Nation and forwarded to the department for approval, where they are now being held at the instance of the Department of Justice.

The following statement shows the status of the allotment of lands in the Seminole Nation on June 30, 1910:

Status of allotments in the Seminole Nation on June 30, 1910.

	Acres.
Total area of Seminole Nation.....	365, 851. 67
Total area reserved from allotment for town sites, watersheds, rail-road right of way, churches, schools, and cemeteries.....	2, 275. 63
Total area which is subject to allotment.....	363, 576. 04
Total area of allotted land.....	360, 790. 36
Total area of unallotted land.....	2, 785. 68

The above statement shows 179.04 acres more of unallotted land than is shown in the annual report for the fiscal year ended June 30, 1909. This is accounted for from the fact that two allotments have been canceled under departmental instructions during the year. In addition, land reserved from allotment for schools, churches, etc., to the amount of 662.75 acres has been abandoned for the purpose for which reserved, making a total of 3,448.43 acres to be disposed of.

The work incident to allotments in this nation remaining to be done consists of the delivery of the new deeds to the allottees when same are approved and returned by the department, the delivery of a considerable number of allotment certificates, which have been returned to the office for various reasons, and the preparation of deeds covering lands reserved for churches.

CHEROKEE NATION.

The matter of the allotment of land occupied a comparatively small share of the attention of the Cherokee division during the past fiscal year, as practically all the desirable land had already been taken up and deeds had been issued in practically all cases except where part of an allotment is involved in contest or similar proceedings and in the case of minors enrolled under the act of April 26, 1906, whose rights are still involved in the Muskrat case, now pending on appeal to the Supreme Court.

The following statements show the progress of the routine work and the status of enrollment and allotment in the Cherokee Nation:

Status of allotments in the Cherokee Nation, June 30, 1910.

	Acres.
Total area of Cherokee Nation.....	4, 420, 087. 73
Reserved from allotment for town sites, schools, churches, etc. (approximate).....	21, 000. 00
Total area subject to allotment.....	4, 399, 087. 73
Allotted prior to July 1, 1909.....	4, 343, 186. 48
Allotted from July 1, 1909, to June 30, 1910.....	5, 579. 75
Total allotted.....	4, 348, 766. 23
Unallotted June 30, 1910.....	50, 301. 50