

THE APPRAISAL OF THE LANDS OF THE CHOCTAWS AND CHICKASAWS BY THE DAWES COMMISSION*

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The latter part of the Nineteenth Century was marked by a movement on the part of the United States to bring all tribal governments to an end among the Indians of Indian Territory, and to open their lands to white settlement as far as possible. As an agency in this movement, the Dawes Commission was established to negotiate with the Five Civilized Tribes for the purpose of gaining their consent to this action. After a period of relative failures, the Curtis Act was passed on June 28, 1898, by Congress. This gave unmistakable evidence that the action was to be forced upon the Indians in the event they failed to give their consent. Negotiations were carried forward and these resulted in the Atoka Agreement between the United States Government and the Choctaw and Chickasaw Nations, providing for the ultimate dissolution of separate tribal government and the change of the ownership of land from a tribal to a personal basis. In this article we shall merely attempt to trace the procedure by which the land was classified and prepared for allotment.

By ratifying the Atoka Agreement, in 1898, the Choctaws and the Chickasaws gave their consent to the division of an Indian empire into individual holdings; an empire that was measured to contain 11,338,935 acres, to be divided among a people, estimated by the chief clerk of the Union Agency, to number 28,454.¹ Since the Agreement had specified that the division was to be into equal shares, an enormous task confronted those charged with such division, before they could hope to carry it out with any measure of fairness, and it was to this preliminary work that the Dawes Commission and the Indian nations set themselves.

While the Curtis Act, passed on June 28, 1898, had provided for allotment of the lands, and winding up tribal affairs, it stated that the agreement should take precedence, in the event of conflicts, so the work among the Choctaws and Chickasaws was carried out under the terms of the Atoka Agreement. At a number of places, the two varied, so the procedure among the citizens of the two nations was different, in many features, from that followed in the other three of the Five Civilized Tribes, with whom the Commission

* At this time, when we are hearing of the movement in Oklahoma to sell the segregated coal and asphalt lands held by the Choctaw and the Chickasaw Indian nations, an article relative to the appraisal of this land and its segregation will be of interest.—The Author (Loren N. Brown, President, Northern Oklahoma Junior College, Tonkawa.)

¹ Commissioner of Indian Affairs, *Report 1898*, "Report of Union Agent," 159; Atoka, *I. T. Indian Citizen*, Sept. 22, 1898.

dealt, even before agreements of a similar nature were reached with the remaining tribes. Where the Act had made no provision for appraisal and grading, the Atoka Agreement said that all lands should be classified by the Dawes Commission, as an act precedent to actual allotment. The Secretary of Interior, under the Act, was designated to confirm the allotment, while under the Agreement, this power, of issuing the patents, was placed into the hands of the Principal Chief of the Choctaws and the Governor of the Chickasaws, acting jointly. No allotments should be alienated, under the terms of the law, but the agreement provided that parts of the lands, secured by the Indians, could be disposed of, by them, after one, three, and five year periods. The survey, appraisal, and sale of townsites, under the Curtis Act, were to be under the direction of a separate commission for each town, while under the Choctaw-Chickasaw document, one commission for each nation was to be given this task. A difference in the length of time that coal and asphalt leases were allowed to run was present in the two documents, and the Agreement provided that the tribal governments were to continue, in a modified form, for eight years.² By ratifying the Agreement, the nations secured

Since Congress had made no additional appropriations for enforcing, either the Act or the Agreement, it became the duty of the Department of Interior to arrange for their enforcement, to a limited extent, with the staff at hand. The Curtis Act provided, however, for a special United States Indian Inspector, to be assigned to Indian Territory, who was placed over the Union Agent. To this office, was assigned J. George Wright, who had held a place as Indian Agent at Rosebud, South Dakota, and had later become Indian Inspector. He was to report to Muskogee on August 17, 1898. There, he was to instruct the Union Agent as to his duties, under the Act of June 28th, and to exercise a supervisory power over that officer. Wright was notified to refer all communications regarding citizenship and the renting of lands, to the Dawes Commission, for its consideration and advice.³ In the actual enforcement of the laws dealing with the illegal holding of lands, however, the Commission merely referred the matter to the federal courts, or regular enforcement officers in the Territory.

Even before the ratification of the Atoka Agreement, the Secretary of the Interior had designated the Union Agent to collect all revenues accruing from royalties on existing leases and from permits. On July 21st and July 26th, the agent was notified that these provisions applied to import taxes, per-capita assessments, or other charges, such as those levied on cattle, by the tribes.⁴ To this officer, was also given the task of carrying out the duties of the Secretary

² Commissioner of Indian Affairs, *Report 1898*, 78-9.
some concessions, in their favor.

³ *Ibid.*, 1899, 85-6; "Report of the United States Indian Inspector," 182.

⁴ *Ibid.*, 79.

of the Interior, relative to the handling of the coal and asphalt leases, and the collection of all royalties, therefrom, to be used by the tribes in financing their educational program, as provided in the Atoka Agreement. In this, according to that document, he was to cooperate with a coal commissioner from each nation, to be nominated by the chief executive, and appointed by the President of the United States. The tribal representatives appointed were N. B. Ainsworth, Choctaw, and L. C. Burris, Chickasaw, who assumed their duties on October 8th, working in conjunction with the Union Agent and Indian Inspector.⁵

From the first, there was dissatisfaction among the Indians and the mine operators, relative to the amount of royalty to be paid, and to other questions. As early as October 29, 1898, the Choctaw Council passed an act, by which the Chief was authorized to appoint a commission, together with a similar Chickasaw commission, relative to amending the Atoka Agreement, in that section, relating to the leasing of coal and asphalt, and to the payment of royalties.⁶ In this matter, however, they failed to gain the cooperation of the Chickasaws,⁷ and the Department of Interior took the attitude that it had authority to make all necessary changes, without consulting the Commission, through its power to set the regulations, governing such royalties, and elected to handle it with the coal commissioners.⁸ This removed the matter from any authority of the Dawes Commission.

The shortage of appropriations delayed putting the provisions for the surveying, appraising, and sale of townsites into operation, because it had been agreed that each nation's commission was to be financed by the federal government. So, although Governor Harris had announced the appointment of Wesley Burney, as Chickasaw representative, and Chief McCurtain had let it be known that he had decided upon his nominee, both by September 15th,⁹ no Presidential appointments were made until after December 21st. At that time, a supplemental appropriation for ten thousand dollars was made, to cover administration of these items.¹⁰ On January 20, 1899, the President named John A. Sterrett, Troy, Ohio, as federal member of the Choctaw Commission, and Samuel M. Johnson, to the Chickasaw Commission.¹¹ Wesley Burney was appointed for the Chick-

⁵ *Ibid.*, 98; *Indian Citizen*, Oct. 13, 1898.

⁶ *Acts, Bills, and Resolutions of the Choctaw Nation*, Book 14, No. 51. Frank Phillips Collection, University of Oklahoma, Norman, Okla. (Hereafter cited, *Choctaw Acts*).

⁷ G. McCurtain to T. Bixby, Sans Bois, I. T., Dec. 3, 1898. Dawes Commission, *Incoming Correspondence*, Series of 1898, No. 1592. Office of the Supt. for the Five Civilized Tribes, Muskogee, Okla. (Hereafter cited, *Incoming Corres.*).

⁸ Dept. of Int. to A. S. McKennon, Washington, Nov. 11, 1898. *Incoming Corres.*, Series of 1898, No. 1431; Commissioner of Indian Affairs, *Report 1899*, 101.

⁹ *Indian Citizen*, Sept. 15, 1898.

¹⁰ *United States Statutes at Large*, XXX, 770 (Hereafter cited, 30 *Stat. L.*).

¹¹ *Indian Citizen*, Feb. 2, 1899.

asaw Nation, as anticipated, and B. S. Smiser was given the position as Choctaw Commissioner. Here, too, the work was carried on under the Union Agent and the Indian Inspector, and the Dawes Commission was not directly connected with it. It was essential, however, since the Commission could do nothing toward allotting the lands until all townsites were set aside and reserved from such allotment.

No sooner was the Agreement signed, than the Indians began to clamor for immediate action. To this plea, the Dawes Commission could not respond at once. In spite of tribal memorials favoring the appointment of allotment agents;¹² resolutions in favor of their capitals for sites for the land offices;¹³ and official letters urging that allotment be started as soon as practicable,¹⁴ the Commissioners went methodically to work, to prepare for division. One thing which made the Indians think about allotment, was the fact the Secretary of the Interior, on October 7, 1898, announced the rules and regulations, governing the selections of allotments as provided in the Curtis Act and Atoka Agreement, holding that all leases of agricultural lands and grazing leases, made since January 1, 1898, were void. All made previous to that date, were effective only until April 1, 1899, and then, only to cover grazing privileges. No citizen was to be allowed to rent his share, before allotment, unless occupied as a homestead. All holdings, in excess of each citizen's share, must be vacated by March 28, 1899, nine months after the passage of the Curtis Act. While the amount to which each citizen should be entitled was not determinable, until after all rolls were completed and classifications worked out, the Secretary ruled that Choctaws and Chickasaws might make a preliminary selection of 240 acres, with Negro freedmen each taking forty acres, to be held as his prospective allotment; but ordered that all land, in excess of that amount, must be left unenclosed. On this unoccupied land, that still remained on April 4, 1899, members of the two nations might take up their allotments, if they were not holding lands before the allotment process started. Landholders were expected to take the lands they held as homesteads, and were not to occupy this vacant land.¹⁵

A number of objections to the rules, as promulgated, soon made their appearance. It was pointed out that it would be virtually impossible for anyone to be prosecuted for holding excess lands until the value of the land was set, in order that the equitable share, to

¹² Resolution of Chickasaw Council, Sept. 15, 1898, *Chickasaw Manuscripts*, No. 7736. Archives, Oklahoma Historical Society, Oklahoma City, Okla. (Hereafter cited, *Chickasaw MSS.*); C. D. Carter to Commission, Tishomingo, May 8, 1899, *ibid.*, No. 7339.

¹³ *Choctaw Acts*, Book 16, No. 25; Chickasaw Memorial, Dec. 20, 1898. *Incoming Corres.*, Series of 1898, No. 1803.

¹⁴ McCurtain to Bixby, Sans Bois, I. T., Jan. 11, 1899, *ibid.*, Series of 1898, No. 2092.

¹⁵ *Indian Citizen*, Nov. 3, 1898.

which each was to be entitled, could be determined.¹⁶ Chief McCurtain complained that the rules requiring the selection of 240 acres would be confusing, since a subsequent allotment would have to be made. The delay in passing title, might cause lands to revert to the nation, in the event of the death of the allottee, so the Chief suggested an immediate allotment of a homestead of 160 acres, title to be conferred at once.¹⁷ Others objected to the rule that allotment should be taken on 240 acres, holding that nothing should be done until the entire selection might be made at once.¹⁸ But, underlying all, was a feeling that whatever was to be done, should be done at once.

In the wake of this criticism, the Secretary issued an order on March 18, 1899, amending the previous rules, to permit the selection of homesteads of 160 acres, in lieu of the 240 acre allotment, with a provision that if such selection were not made within four months after the opening of the land office, it would be held that the citizen desired to choose the forty acres, upon which he lived, plus contiguous lands, until the amount, to which the family was entitled, was secured; or the Dawes Commission might make a selection for him. If the land desired were selected by another citizen, ten days notice must be given him of the intended selection, after which, a hearing might be held by the Dawes Commission to determine the claimant with the better right to hold the land. All other lands, not so occupied, might be held by citizens, except when contrary to the Choctaw pasture laws, until final allotment.¹⁹ But the Dawes Commission was not yet ready to carry out allotment plans.

Continuing with its citizenship work, the Commission soon started preparations for determining the value of each forty-acre plot in the two nations. By December, 1898, the members were in correspondence with the United States Geological Survey, with a view to securing draftsmen and surveyors to do this work.²⁰ Such preliminaries were not always apparent, and attacks on the Commission for dilatory practices and for paying too much attention to the other tribes, with whom it had no agreements, continued to come from the people.²¹ It merely continued its work of preparation.

¹⁶ *Ibid.*, Nov. 10, 1899.

¹⁷ McCurtain to J. G. Wright, Sans Bois, I. T., Dec. 14, 1898. Union Agency, Dept. Corres, Series of 1898, No. 1754. Office of the Supt. for the Five Civilized Tribes.

¹⁸ *Indian Citizen*, Mar. 16, 1899.

¹⁹ *Choctaw Manuscripts*, No. 17855. Archives, Oklahoma Historical Society, Oklahoma City, Okla. (Hereafter cited, *Choctaw MSS.*); *Indian Citizen*, Mar. 30, 1899.

²⁰ C. H. Fitch to Bixby, Dennison, Tex., Dec. 23, 1898, Dept. of Int. to same, Washington, Feb. 6, 1899, *Incoming Corres.*, Series of 1898, No. 1791, Series of 1899, No. 2312.

²¹ *Indian Citizen*, May 4, 11, 1899.

According to the Choctaw-Chickasaw agreement, each tribe was to be represented in the appraisal work, by a representative, to see that its interests were taken care of, and in May, 1899, William H. Harrison was appointed for the Choctaws and Ed B. Johnson, by the Chickasaws.²² On the 15th of that month, Moses D. Kenyon, Minnesota, was selected as Appraiser-in-Chief for the Choctaw and Chickasaw lands, by the Commission, at a salary of \$2,000 per year.²³ The salary of the tribal appraisers, which was to be paid by the federal government, was set at one hundred dollars per month, by action of the Commission.²⁴ It was planned to put four parties in the field, as early as practicable, each party to consist of six appraisers, one clerk, two teamsters, and a cook. At least two of the appraisers, in each party, must be surveyors, for, even though the party was to live in one camp, it was to work in two divisions, of three appraisers each, and it was necessary to have some one with each group, able to measure the land, appraised. All field notes were to be reduced to record each day by the clerk and forwarded to the general office, for recording there.²⁵

At a preliminary meeting of the Commission, attended by Messrs. Kenyon, Harrison, and Johnson, held at Muskogee on June 7th, a set of rules, and a schedule of classes for the lands were adopted. All values were to be arrived at, exclusive of improvements, and were to be taken in quarter-sections, unless such a marked difference appeared that it became necessary to determine the value of smaller areas, but, in no event, were the areas to be smaller than forty acres. Timber was to be appraised separately, without consideration of location or proximity to market, and values were to be adjusted by the Commission, based upon these factors, after actual land values had been set by the appraising parties. For the convenience of the men, ten arbitrary classifications of land were set up, with some nineteen sub-divisions, ranging from natural open bottom land, down through drainable swamp land, to rough mountain land; and the parties were instructed to list all lands in one of the classes enumerated.²⁶

Intensive preparations were necessary to outfit such a large body of men for field service that was to continue for more than a

²² Commission to the Five Civilized Tribes, *Report 1899*, 25 (Hereafter cited, Commission, *Report*); *Chickasaw MSS.*, No. 7340.

²³ Dawes Commission, Minutes, I, 27, Office of the Supt. for the Five Civilized Tribes, (Hereafter cited, *Minutes*); Bixby to Sec. of Int., Muskogee, May 15, 1899, Dawes Commission, *Outgoing Correspondence, Letter Press Book (L.P.B.)*, J, 243. Office of the Supt. for the Five Civilized Tribes (Hereafter cited, *Outgoing Corres.*).

²⁴ Tele., Bixby to Sec. of Int., Muskogee, Mar. 31, 1899. *Outgoing Corres.*, L.P.B. J, 504.

²⁵ Same to same, Muskogee, May 15, 1899, *ibid.*, 237; *Indian Citizen*, June 8, 1899.

²⁶ *Outgoing Corres.*, L.P.B. K, 185-6; Commission, *Report 1899*, 25. See Appendix D.

year. Purchases, ranging all the way from two carloads of mules, bought for direct shipment from Kansas City to South McAlester, and four 14'x14' and twenty 9'x9' tents, down to four complete sets of kitchen-ware for the parties and four United States flags, to be flown at the camps. The purchase of all this equipment was handled by the Commission's disbursing agent, H. Van V. Smith, a very capable man, who had been with the organization since the early years of its existence. While he was attached to the Dawes Commission, he was, by law, carried as a special agent of the Department of the Interior, and looked directly to the Department for all authority for extraordinary expenditures, within the regular appropriations. For months, he had been busy, examining samples and making purchases, and had, in fact, already outfitted two parties who went to work in the Seminole Nation as early as April 15th, 1899, the task there being much smaller than among the Choctaws and Chickasaws.²⁷

All four parties took the field from South McAlester on June 26th; spreading out along the first standard parallel, north, across a strip, four and one-half townships wide from the Choctaw-Chickasaw boundary east to a point about twenty miles west of South McAlester.²⁸ The Appraiser-in-Chief, together with the tribal representatives, worked from camp to camp, covering all the region worked by the crews, who covered about three sections, per crew, making six per camp, each day. Each group of appraisers was instructed to go over each quarter-section, carefully, classifying the land into one of the divisions established, and agreeing on the report to be turned in. Each crew had a field record book, with the pages in duplicate, making a page for each tract. The duplicate sheet was then turned to the Appraiser-in-Chief who collated the work of all camps, and turned in a progress report to the Commission each week. The originals were kept in the book, being signed by the appraisers, until the book was filled, after which it was forwarded to the general offices at Muskogee, there to be filed in a fireproof vault for checking purposes.²⁹

Working southward along the strip started, the crews were down to the Red River by October, from whence they moved east to another strip, of the same width, and started northward again.³⁰ One camp, No. 3, had to be abandoned, because of sickness in the crews, on August 12th, but by October 21st, it had been recruited again,

²⁷ Dawes Commission, *Disbursing Officer, Correspondence*, L.P.B., 21, 215 et passim. Office of the Supt. of the Five Civilized Tribes; Commission, *Report 1899*, 23.

²⁸ *Indian Citizen*, July 13, 1899.

²⁹ Dawes Commission, *Report of Surveys and Appraisals*, Office of Supt. for the Five Civilized Tribes, Muskogee, Okla., 4-5.

³⁰ *Indian Citizen*, Oct. 5, 1899.

and placed back in the field,³¹ and on November 18th, party number 1, which had been working in the Seminole country, was ordered to the neighborhood of Goodland, in the Choctaw country, making five parties at work in that nation.³²

Problems were constantly arising, in connection with the work. The appraiser-in-charge with each party was given a limited authority in the purchase of provisions and minor equipment, but must defer all major decisions to the Appraiser-in-chief, who started to make his headquarters at towns in the neighborhood of the parties, but was ordered, by the Commission, in October, to take up his abode in one of the camps.³³ It became necessary to instruct the appraisers to list any commercial timber on isolated tracts, in the notation about those tracts, instead of at the bottom of the sheet, as a whole, because of the variations in tracts.³⁴ They were, further, instructed to subdivide the land in the different classes, by ranking them as good, medium, or low within the class, as adapted to usefulness, and to make notations such as "Injured by washing, Injured by gulleys," etc., where found.³⁵

Personnel changes in the camps were occasioned by resignations, illness, and removals. Johnson, the Chickasaw representative, threatened to resign because of inadequate salary, and was only induced to remain by a promise, on the part of the Chickasaw Nation, that it would be supplemented by additional grants to be voted by the Chickasaw legislature. The Seminole camp, under H. C. F. Hackbusch, was transferred to the Choctaw country, where its leader was made assistant appraiser-in-chief of the work, on November 11th.³⁶ But, in spite of the necessity of meeting these problems as they arose, the work was carried on, during the year, with marked regularity and success.

Even while the appraising work was progressing, another task must be taken care of. A survey of the improvements of the citizens, and the location of them on township and sectional maps became necessary in order that a record might be had of them when selections should be made of allotments. This was true, since each citizen was to be given the opportunity of selecting the land upon which his improvements were located, and no record had been made of such improvements. The work was first started by making compass traverses of the fences, with bearings on notable objects from points

³¹ Commission, *Report 1900*, 27; A. L. Aylesworth to M. D. Kenyon, Muskogee, Oct. 17, 1899, *Outgoing Corres.*, L.P.B., O, 265-6.

³² Bixby to H.C.F. Hackbush, Muskogee, Oct. 30, 1899. *Outgoing Corres.*, L.P.B., P, 130; Commission, *Report 1900*, 27.

³³ Tele., Bixby to Kenyon, Muskogee, Oct. 30, 1899, *Outgoing Corres.*, L.P.B., O, 501.

³⁴ McKennon to Kenyon, Muskogee, Sept. 25, 1899, *Ibid.*, 26.

³⁵ Instructions to Appraisers, N. d., *ibid.*, L.P.B., Q, 110.

³⁶ Bixby to Hackbusch, Muskogee, Nov. 3, 1899, *Outgoing Corres.*, L.P.B., Q, 75.

on the traverse lines, but this plan was found to be inaccurate because of discrepancies between this survey and the one previously made by the Geological Survey, which often placed houses on the wrong forty-acre tract, and it left no permanent markings, from which to locate boundaries. Accordingly, it was discarded and a more detailed plan adopted, under which, each section was divided into 160-acre tracts by intersection, and each tract marked by plane-table methods, similar to those used in topographical work by the United States Geological Survey. All lines were run with a solar compass and accurate notes were taken of timber lines, drainage, houses, orchards, fences, and all notable objects. At the end of each day's work, then, these notes were platted on a protractor diagram, on a scale of eight inches to the mile. Plats were filled in, from the planetable operations in the field, topographic sketching, planetable triangulation, buckboard traverse and stadia traverse, giving an accurate and detailed survey of each section of ground.³⁷

To perform these labors, parties consisting of one surveyor-in-charge, one assistant traverseman, two traverse rodmen, and one crew, consisting of one surveyor operating the solar compass, two chainmen, one rodman, one moundman, and two axemen, together with one camp teamster and two cooks, were organized and put in the field in 1899. Party No. 1 went to work in the Creek Nation on June 1st, but was transferred to the Choctaw Nation in July, 1900, while No. 2 was organized and put into the Chickasaw Nation, near Ardmore, in December, 1899.³⁸ The Commission was working a large staff of men, by the end of 1899, and was contemplating the addition of many more, during the ensuing year. In order to carry this work forward, Congress was asked for \$641,105.75, for the fiscal year ending June 30, 1901,³⁹ and responded by appropriating \$524,000, the largest sum made available to the Commission, during any fiscal year.⁴⁰

All during 1900, the appraisal and selection survey works were pressed vigorously. Continued changes were necessary in the program, however. Such a one, was that occasioned by the protest of Harrison, backed by McCurtain, that existing parties were not trained in timber appraisal. This necessitated the organization of separate parties for that work.⁴¹ E. B. Johnson finally retired in January, 1900, and J. Frank Gooding was appointed in his place. While the

³⁷ *Report of Surveys and Appraisals*, 10-1.

³⁸ *Ibid.*, 12; Bixby to L. R. Tuebner, Muskogee, June 19, 1900, *Outgoing Corres.*, L.P.B., 14, 303.

³⁹ 56 Cong., 1 sess., *House Doc.*, 220, 1.

⁴⁰ 31 *Stat. L.*, 221; C. J. Kappler, *Indian Affairs, Laws and Treaties*, I, 700 (Hereafter cited, I Kappler); T. Bixby, Comp., *Laws, Decisions, and Regulations Affecting the Work of the Commissioner to the Five Civilized Tribes*, 33 (Hereafter cited, Bixby).

⁴¹ Kenyon to Bixby, South McAlester, Mar. 8, 1900, *Incoming Corres.*, Series of 1900, No. 2307; *Indian Citizen*, Feb. 8, 1900.

latter was forced to work for some time without pay, through a misunderstanding as to the time of his appointment becoming effective, the matter was adjusted by the latter part of April.⁴² Following a severe criticism of the work of the appraiser-in-chief and the two national representatives, in June, by H. S. Hackbusch, chief clerk of the Appraisal Division, Kenyon (who had been sent to inspect the work of the camps in operation at that time)⁴³ resigned on August 5th, and J. D. Wilkinson was appointed to take his place.⁴⁴

Questions continued to arise, relative to the powers of the Commission, also. One of this nature was that of placing value on lands where known deposits of minerals, other than coal and asphalt, existed. While the Commission felt that no consideration should be given such matters, the Department instructed them, on July 24th, to add such to the value, by agreement, in a manner similar to that by which they were to arrive at the value of lands, taking location and proximity to market into consideration.⁴⁵ Similar questions arose in the minds of subordinates, and must be settled by the Commission itself. Such was shown in the letter of Bixby to Wilkinson, in which the latter was denied the power to transfer his men from one camp to another without the Commission's consent. It was held essential that the Commission know the whereabouts of its employees at all times.⁴⁶ The task of administering the work in its different phases, when it was in full swing, was, indeed, a difficult one.

By April 20, 1900, the field work of the appraising parties in the Choctaw Nation, with the exception of the groups working in the pine timber, was completed and the parties all removed to the Chickasaw Nation. In November, seven new parties were outfitted and placed in the field, speeding up the work to a point where the Chickasaw field work was completed by January 25, 1901.⁴⁷ The two selection survey parties remained busily at work, locating and platting the improvements of the citizens, at the close of the year.

A slight scare was thrown into the field forces of the Commission, in January, 1901, by a threatened uprising of "Snake" Indians. This group, made up chiefly of full-bloods, had as their avowed purpose the restoration of the old regime in the Indian country. While the disturbance centered in the Creek Country, there was a slight repercussion in the Choctaw Nation, causing rumors that the Dawes

⁴² Gooding to Bixby, Colbert, I. T., Apr. 23, 1900, *ibid.*, No. 3500.

⁴³ Report, H. S. Hackbusch, Muskogee, June 25, 1900, *ibid.*, No. 5102.

⁴⁴ Tele., G. V. Emerson to Bixby, Muskogee, Aug. 1, 1900 *ibid.*, No. 6449; Bixby to Kenyon, Muskogee, Aug. 13, 1900, *Outgoing Corres.*, L.P.B., 16, 269.

⁴⁵ Gypsum was found in the Chickasaw Nation. Appraisers to Commission, Marlow, I. T., Oct. 28, 1900, *Incoming Corres.*, Series of 1900, No. 9223; Commissioner of Indian Affairs, *Report 1900*, 155.

⁴⁶ Muskogee, Sept. 27, 1900, *Outgoing Corres.*, L.P.B., 22, 281.

⁴⁷ Commission, *Report 1900*, 27-8; *Report of Surveys and Appraisal*, 5.

Commission officials were to be massacred.⁴⁸ For the sake of expediency, the parties were withdrawn from duty for a short period that month, pending an investigation by Commissioner Bixby, during which he visited Stephen Roberts, one of the leaders of the movement at his home near Atoka. He found the Indian very affable, and received his assurance that the officers of the United States would not be molested.⁴⁹ Following the collapse of the movement in the Creek country, nothing came of it among the Choctaws, and the forces were put back to work with renewed vigor. By this time, however, the only appraisal field work that remained unfinished, was that connected with the timber lands in the Choctaw Nation. The majority of the parties were in the act of removing to the Cherokee Nation, where they were transferred after completing their work in the Chickasaw country.

Six timber appraising parties were outfitted in January, 1901, to go into the Kiamichi Mountain and the Red River regions of the southeastern part of the Choctaw Nation, to determine the value of the commercial pine timber that grew there. In a region where there was little farming, many groves of from ten to fifteen acres contained pine trees, ranging from eight to thirty inches in diameter, that would cut a great deal of lumber. Into this region, each party consisting of one man in charge, six estimators, packer, teamster, and cook, went equipped with virtually the same materials that the other appraisers had used, with the exception that they used pack animals in the place of teams to transport much of their equipment through the mountainous region. Again, the estimators worked in parties of three each, with each party working along lines of about eighty rods width. One man would run a compass and measure and call tallies of 125 steps for the other two in his party, who remained together, forty rods away. At every four tallies (one-fourth mile) the estimators would have five acres on each side to gauge the amount of timber possible to be cut from that area. The inexperienced ones would be compelled to count the trees, but the experienced timber "cruisers", most of whom were brought in from Minnesota and Wisconsin, could determine just how much it would yield by merely looking at it. With the average day's work for a crew of three, totalling two sections, the work was completed by August 10, 1901, and an estimated one billion, two hundred fifty million feet of timber surveyed.⁵⁰ By August 15th, the tribal appraisers were released,⁵¹ all field work having been completed. The land which had been classified by the parties, sent out for that pur-

⁴⁸ Bixby to Dawes, Muskogee, Jan. 30, 1901. Tams Bixby, *Personal Correspondence*, L.P.B., 1, 12-4, office of the Supt. for the Five Civilized Tribes.

⁴⁹ *Minutes*, II, 3.

⁵⁰ *Report of Surveys and Appraisal*, 6.

⁵¹ *Minutes*, II, 79; Monthly report, Aug., 1901, Dawes Commissions, *Outgoing Departmental Correspondence*, L.P.B. 1, 154-66. Office of the Supt. for the Five Civilized Tribes. (Hereafter cited, *Outgoing Dept. Corres.*)

pose, amounted to 11,653,151.71 acres.⁵² As yet, however, the Commission was not ready to set any arbitrary value on each class of land, but was content to take the reports, without reference to location, mineral, or other factors, that might determine its actual value over and above its physical features.

A longer time was taken by the selection survey parties, largely due to the fact that there were not so many of them working, and that the regions where improvements were so thick made the work very complicated and slow. Particularly in the Choctaw country, along the M. K. & T. Railway, was the work slowed down. One extra party, in addition to the two working in the Choctaw-Chickasaw country in 1899, was added in 1900, and two more in June, 1901.⁵³ These five, then, were kept in that region, being shifted back and forth between the two nations, until August, 1902, when two parties were removed to the Cherokee Nation and the Chickasaw survey was completed.⁵⁴ It was not until January, 1903, however, that the work was completed in the Choctaw Nation, and the last party disbanded.⁵⁵ The long time taken in this work was one of the causes for the delay in opening the land offices in these two nations.

With the accumulation of the necessary information, work was started on the preparation of the books to be kept at the land offices, for their information. On one side of a page, a township plat was prepared, subdivided into forty-acre tracts, upon each of which was stamped the classification of its land. The remainder of the page was used for column ruled form, upon which a description of the classification, acreage, and value might be placed. On the reverse side of the sheet was a large township plat, divided into forty-acre tracts, upon which all reservations for townsites, cemeteries, railways, churches, schools, etc., were drawn, and the acreage of each computed.⁵⁶ Since one copy must be made available for each of the Choctaw and Chickasaw land offices, and one for the general office, each book must be made in triplicate. Fifteen such books were prepared, each one in duplicate, for the Choctaw and Chickasaw lands, out of a total of twenty-seven for all the nations.⁵⁷ Final work on them, however, could not be completed until after values were placed on the different classes of land by the Commission, even though work was begun on them while the field work was still going on.

In order that the boundaries of the lands to be reserved for different purposes might be determined, the Commission had to depend upon a number of sources for its information. In the case

⁵² *Report of Surveys and Appraisal*, 6; Commission, *Report 1901*, 35-6. See Appendix E.

⁵³ *Report of Surveys and Appraisal*, 12.

⁵⁴ Monthly report, Aug., 1902, *Outgoing Dept. Corres.*, L.P.B., 8, 38-62.

⁵⁵ Monthly report, Jan., 1903, *ibid.*, L.P.B. 11, 386-408.

⁵⁶ *Report of Surveys and Appraisal*, 13.

⁵⁷ Commission, *Report 1902*, 44.

of those for churches, schools, etc., they could be determined by the selection survey parties, the same as private improvements. For the borders of the established townsites, it must depend upon the townsite commissions in the nations, or upon private surveys, financed by towns, under provisions of an act of Congress passed May 31, 1900.⁵⁸ In both classes of towns, however, provisions were made only for those towns that were established at the time the Atoka Agreement was signed. In the above act, a recognition of the need for some agency for authorizing the establishment of new towns of not more than 160 acres, at the sites of stations established by the railways through the Territory, if made before allotment, was apparent. This power was given to the Dawes Commission with the stipulation that it might recommend such segregations to the Secretary of the Interior for his approval.

With the projection and building of new railroads through Indian Territory, another series of duties were added to those already assigned to the Commission. Recommendations involved thorough investigations of proposed townsites and the exercise of discretion with regard to the size of the reservation to be proposed, that took much of the time of its members. In making up its recommendations, in 1901, for sites along the Western Oklahoma Railway, proposed to run from Haileyville southwest through the Choctaw Nation into the Chickasaw country, it was necessary for one member of the Commission, with a surveyor, to make a trip of 120 miles in a wagon along the proposed route of the railway.⁵⁹ Another similar task presented itself in the following year, when all new towns were designated on the new Arkansas and Choctaw Railway, constructed between Durant and the Arkansas line, east of Idabel.⁶⁰ By June 30, 1903, proposed segregations for seventy-seven such townsites had been submitted to the Department for its action.⁶¹

This power was broadened by the Indian Appropriation Act of March 3, 1903, which set up a supplemental appropriation of \$25,000 for surveying, platting, and appraising such towns already set aside, and granted authority to the Dawes Commission to consent to the unrestricted alienation of lands for such purposes, by allottees, upon their request.⁶² A lull in railway building activities, however, followed this and delayed the requests for such action, so that the end of the fiscal year of 1904, saw only seven applications for new Choctaw and Chickasaw towns, together with three for additions to established ones, which were forwarded to the Secretary of the Interior, and of these, three were denied.⁶³ This work was not so important

⁵⁸ This act provided that external boundaries of the towns could be located before the actual survey and appraisal by the townsite commission.

⁵⁹ Monthly report, Oct., 1901, *Outgoing Dept. Corres.*, L.P.B., 1, 439.

⁶⁰ Bixby to Sec. of Int., Muskogee, June 5, 6, 1902, *ibid.*, L.P.B., 5, 419-4.

⁶¹ Commission, *Report 1902*, 45; *ibid.*, 1903, 34-5.

⁶² *Stat. L.*, 982; Bixby, 79.

⁶³ Commission, *Report 1904*, 29.

in these nations, as in some of the other three, where railroad building was more marked during these years, but it added to the duties of the Commission.

Among the matters to be adjusted by the Supplementary Agreement of September 25, 1902, was that of re-writing the provisions dealing with the disposition of the coal and asphalt lands, in the pending allotments. By the time that the Atoka Agreement had been put into operation, it was seen that the matter of allowing the citizens to take the lands containing the deposits of such minerals as their individual allotments, while allowing all royalties to go to the tribal governments, would work an injustice, and cause the allotment work to become highly complicated. In order to eliminate the trouble, a provision was written into the new agreement that all lands containing coal and asphalt deposits up to 500,000 acres, including all existing leases, should be set aside and segregated from allotment. This was to be sold later under the direction of the Secretary of Interior and the coal commissioners of the two nations. The segregation was to be carried out under the direction of the Secretary of Interior, and he delegated the Dawes Commission to perform the task.

All information relative to existing leases was secured from the United States Indian Inspector by the Commission, and, in the course of securing it, the Commission found that 113,870 acres were held by the mining companies under leases that were valid, and must be taken into consideration.⁶⁴ The bulk of the coal was found in the Choctaw Nation; large deposits centering in the region from McAlester to Wilburton, with other large fields lying in the vicinity of Coalgate and Lehigh. Virtually all the asphalt was found in the neighborhood of Dougherty on the Santa Fe Railway in the Chickasaw Nation.

On November 26, 1902, Joseph A. Taff, of the United States Geological Survey, who had been assigned to the Commission on the direction of the Secretary of the Interior, reported to the Dawes Commission, together with three competent assistants appointed upon his recommendation. They were to survey the mineral lands of the two nations, to determine which lands should be segregated.⁶⁵ A field party was organized, and the winter of 1902-03 was spent in the work. On March 12, 1903, the work was completed, and on March 19th, the Commission submitted its report in which it recommended that 444,863.03 acres be designated as containing coal and asphalt deposits, and be set aside.⁶⁶ Upon its segregation, it be-

⁶⁴ Monthly report, Nov., 1902. *Outgoing Dept. Corres.*, L.P.B., 10, 65-98.

⁶⁵ *Ibid.*; Sec. of Int. to Commission, Washington, Oct. 25, 1902. *Incoming Corres.*, series of 1902, No. 20439; *Commission Report 1903*, 33.

⁶⁶ Monthly report, Mar., 1903. *Outgoing Dept. Corres.*, L.P.B., 13, 42-65; *Commission, Report 1903*, 33.

come necessary that a record of the reserved lands be entered on the plat books being prepared for the tribal offices which were to open soon after. Through the efforts of the clerical staff of the Commission, the work was done rapidly, and all necessary notations made.

By November, 1902, the Commission was ready to complete its action on appraisals by setting the values of the several classes of lands in order that prospective allottees could determine the amount of land to which they might be entitled. To represent the tribes, the Chief executives appointed E. B. Johnson, former representative, and Hampton Tucker, as Chickasaw and Choctaw members, respectively, to prepare the schedule. They were placed on the payroll of the Dawes Commission at one hundred dollars per month, with necessary expenses, for one month, starting November 10th and served as advisors and guarantors of tribal interests.⁶⁷ On December 5, 1902, the Commission adopted the complete schedule of the Choctaw-Chickasaw appraisement, setting arbitrary values on the lands in the different classes. The prices ranged from \$6.50 per acre for land in class 1 to \$.25 per acre in class 10. This schedule determined the size of the allotments to be assigned under the scheme adopted in the Supplementary Agreement,⁶⁸ as varying from 160.19 acres of the first class land, up to 4,165.12 acres of land, should the allottee elect to take his allotment from land in the tenth classification.⁶⁹ On January 6, 1903, an arbitrary price of \$.50 per thousand feet was set on all appraised pine timber, regardless of its location,⁷⁰ and it then became possible for the clerks to complete the compilation of this essential information on the plat books, and with the addition of all necessary information, relative to segregations, they were prepared for immediate use. The values were set and citizenship rolls were being approved. Actual division of the patrimony of the citizens could now begin.

⁶⁷ Bixby to Sec. of Int., Muskogee, Dec. 5, 1902, *Outgoing Dept. Corres.*, L.P.B., 8, 420.

⁶⁸ *Infra.*, 248 *et. seq.*

⁶⁹ *Minutes*, II, 220; Bixby to Sec. of Int., Muskogee, Dec. 6, 1902. *Outgoing Dept. Corres.*, L.P.B. 8, 434; Commission, *Report 1903* 50; *Indian Citizen*, Dec. 11, 1902. See Appendix E.

⁷⁰ *Minutes*, II, 235.