An Ethnohistory of the Relationship between the Community of Sulphur, Oklahoma and Chickasaw National Recreation Area

by
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Chickasaw National Recreation Area
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NATIONAL PARK SERVICE
U.S. DEPARTMENT OF THE INTERIOR

As the Nation's principal conservation agency, the Department of the Interior has a responsibility for most of our nationally-owned public lands and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values or our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The Department also has a major responsibility for American Indian reservation communities and for people who live in the island territories under U.S. administration.





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Sulphur Springs Reservation was established in 1902 and expanded in 1904 ...for the people of the United States because of the many medicinal springs found here which have been known and used for their medicinal properties as far back as we have any record of them. The ancient Red man brought his sick and afflicted here so they might drink of the waters and be cured of all their afflictions and be restored to health. Platt National Park with its woods and streams, its trees and springs, its flowing wells and swimming pools, its birds and flowers, its cliffs and boulders of historic interest, is becoming so well known for its wonderful springs of water and its delightful drives and shady nooks that it will soon be the Mecca for the sick and afflicted of a continent, as well as for pleasure seekers

[Supt. Robert G. Morris](Platt NP 1924).

FOREWORD

As with any special place that achieves pilgrimage status with its devoted visitors, the Platt District of Chickasaw National Recreation Area is many things to many people. I first visited this serene recreation landscape in 1985, less than a decade after it changed from Platt National Park to a Chickasaw National Recreation Area, when its area increased by a couple of thousand shoreline acres around Lake of the Arbuckles, itself constructed only about 20 years earlier. At the time I needed a little help understanding how the classic American small town of Sulphur, the Native American name of Chickasaw, the huge federal Bureau of Reclamation lake, the National Park Service and its wonderful 1930s New Deal buildings here all fit together. Yet upon my first visit the magic of "Platt" inspired another pilgrim. I've journeyed back many times now, always impressed, always learning something new.

From what Jacilee Wray and Alexa Roberts have conveyed to me about their encounters with Platt, I believe we all suffer the same intoxication. Initially we each learned just one of the many lessons of Platt: the place can be as alluring to its old neighbors in Oklahoma as it is to newcomers from far away. Spend a little time in Sulphur, and drive or hike the Platt parkscape, and you'll understand why Will Rogers so loved his home state, why Richard Rodgers and Oscar Hammerstein set their impressions to music and dance in the Broadway musical Oklahoma, and why native-born Hoyt Axton also put into song, "Well I never been to heaven, but I been to Oklahoma."

The place simply has good karma… perhaps a result of all those artesian formations at work beneath your feet. Or maybe the subliminal attractions to this pocket of rural America, particularly for travelers in the 21st century, are its crystal clean air and virtually no light pollution on any night of the year. Jacilee and Alexa first approached Platt with academic intentions, bringing their backgrounds in anthropology, ethnography and National Park Service tenure to this middle-America retreat. They found a rich multi-layered history of mineral springs, Native American attitudes toward their land, well-meaning circa 1900 Washington politicians and their questionable local agents, and a federal park service bureaucracy born after Platt's own national park designation. They also instantly encountered a controversy as old and emotional as the park itself, what might be called the "Platt problem." While people who adore this place are easy to find, others come forward throughout its history with rude disdain for this particular latitude and longitude. In short, Platt (and from my experience I'll add Oklahoma itself) remains a hard sell to those who haven't been here.

Intrigued rather than repelled by this pathology, the ethnographers first happily documented those who know the place firsthand and love it. For example, Tanya Wilkins, Cherokee from her father's side, remembered from summer family vacations, "This was the biggest thing in our world, coming from the panhandle" of Oklahoma. Brenda Ringer of Sulphur told the interviewers, "The park was always a part of our family…. You know what the park did? It brought the world to us."

The Platt landscape so familiar to multiple generations dates from the 1930s, and this study gives much needed attention to its New Deal transformation courtesy of the Civilian Conservation Corps. The CCC worked here for seven years, an unusually long assignment for such a small area and the typical practice of moving CCC camps from job to job in order to maximize their land conservation assignments. Most Depression enrollees were Oklahoma boys, also unusual for an agency that prided itself in moving companies of 200 young men from one end of the nation to the other. "In that old camp in the summer time Jay Pinkston told the authors, "after bed check it was too hot to sleep. We’d

get up and put our clothes on and go to Black Sulphur Springs." Another CCC alumnus still living nearby, Harold Long, revealed bigger impressions as a teenager. "If it hadn't been for the CCC we would've had to pack up my nine brothers and sisters and go to Arkansas."

Mixed within these personal-growth stories and mid-20th century nostalgia revolving around Platt is the history of reclaiming a natural landscape, and its coincidental conversion into a recreation landscape. Surveyors platted the town of Sulphur in the late 1800s during the nation's transition between the need for flowing water as a natural sanitizer and the ability to achieve this necessity through technical innovation. The natural springs within the town had suffered profound abuses by the reservation's founding in 1902, thus early park development concentrated on physically moving the town back several hundred yards. This remediation formula, while widespread today, found no sympathy among managers of the newly created National Park Service in 1916, and there the "Platt problem" grew into a virtual internal policy.

In the early 20th century, the U.S. government busied itself managing vast public lands in the West, plus one sprawling estate in the east called Washington, D.C. Most federal land managers knew little of the territory in between from Maryland to Kansas, including Oklahoma. Stephen Mather, wealthy lobbyist for and then first director of the National Park Service crafted a lasting American impression of national parks as great western scenery: Yellowstone, Yosemite and Zion for examples. By the time Grand Canyon became a national park in 1919 and Carlsbad Cavern in 1924, Mather and his assistant Horace Albright figured they controlled all the national parks the nation had to offer.

So astonished were Jacilee and Alexa by what Albright recorded about Platt's position—or vengeful absence in Albright's vision—in this pantheon, they wrote a separate article about the controversy. Their resulting "In Praise of Platt—or What Is A 'Real' National Park" appeared in a 1997 George Wright Society Forum, a journal primarily for National Park Service professionals. The late 20th century ethnographers found that the early 20th century managers of the park service, if Albright reflected his fellow "Mather men" of the founding cadre, despised Platt and a handful of other reservations designated without their input as national parks and otherwise unlucky in location, size, and presumed mediocrity of scenery.

"Platt was a travesty," Albright grumbled to his biographer in 1985, "a tiny mineral springs in southern Oklahoma, well below national park standards, and we had been trying to get rid of it for years." In their Forum article Jacilee and Alexa painstakingly disassembled Albright's criticisms and compared them with the detractor's own language in the park service's official "basic creed" of 1918, which reads in part:

> This policy is based on three broad management principles: First that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our time; second, that they are set aside for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Detecting no omission there of Platt National Park under any conceivable definition, our researchers found instead only a person of limited vision who complained that the Secretary of the Interior, his boss, once threatened Albright's banishment to Platt as its superintendent.

Fortunately for Platt, and for the National Park Service, Albright "retired" as park service director in 1933, as unable to comprehend the coming benefits of

the New Deal as the tremendous public appeal of Platt National Park. In this ethnographic study the authors quote 1990s park service director Roger Kennedy saying that Mather and Albright rightly developed broad partnerships and a "practical commitment to our American constituency." Yet the two latter gentlemen were flat wrong about Platt, because it met their ideals and they refused to recognize it. Fortunately one of Mather's other men, Albright's successor Arno Cammerer, proved open to a new vision of the National Park Service, and of Platt. The 1930s director approved a role for Platt as a model "national recreation area," an entirely new concept in the late 1930s but well suited to the maturity of the park service as the nation's standard-bearer for outdoor recreation policy.

That next new era for Platt, launched under the initial affront of bringing the park "up to National Park standards," proved a godsend for the park between 1933 and the Second World War. The ensuing program of comprehensive landscape design, continuing the vegetative restoration begun in 1902 but now placing Platt in the hands of the most progressive recreation practitioners of their time produced a durable and even more popular park serving a huge region. National Park Service designers such as Tom Vint and Herb Maier, guiding CCC work in the national and state parks throughout the West and Southwest, didn't mind that Platt was not one of the great scenic wonders of the West. Instead they maneuvered a landscape design here that provided what all national park visitors wanted: escape, relaxation, refreshment. Maier accomplished wonders with this concept repeated in state park systems under his design direction and CCC construction. Visit Robbers Cave State Park in Oklahoma, Bastrop State Park in Texas, or Devil's Den State Park in Arkansas and you'll see the familiar arrangement of scenery and facilities so prominent and well maintained at Platt.

When Cammerer and his gifted colleague Maier first proposed in 1938 to change the status of Platt to a national recreation area, Platt might have been at the vanguard then of the New Deal's park service. However, politics—always central to Platt's continued federal support primarily by an enthusiastic Oklahoma delegation in Congress—worked against the park this time, and brought it another four decades of internal criticism as a "substandard" national park. It finally became a national recreation area under completely different circumstances in 1976, a somewhat bittersweet victory for all parties.

Despite Platt's continued success as a recreation park by any title-no surprise to the patrons interviewed by Jacilee and Alexa-the "Platt problem" incredibly still persists. Not long ago I encountered a long-tenured National Park Service retiree who commented on a related study, "Oh, Platt…that's that place that never should have been a park." Another high-ranking park service official recently told me, on the topic of Platt's potential designation as a National Historic Landmark, that the extensive CCC work at Platt cannot be viewed as special, significant or unique. These veteran and well-traveled park professionals, you see, have never visited Platt. Any Platt patrons quoted in the ethnographic interviews of this study, and all Platt pilgrims, understand that the provincial critics are the losers here.

Alexa, Jacilee and a dedicated staff at Chickasaw National Recreation Area find no remaining reasons to weep over the lost "national park" title today. The honorably named Platt District of the larger recreation area just keeps on serving the public interviewed in this study through well-built and well-maintained facilities definitely up to national park standards. Only now this landscape yields another fascinating layer of history—a seldom-told chapter in the evolution of the National Park Service itself—that makes such places so rewarding to study and visit.

The story of Platt proves that Americans and our visitors feel a deep personal attachment to places -- particularly national parks -- that invigorate the soul and realign the weary perspective.

James Wright Steely
Professional Historian
Phoenix, Arizona
January 2004

STUDY BACKGROUND

PURPOSE

The purpose of this study is to assist park management in making informed decisions by providing an understanding of the park's relationship with the town of Sulphur. The study focuses on the values attached to the park and its resources by members of the traditionally associated community of Sulphur. During a strategic planning session at the park in February 1996, park staff identified management issues that have arisen because of the historical relationship between the town and the park, as the town and its residents have been closely linked since the 1880s. These issues provided the baseline for the initiation of ethnographic fieldwork in September 1996.

During general discussions for development of the park's strategic plan, park staff noted that one of the main aspects of the park's significance is that it "has been the setting for generations of traditional family activity that represents part of our American heritage" (Chickasaw NRA 1996:3). Park staff also concluded that the ties of various cultural groups to the history of the park is one of five concepts that are "central to Chickasaw NRA's purpose and significance" and visitors should have access to important places in their past "every time they come to the area" (ibid:4). In order to provide access, the park recommended that one action it must take is to "identify ethnographic resources and traditional uses by groups culturally affiliated with the park or area" (ibid:8).

One of the traditionally associated groups is the community of Sulphur. Staff members noted that coming to the park year after year is a family tradition, evidenced by annual family reunions, some going on for 60 years. Chickasaw is a family park to which people come for that tradition. Management decisions that could affect this use should be addressed in light of the effects they would have on the local community's customary use of the park.

The community of Sulphur regards Chickasaw NRA with a sense of patrimony, because they have fought diligently through the decades to keep it within the National Park Service. This attachment has carried forward from the inception of the Sulphur Springs Reservation to the establishment of Platt National Park in 1906, when the well-known mineral springs drew visitors from across the nation. Tourism engendered development of bathhouses and elegant accommodations, giving the town a sense of pride, and hope that Oklahoma's "oasis" could rival Yellowstone and Hot Springs national parks (Brown and Garrity 1981). In a time when people were poor and daily life was a challenge, the park was a safe, special place where everyone was welcome. By the 1930s, the invitation for all to come was expressed in the rustic architecture built by the Civilian Conservation Corps, many of whose workers were from the local area. The community helped build the park, and the park, in return, offered a haven and a sense of hope for a prosperous future.

This symbiotic relationship continued through the 1970s, when the Bureau of Reclamation's Arbuckle reservoir was added to the park and the status was changed from a national park to a national recreation area. The name was even changed to honor the former occupants of this land, the Chickasaw Indians. The visitation, use, and image of the park changed as a result. The effects of these changes are addressed in this study, in order to answer the question: Did the change make much difference in the use of what was once Platt National Park and is today the Platt district of Chickasaw National Recreation Area. We know

from issues raised by park management that there is a perception that the recreation area and the former park are distinct and valued differently.

> The recreation area took the sense of belonging away. The lake is nothing special. There are lots of lakes, but there was only one Platt. The affection local people have for Chickasaw NRA is left over from Platt; it's not for the lake. It was the shade, the CCC architecture, the pools, and the special atmosphere. The lake doesn't offer any of that. Platt was the place for the family reunions. That is what is still in peoples' traditions, that is the traditional use. It wasn't just the change from a park to a national recreation area that affected the local people; it was also the name change from Platt to Chickasaw and everything the change represents. NPS needs to understand the impact of these changes on the local community and the various kinds of park uses in order to respond with appropriate management strategies (Chickasaw NRA 1996a).



1904 FAMILY REUNION
(CHIC Archives 0128)

In response to these issues, park staff identified the need to develop partnerships among the park, the community, the Chickasaw Nation, and other traditionally associated communities and contemporary park users. Proposals for desired futures, strategies, and actions to develop and maintain partnerships include improved communication with the public, development of advisory committees, and so forth (Chickasaw NRA 1996:14-15). This information, combined with the baseline ethnographic information mentioned above would contribute to the knowledge of the traditional associations between the community and the park, which in turn will contribute to the development of appropriate management strategies and strengthen local partnerships.

METHODS

Following the strategic planning session, it was decided by park superintendent, John Welch and the Southwest Support Office anthropologist, Alexa Roberts to conduct the study "in-house" rather than contracting the project to an external institution or private contractor. Ethnographic research is rarely conducted by NPS staff due to the scarcity of anthropologists available service-wide, but the discussions at the strategic planning session led to the conclusion that NPS staff have a better understanding of the management issues that the research is intended to address, as well as understanding the interface of NPS and community values.

In December 1995, Chickasaw National Recreation Area received $26,500 from NPS Special Emphasis Ethnography funds to conduct the first phase of an ethnographic study documenting the relationships between the park and the various communities traditionally associated with it. An additional $15,000 was added to the project in September 1996 from end-of-year funds identified in the service-wide ethnography program budget. The first phase was designed to focus specifically on the relationship between Chickasaw and the town of Sulphur, Oklahoma. The second phase of this ethnographic study was conducted under contract to the National Park Service by Dr. Clara Sue Kidwell, with the University of Oklahoma. Her research focused on the associations that historically affiliated American Indian communities have to the park and its resources. Her report is included here as Appendix F.

The Chickasaw study was seen as a unique opportunity to apply the services of the NPS Applied Ethnography Program, particularly in the relatively rare situation of a southwestern park in which the research focuses on an Anglo community. Conducting the study in-house was also a good opportunity to provide NPS anthropologists with a project that was subject to the same time and financial constraints faced by private contractors, allowing NPS staff a chance to review the conditions normally applied to ethnographic contracts and the ways in which limited funding needs to be spent.

Alexa Roberts, anthropologist in the Southwest Support Office-Santa Fe, and Jacilee Wray, anthropologist at Olympic National Park, Port Angeles, conducted the study. Two researchers were used in order to combine park-based and support office-based experience, as well as to gain the greatest amount of information in a limited amount of time. Further, Ms. Wray had previous experience in researching Civilian Conservation Corps (CCC) history, the period during which most of Chickasaw's infrastructure was developed.

Prior to initiation of fieldwork, Wray conducted one research trip to the National Archives in College Park, Maryland, to review CCC archives, and began a review of literature related to the history of the park. Wray and Roberts made a second visit to the National Archives in Washington D.C., attempting to locate records pertaining to the establishment of the park but finding little information. Additional archival research was conducted during fieldwork at the National Archives in Fort Worth, Texas; the Oklahoma Historical Society in Oklahoma City; and files and archives housed at Chickasaw National Recreation Area. Further research at the National Archives in Washington, D.C., and College Park, conducted by Wray and park ranger Judy Kahlor in November of 1997, resulted in a wealth of information. This was followed by research in March 1998 by Dr. Fred York, Pacific West Region anthropologist, at the Connecticut State Library, repository for the Platt papers.

The main interviewing phase of the project began on September 14, 1996, and concluded on October 15, 1996, with two additional phases of interviews

conducted in the spring and summer of 1997 and 1999. A total of 52 individuals were interviewed. Identification of potential interviewees began with referrals from park staff, many of whom are from the area originally, have worked at the park for many years, and know the members of the community most knowledgeable about local history. The interviewing phase began with an introduction to community members at the meeting of the Arbuckle Historical Society (Sulphur Chapter), where we gave a brief presentation about the project and inquired if anyone would like to speak with us further. Several people agreed to be interviewed at a later date. Each interviewee was also asked for additional names of people they would recommend we speak with, contributing to a working list of about 50 individuals.

Formal interviews were almost always tape-recorded, unless the interviewee requested otherwise. Some people asked that the tape be turned off at various points during the interview. Seven individuals initially contacted declined to be interviewed at all. Consent forms were used for all those who agreed to be interviewed. No financial reimbursement was provided to interviewees, but each was given a book about the park or other small tokens of appreciation. Initially the tapes were transcribed by a local contractor and copies of both the tapes and transcripts were provided to the park and the interviewees. Kathy Means of Ardmore was the transcriber; however, ill health forced her to cancel her contract. The subsequent transcriber was not satisfactory, and her transcriptions were re-done by a third transcriber. A list of questions was developed to guide the interview, but interviews were generally open-ended, concentrating on each individual's specific knowledge and the stories she or he wished to tell. Each interview lasted one to three hours, and seven interviewees accompanied one or the other interviewer on vehicle tours of the park, speaking as they identified specific places. A few interviews were conducted by both interviewers together, but most were conducted individually. Interviews were conducted at family reunions, in peoples' homes, at their places of business, or driving through the park.

Most of the individuals initially recommended by park staff and other interviewees were elderly native residents, CCC workers, and retired park staff knowledgeable about the history of the park and the community. While gaining an understanding of the historical associations between the park and the town was a major project goal, we also wanted to be sure to gain an understanding of contemporary relationships, including economic, political, and recreational; the make-up of the various user groups; and the nature of the park's image and significance to the various segments of the community today. In addition to those with historical knowledge, we also interviewed people with the chamber of commerce, the city council, the public school system, and Goddard Youth Camp. We attended meetings of the Sulphur Rotary Club, Chickasaw Nation Historical Society, and Sulphur Historical Association, family reunions, and the Oklahoma State Fair, and spoke informally with people we met at various places and at various times in the park, at stores, restaurants, and other businesses in town.

While there are many people who have not yet been interviewed, we believe that we interviewed, observed, or participated in the activities of a representative cross section of the community that use and value the park in various ways. We are confident that our results accurately characterize the changing relationship between Chickasaw National Recreation Area and Sulphur, Oklahoma during the twentieth century.

It is now 2004 and we are just finalizing this project. Delays along the way, stemming from work loads at our permanent jobs, as well as various editorial delays, prevented the timely completion of this report; which helps us gain a better understanding of the research requirements contractors face while

conducting ethnographic studies for the NPS. Although we began the research several years ago, the results provide an enduring context in which park management can make informed management decisions.

ACKNOWLEDGEMENTS

This research has taken eight years to complete and we have seen several superintendents come and go in the process, all of whom were very gracious and a little too nice about our taking so much time; John Welch, Gerard Baker, Sarah Craighead, Rick Shireman, and Connie Rudd.

We would like to express appreciation at the kindness of the people of Sulphur and park visitors who are among the nicest people we have met in our careers. Sulphur, Oklahoma takes you back to a time when people truly cared for one another and family connections meant so much. It is a place of peace and friendliness.

Special thanks to park staff: John Bandurski, Tamie Bean, Randy Fehr, Joe Hawkins, Charlie Johnson, Rosalind Jones, Judy Kahlor, Jenny Lilla, Randy Lilla, Gail McCurry, Cal Meyers, JR Norton, Mary Beth Parker, Ron Parker, Joe Peterson, Donald P. Reed, Karen Rogel, Eric Rubin, Ken Ruhnke, Susie Staples, Phyllis Stromme, Jerry Underwood, Len Weems, Laura Wilson, and Don Wollenhopt.

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INTRODUCTION

Chickasaw National Recreation Area (NRA) is located in south-central Oklahoma. It is 80 miles south of Oklahoma City, Oklahoma, and 140 miles north of Dallas-Ft. Worth, Texas. Chickasaw NRA was the only national park unit in the state of Oklahoma until November 12, 1996, when Washita Battlefield was established as a national historic site and, more recently, October 9, 1997, when the Oklahoma City National Memorial was established.



AREA MAP

Oklahoma has four principal mountain systems, the Ozarks, Ouachita, Wichita, and Arbuckle. The park is located in a geologically distinct area within the Arbuckle Mountains: "hills in altitude but mountains in structure" (Gould 1939). The highest point of the Arbuckle Mountains is 1,450 feet at the summit of East Timbered Hills, south of Turner Falls. Within the park, the highest point is Mount Airy at 1,047 feet.

Underlying the park are horizontal layers of limestone, sandstone, and shale known as the Simpson Formation, which facilitates the movement of the water that eventually rises to the surface from 31 mineral springs in the park. Two freshwater or non-mineral springs, Buffalo and Antelope, are believed to be derived from the Arbuckuckle Limestone and rise to the surface from beneath the Vanoss Conglomerate, which is the surface rock of the area (Interview Carter 2004)

Antelope and Buffalo Springs, the headwaters of Travertine Creek, release water that gently flows down slope over 75 waterfalls created by years of limestone mineral deposits (DOI 1908b). During the 1930s, the Civilian Conservation Corps assisted nature by building dams at several of these natural barriers so that the pools would be deeper for swimmers. The pools create an oasis in the clear, cool water.



GARFIELD FALLS

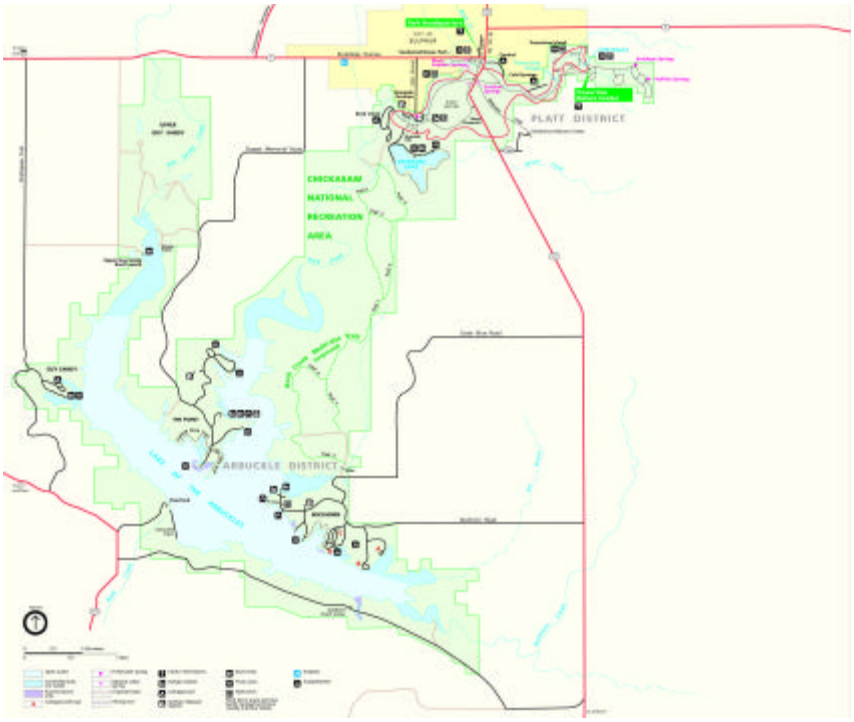
The park unit began as the Sulphur Springs Reservation on November 19, 1902. The reservation, containing 629.33 acres, was ceded by the Chickasaw and Choctaw nations through the Atoka Agreement (treaty). The treaty specified that the reserve could not exceed 640 acres, following the guidelines for town sites; however, it was expanded in 1904 to 848.22 acres to include a part of the town site to the south of the springs, because waste water was flowing down slope and affecting the springs' purity.

On June 29, 1906, a joint resolution was passed by Congress [34th Stat., 837] to change the name from Sulphur Springs Reservation to Platt National Park in honor of Orville Hitchcock Platt. Platt, the deceased senator from Connecticut, had been a member of the Committee on Indian Affairs and the Committee of the Five Civilized Tribes. Platt was also a relative through marriage of the first reserve superintendent, Joseph F. Swords. Swords honored Platt by securing "the support of the President through warm personal friends" to change the name to Platt National Park (DOI 1906a).



PLATT ENTRANCE SIGN WITH WILKINS KIDS, 1964
(Courtesy Kelly D. Wilkins)

In February 1965, the NPS began administering the 7,215-acre Arbuckle Reclamation Project constructed by the Bureau of Reclamation. The park was expanded in 1976 to include this 2,350-acre reservoir, Lake of the Arbuckles, and the park's status and name was changed to Chickasaw National Recreation Area. The Works Progress Administration (WPA) constructed the 67-acre Veterans Lake between 1933 and 1936, and the city deeded it to the NPS in 1983. Today it is included within the 9,888 acres of Chickasaw National Recreation Area.



PARK MAP

Wildlife native to the area include bison, which were seldom seen in eastern Oklahoma after 1830 (Foreman 1930:184); white-tail deer; porcupine; beaver; bobcat; coyote; and wild turkey. The bison were reintroduced within a confined pasture in the park in 1920, as were elk, in two separate paddocks. Armadillo moved north into the park relatively recently, while wolves that were once native to the area are no longer found here.

The park lies within a transition zone of deciduous forest and prairie grassland; much of the area was originally natural prairie. There are seven species of oak in the park unit. The early town had heavily denuded the local vegetation, and years of grazing and croplands left other areas barren. The Civilian Conservation Corps planted trees, shrubs, and grasses throughout the park in the 1930s. According to one former CCC enrollee, the CCC planted about 30% of the existing trees and shrubs, primarily cedar, elm, and buckbrush.

Chickasaw’s infrastructure consists of extraordinarily well-preserved CCC buildings and other structures. Much of the CCC labor at Chickasaw consisted of local men. Many continue to live in the region, and maintain a special relationship with the location of the camp and the work they accomplished.

The park is a testament to the work that the CCC accomplished "to preserve the beauty of everything for the people and the water," which has been so well-preserved that the structures and facilities retain their original uses (Interview Austell 1997).

OVERVIEW

Sulphur Springs Reservation was set aside as a federal reserve in 1902 "… for the proper utilization of said springs and the waters of said creeks …" and the name was changed to Platt National Park in 1906 (Chickasaw NRA 1996). The park was greatly expanded and became Chickasaw National Recreation Area in 1976, "to provide for public outdoor recreation, use and enjoyment of Arbuckle Reservoir and land adjacent thereto… and to designate the area in such a manner as will constitute a fitting memorialization for the Chickasaw Indian Nation…" (Chickasaw NRA 1996). Chickasaw is a unique park area, in that it is nearly surrounded by the city of Sulphur, Oklahoma. People from the city and nearby communities visit the park extensively and have done so since the reservation was set aside in 1902. The use of the park by the local community is distinctive because it is an intimate relationship in which the town and the park were created and grew together over more than a century. The community feels this is their park, in their backyard, and it is only because of the community's significant pride that it still exists as a park unit today. Over the years there have been numerous failed attempts by the National Park Service and Congress to remove the park from the system (Wray and Roberts 1997).

Parks are for the people. Chickasaw National Recreation Area has always epitomized this philosophy, especially at a time when the "important" parks were viewed as large expanses of vast natural landscapes or monuments to scenery (Rothman 1989). The Sulphur Springs Reservation was created in concert by a community recognizing the springs' medicinal potential and the Chickasaw and Choctaw Nation's desire to have it forever available to all. The change in status from Platt National Park to Chickasaw National Recreation Area was one of NPS philosophy regarding park standards at the time, local economics, and political desires. It probably will always be thought of by those who regularly come here as Platt National Park. The name change did not alter the value people place on the park.

Former National Park Service (NPS) Director, Roger Kennedy, wrote of the ideology of the NPS commitment to people in his speech of October 31, 1996:

> Some people-some of them even in the Service itself-are heard to say that Mather and Albright were wrong, and that we ought to stick to our "real" work, like our "real" parks, and cease all this partnership stuff. Mather and Albright were right. The Parks cannot stand alone, nor are we in the Service alone. We have a moral commitment to the American community, and we have a practical commitment to our American constituency. We work with others to aid without owning, to encourage, to endorse, and to expand the areas in which the American community protects itself through common undertakings (Kennedy 1996).

Chickasaw National Recreation Area continues to represent this ideal of commitment to the American community. As expressed by Regional Director Thomas J. Allen while visiting Platt National Park in 1960, the park is a place where the National Park Service reaches a lot of people (Boeger 1987). Parks are not just about scenery; people make them important. At Chickasaw National Recreation Area there is a particular approach to utilizing the park. It is one of true relaxation. People walk, picnic, swim, and very often just sit and gaze at the falls and pools along Travertine Creek.

In many parks there is a sense of having to see it all within a short amount of time. Visitors approach this park differently.

> Subtlety, patience, and quietude are… qualities not often exercised by most visitors. In Platt, however, breathtaking vistas and dramatic

> phenomena have in their stead quiet, pleasant vignettes of nature’s ageless ways which can only be appreciated through the cultivation of these qualities of mind and methods of observation (Barker and Jameson 1975:25).

Upon coming to the city of Sulphur and Chickasaw National Recreation Area and delving into their intertwined pasts, one cannot help but visualize the lively atmosphere of the historic health-seeking visitors reflected in today’s use. The water is what has always drawn people to this place, and although medical professionals no longer declare the water’s benefits, the community still does.

In a recent book, *The Culture of Oklahoma*, there is a chapter on Sulphur titled "Spa in the Dust Bowl: Oklahoma’s Hidden Paradise," which "shows how the symbolism of water in Sulphur and throughout Oklahoma has a sacred, even revitalizing, as well as secular, practical connotation" (Henderson 1993:131).

The author concludes that the sulphur water’s healing qualities revitalized the ravages of the drought years in surrounding communities. This is shown by park visitation records, which peaked in 1937-also the peak of the Dust Bowl. After this period, immunizations for disease became widespread and the Dust Bowl subsided, as did the use of the medicinal waters for healing (Henderson 1993).

In order to understand the importance of Chickasaw, one must understand the attributes of the water. It is within the waters that the park's sacred and revitalizing qualities emanate, and from numerous springs that the park’s major significance flows.

The following sections provide an understanding of the cultural use and significance of Chickasaw National Recreation Area, with a focus on the original Platt National Park.

Chapter One

INDIAN OCCUPATION

Various groups of indigenous people lived in south-central Oklahoma prior to 1837, the year the Chickasaw were removed from Mississippi on the Trail of Tears. To the north of what is currently Chickasaw National Recreation Area were bands of Osage Indians. In the southwest, near the Wichita Mountains, lived small groups of Wichita, Caddo, Pawnee, Kiowa, and Comanche. Undoubtedly the Indians used the springs, because archeological evidence establishes human occupation in the area at least 7,000 years ago. The Kickapoo are reported to have used the springs more than 500 years ago for health remedies (Sulphur Community Bank n.d.:1; Arbuckle Historical Society 1988:158), and ancestors of the Caddo and Wichita tribes had used the waters "for centuries" according to Superintendent Branch (Branch 1938). At the time of the Civil War in 1861, there were Kickapoo, Commanche, Caddo, Apache, Cheyenne, Osage, and possibly some Delaware living around Fort Arbuckle, less than 20 miles away (Arbuckle Historical Society 1988:21). When the Choctaw and Chickasaw moved into the area they frequented the springs to visit and drink the "life-giving waters" (Sulphur Chamber of Commerce 1921; Littleheart 1908; Brown 1952:18). Superintendent Branch reported in 1939 that "Indians still visit the area for the purpose of using the medicinal waters and during the past year, members of several tribes were noted including the Chickasaw, Creek, Seminole, Choctaw, Cherokee, shawnee [*sic*] and Pawnee tribes" (Branch 1939).

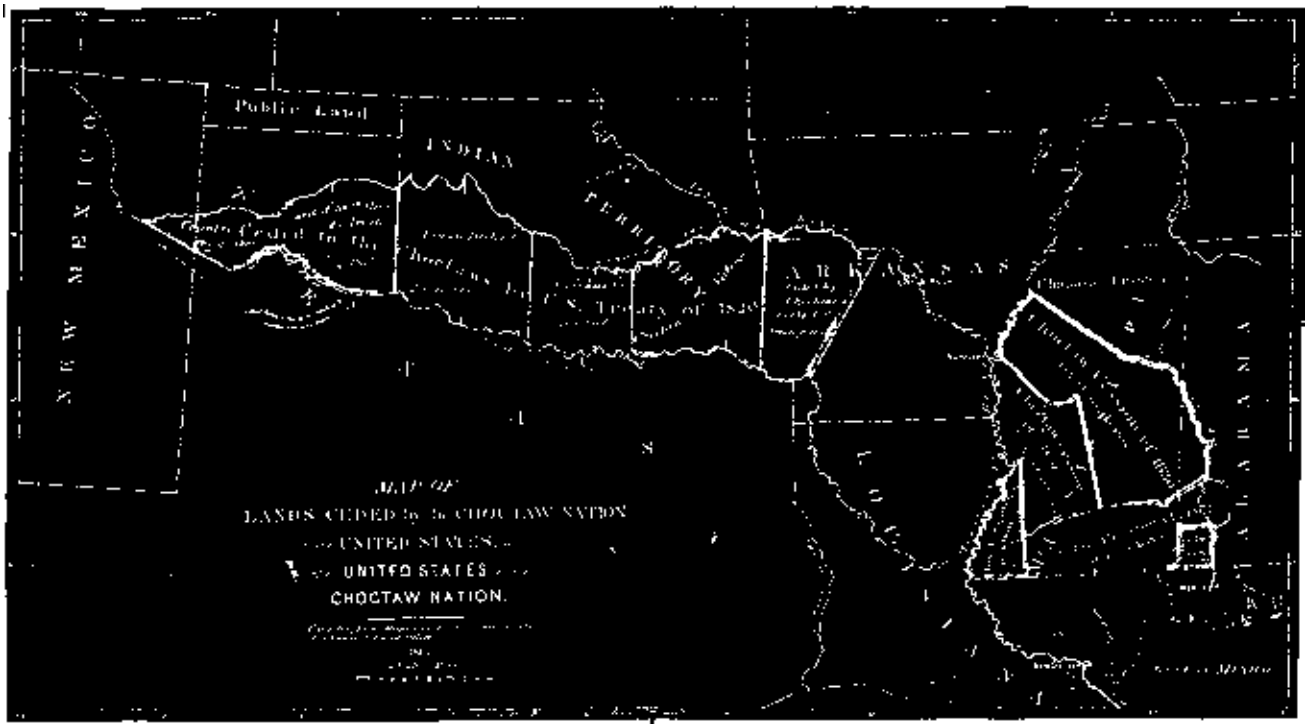
The Indian Removal Act of 1830 removed the Cherokee, Choctaw, Creek, Seminole, and Chickasaw from their homelands east of the Mississippi River, to the west into an area set aside exclusively for Indian nations, then known as Indian Territory, and later becoming the state of Oklahoma. These tribes were referred to as the Five Civilized Tribes, because they had lived among and intermarried with whites, had established schools and churches, retained slaves, and had a sophisticated political system. Two of the Five Civilized Tribes, the Choctaw and Chickasaw, were relocated to southern Oklahoma on lands that include what is now Chickasaw NRA.

The Chickasaw removal treaty[1] of 1832 [7 Stat. 381] was amended by a subsequent treaty of January 17, 1837[2], [11 Stat. 573] in order to accommodate the Chickasaw on Choctaw lands in Indian Territory. The treaty, known as the Treaty of Doaksville, guaranteed that the Choctaw could manage their own affairs within their boundaries, and increased the existing Choctaw governing districts to include a fourth Chickasaw district. The Treaty of Doaksville absorbed the Chickasaw into the Choctaw Nation and allowed the Chickasaw to be represented in Choctaw government by a Chickasaw chief. The Chickasaw paid the Choctaw $530,000 for their right to share in the benefits of Choctaw citizenship. No land had been sold to the Chickasaw by the Choctaw, but they were allowed to reside in their own district between the Canadian and Red rivers, west of meridian 96 degree 20’ (Schmeckebier 1927:97). The Chickasaw believed they had purchased the land and a dispute arose between the Choctaw and the Chickasaw over the eastern boundary from the Canadian River to the Red River.

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[1]Pontotoc treaty

[2]Treaty at Doaksville



LANDS CEDED BY THE CHOCTAW NATION, 1882
(NARA 1882)

The Chickasaw were supposed to move west of the Choctaw settlements; however, the southwestern part of the territory was a travel route for marauding bands of Indians and Spaniards from the north to the south (Gibson 1971:222). The Kickapoo and Shawnee had established villages in the Washita Valley in the heart of the Chickasaw district, and the Kiowa and Comanche roamed its western margins. Chickasaw leaders did not want to settle in dangerous territory and they remained in eastern Indian Territory near the Choctaw towns. During 1839, 12 Chickasaw families moved into their own district, settling between the Blue and Washita rivers. The Delaware, Shawnee, Kickapoo, Cherokee, Caddo, Yuchi, and Koasati Indians stole livestock from the Chickasaw and captured their slaves. Military troops from Fort Gibson forced the Kickapoo to abandon their villages on Wild Horse Creek and Blue River and relocate to north Texas; however, the Kickapoo continued their raiding and Chickasaw Indian Agent Upshaw initiated protection by the U.S. Army (Gibson 1971:222).

In 1842 General Taylor established Fort Washita to provide protection from the "wild tribes." The western prairie Indians were fighting with troops in Texas and often fled to Chickasaw territory, which resulted in the loss of Chickasaw lives and property. A Chickasaw delegation, headed by Ishehahtubby and leaders of the Caddo, Tawakoni, Keechi, and Texas commissioners, negotiated a peace treaty at Birds Fort on the Trinity River in 1843 in which the Texas Governor pledged to control the Indian trade south of Red River and to protect the signatory tribes from depredations by Texans. In 1844 federal agents reported that no depredations had occurred in the Chickasaw district and that they expected the Chickasaw to make a prompt move to their district (Gibson 1971:223).

The first emigrant Chickasaw camps were established at Eagletown, Doaksville, and Fort Coffee. A later Chickasaw emigrant settlement was located on the lower Canadian River. The fifth and most western camp was located on the Clear Boggy

River near the eastern edge of the Chickasaw area. Still, less than one quarter of the Chickasaw population of 4,111 resided in their own district. As late as 1851, only one third of the Chickasaw had settled outside of Choctaw territory. In 1851 another post was built at Fort Arbuckle on Wild Horse Creek, Northwest of Fort Washita. These posts reduced the threat of raids by the frontier tribes in the Chickasaw district, but the Texas tribes were still a threat, as were groups of desperadoes that raided cattlemen and travelers in the area into the 1870s (Gibson 1971:223).

The 1837 Treaty of Doaksville was terminated on June 22, 1855, by a subsequent treaty [11 Stat. 611], which dissolved the union of the Chickasaw and Choctaw and split the territory into three units. The Chickasaw were provided lands west of the Choctaw, where they established their own government (Gibson 1981:74). The western third between the 98th and 100th meridians was held in common by the two tribes. This area, known as the leased district, was leased in perpetuity by the federal government for $800,000 to accommodate the settlement of the Wichita, Caddo, Kiowa, Comanche, and wandering Kickapoo and Delaware Indians. The Chickasaw received one quarter of these proceeds and paid the Choctaw $150,000 for the land they occupied (Gibson 1981:254;1971:219). Today the Chickasaw Nation[3] encompasses all or part of the counties of Bryan, Carter, Coal, Johnston, Love, Garvin, Murray, Pontotoc, McClain, Stephens, Grady, Marshall, and Jefferson.

In 1879 the Governor of the Chickasaw Nation wrote Major Hough at Fort Gibson, demanding "the presence of troops… to get rid of a class of desperadoes who are infesting our frontier" (Chickasaw Nation 1879). Hough had received a telegram from the President of the United States concerning the "alleged outrages from outlaws" and Lieutenant General P. H. Sheridan reported to the General of the Army that "as soon as Lt. Col. Hough completes his inspection, steps will be taken to afford protection against these outlaws, if possible" (Sheridan 1879). Major Hough reported that "neither the Chickasaw Nation nor the United States Courts operating separately can reach these people." He stated a "permanent military force there" was necessary, "or instructions to move against these bands of desperadoes whenever found" (Hough 1879). However, the Military Headquarters Division in Fort Leavenworth, Kansas, wrote that local authorities and the Chickasaw Nation should be given the authority to deal with the outlaws, as he could not "spare [any men] from their present stations without serious danger to much more important interests" (Pope 1879).

In 1886 the commissioner of Indian affairs said that the treaties never contemplated a separate nation and that the Indians had no right to claim self-government and then expect the United States to protect them from harm, and he recommended allotment of Indian Territory into one-quarter-section tracts (Debo 1934:245). On April 22, 1889[4], the unassigned lands in the center of Indian Territory were opened for settlement during a great land run. The needs of the new settlers led to the introduction of congressional bills to extinguish Indian title to the rest of Indian Territory.

The Five Civilized Tribes were exempted from the General Allotment Act of February 8, 1887, [24 Stat. 388] until legal questions about land title were

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[3]The term nation is used here; however, this does not imply sovereignty over the lands. The only lands that are "tribal" lands are those held in trust for the tribe, such as school lands, government facilities, and business property held in trust status.

[4]The opening of unassigned lands was included in a March 3, 1889, rider to the Indian Appropriation Bill, called the Springer Amendment.

resolved. On March 3, 1893, an act [27 Stat. 612, 645] was passed to negotiate agreements with tribal governments to extinguish shared land and provide individual allotments. Henry Dawes was the chairman of this commission, known as the Dawes Commission or the Commission of the Five Civilized Tribes. The Dawes Commission proposed that all land except for mineral lands, town sites, and certain reserved lands would be allotted. The remaining lands would be opened for settlement.

In order to allot the lands, membership rolls were to be established. The Five Civilized Tribes were opposed to this process because it would allow freedmen and intermarried whites to claim citizenship, so the Chickasaw did not submit their membership rolls. After three years, with little success in getting the Chickasaw rolls, the Dawes Commission was directed to rule on applications for citizenship and add names to the tribal rolls [June 10, 1896; 29 Stat. 321] so that allotment could proceed and Indian Territory could be included in statehood. The Dawes Commission made citizenship rolls for those eligible for rights, including Indians, intermarried whites, and freedmen.

In December of 1896, the Choctaw signed an allotment agreement at Muskogee that ceded the Choctaw-Chickasaw domain to the United States. On February 8, 1897, the commissioners of the Chickasaw Nation protested the Muskogee Agreement and Congress did not ratify it (Gibson 1971:303). The Chickasaw stated that their greatest objection was

> …founded upon the well-known fact that years ago the Congress of the United States granted to certain railroad companies alternate sections of the public domain, some of which ran through the lands owned by the Choctaw and Chickasaw nations…. The government of the United States had no title to these alternate sections when the grant was made, yet we fear that should our two nations voluntarily convey the fee title to our lands to the United States, that, when done, it would be claimed by the railroads that the title in the alternate sections heretofore granted would have inure to themselves, the result of which might cause long litigation between the railroads claiming the grants and such allottees as had selected allotments… and perhaps in the end lose their homes. For this reason more than all others we, the Chickasaws, have refused to sign said agreement (U.S. Senate 1897).

A March 4, 1897, law required that all acts of tribal legislators be submitted for presidential approval. Fearful that Congress would require them to grant equal shares in tribal estate to freedmen, who by 1897 nearly equaled the Chickasaw in number; the Chickasaw appointed a commission with power to treat with the Dawes Commission and agreed to join the Choctaw in negotiations (Gibson 1971:303). The subsequent Atoka Agreement was signed on April 23, 1897, and ratified by the U.S. on June 28, 1898 [30 Stat. 495]; however, even though the Atoka Agreement was approved by both tribal governments, the Chickasaw had an additional requirement of a national referendum on the question of allotment and Chickasaw voters rejected the Atoka Agreement.

Congress then adopted the Curtis Act on June 28, 1898, which provided for allotting land and terminating the governance of the Five Civilized Tribes without tribal consent; however, it did not apply to the Choctaw and Chickasaw if they would ratify the Atoka Agreement before December 1, 1898 (Gibson 1971:304). The Curtis Act approximated an Organic Act for Indian Territory and contained the Atoka Agreement with a proviso that it be resubmitted to Choctaw and Chickasaw voters. The act authorized the survey and platting of Indian Territory and sale of town lots, and provided for the establishment of the Choctaw and Chickasaw Townsite Commission to survey, plat, and appraise town sites so that settlers who developed there would have right of title. It was

submitted to the Chickasaw and Choctaw voters and approved on August 30, 1898 (Gibson 1971:304).

Before this agreement, a Chickasaw citizen had the right to use any unoccupied portion of the tribal domain and to designate an area as a town site. Chickasaw citizens, most of them mixed bloods, established their claims to huge tracts of land that they leased to whites, and new towns were built throughout Chickasaw territory by white residents. However, the whites were only there by the patronage of a particular Chickasaw citizen, because the white residents held no title to the land. Almost immediately after the ratification of the Atoka Agreement, differences of opinion arose as to the disposal of mineral lands, and litigation over citizenship by whites and blacks delayed land allotment. The tribal estate could not be liquefied until citizenship was identified.

The Chickasaw and Choctaw were particularly concerned about the protection of their resources from non-tribal citizens. A 1900 census recorded 150,000 whites residing in Chickasaw territory, and over 5,000 blacks claimed to be Chickasaw freedmen, although the Chickasaw never owned more than 1,000 slaves and the Chickasaw population was slightly less than 6,000 (Gibson 1971). Chickasaw rolls in 1906 carried 6,319 Chickasaw citizens: 1,538 full bloods; 4,146 mixed bloods; and 635 intermarried whites. The rolls for Chickasaw freedmen contained 4,670 blacks.

A supplemental agreement with the Choctaw and Chickasaw was negotiated on July 1, 1902, [32 Stat. 541] and ratified by the tribe on September 25, 1902. This agreement included specifications regarding the allotment of land, created a citizenship court, provided for the sale of mineral lands, and created the Sulphur Springs Reservation.

The Atoka Agreement provided that all lands within Indian Territory belonging to the Choctaw and Chickasaw Indians would be allotted to tribal members on a fair and equal basis, considering the character and fertility of the soil and the location and value of the lands. The Chickasaw and Choctaw governments were to terminate by March 4, 1906, and the Chickasaw and Choctaw were to become citizens of the U.S. The allotments were not carried out by this date though, and final disposition of the Five Civilized Tribes' estate was not completed until April 26, 1906 [34 Sat. 137].

On November 16, 1907, Indian Territory and Oklahoma Territory became the 46th state, and the Chickasaw Nation became a semi-autonomous Indian Republic subject to the laws of Congress.

The use and values that the associated tribes have to Chickasaw National Recreation Area are presented in more detail in Appendix F., *Ethnographic Overview: American Indian Occupation and Use of the Chickasaw National Recreation Area* by Dr. Clara Sue Kidwell.

Chapter Two

"FREE TO ALL COMERS IN PERPETUITY"

THE CREATION OF PLATT NATIONAL PARK

The Choctaw-Chickasaw supplemental agreement to the Atoka Agreement, written under the direction of the Department of Interior on July 1, 1902, addressed the matter of selecting lands for a reservation at Sulphur. The act stated the following:

> The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments… [32 Stat. 641].

The events that led to the actual establishment of the Sulphur Springs Reservation are complex, and required exhaustive research. Because the archival record is so extensive and requires a thorough understanding of all the players and their activities, this section will utilize numerous quotations from the original source material to prevent information from being misinterpreted. To acquire this information, the authors and park staff made a trip to the National Archives in Fort Worth to compile a chronology of the park's history. They found many records missing from the folders there, so two trips were made to the National Archives in Washington D.C., and the Connecticut State Library, in order to bring the history together. These efforts have led to what we believe to be an accurate account of how the reservation came to be created.

Information pertaining to Sulphur is sparse prior to 1895, except for a few notations, such as mention of the 28 members of the 6th Infantry who died of cholera between Sulphur and Davis in 1867. Travel through the region was common, and in 1871-1872 there was a freight and mail line that ran through Sulphur, while the Chisholm and Texas cattle trails ran on either side of the Sulphur area. In 1877 a stage line from Texas to Tishomingo crossed the Lowrance Ranch, just four miles to the southeast of Sulphur (Brown and Garrity 1981:7).

In 1878 the area of Sulphur Springs was used by the Chickasaw Indians as a watering hole for their animals. Apparently, it was known locally as "Buffalo Suck," where great herds came to water. At about this time a few settlers began to lease land here from the Chickasaw for grazing purposes (*Weekly News-Democrat* 1909:3).

One old cowman named H. H. Allen is purported to have purchased a ranch from the Indians in 1882 near the present park. Allen said that when he first visited the springs he found the region quite undeveloped (*Weekly News-Democrat* 1909:3). At this time, the Chickasaw would not have been able to sell or alienate their land, so he probably leased it from the Chickasaw, rather than purchased it.

> That… was about ten years after the Indians had migrated here from Mississippi. Where your pavilion springs… now are was a perfect loblolly of mud and water. This was a favorite place for great herds of buffalo that roamed over the rocky hills and valleys at that time. They would coat their furry hides with a plaster of mud in order to free themselves from insect pests. After completely plastering themselves with mud, the buffalo would stand around the wallows and in the water, so I presume this is how the springs came to be called "the buffalo sucks" springs.[5] During my first visit to the springs I shot buffalo on the hills south of the pavilion. Deer, antelope, and wild turkey were to be seen in great herds and flocks. The Indians were quite different people from what they are now; they knew much less of white man's ways (*Weekly News-Democrat* 1909:3).



"Early development Pavilion Springs, upper right, then known as Big Tom and Lower Left known as Beauty Springs, about 1907" (CHIC Archives 0002)

In 1878, Noah Lael and his wife Lucy Harris, the daughter of Chickasaw Governor Cyrus Harris, moved to Sulphur Springs. Lael established the Diamond Z cattle ranch around the springs, which encompassed much of what is now the park (Conlan 1926; Brown and Garrity 1981:8). Lael could use and occupy this property because of his status as an intermarried citizen.

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[5]See place name for Pavilion Spring in Appendix A for different interpretation of name.

Perry Froman, who was married to Lovina Colbert Pitchlynn, a Chickasaw widow, bought the ranch from Noah Lael in 1882 for $350 (Conlan 1926). Froman grazed 15,000 cattle on this four-square-mile ranch (Brown and Garrity 1981:8). The Froman Ranch house was located near the present Hillside Springs, and just across the street to the south was Pavilion Springs.

On June 11, 1895, Froman relinquished his occupancy to the 447-acre ranch by quit claim deed to C. J. Grant, J. T. Hill, and C. D. Carter, all three members of the Chickasaw Tribe. Portions of the deed read as follows:

> Perry Froman and wife, Lavina Froman, of the Chickasaw Nation, Indian Territory, for and in consideration of the sum of Twenty Five Hundred ($2500.00) Dollars… have this day remised, released, quit-claimed, transferred and assigned… unto C. J. Grant, John T. Hill and C. D. Carter, all three citizens of the Chickasaw Nation, Indian Territory, the following described land… [legal description]… containing 447 acres of land more or less being known as the Froman Sulphur Springs Ranch property being the same land surveyed by J. M. Preston on the 7th day of June A. D. 1895 in which surveying said Preston was assisted by P. Froman, R. A. Sneed, John T. Hill and Tom Ventress. But it was understood that we reserve and except out of said above described land a lot on which is situated the old Ranch house near the old Ranch Spring said lot being one hundred and fifty feet by two hundred, feet, and being now occupied by B. T. King as a residence lot, and we also reserve the right to use for our family the old Ranch Spring not debarring, however said Grant, Hill and Carter their assigns or vendees or leasees from also using said old Ranch Spring which is to be under the control of said Grant, Hill and Carter… (DOI 1895).[6]

The Froman White Sulphur Springs Company was incorporated on January 20, 1896, (DOI 1904a) "advertising the medicinal properties of the sulphur and bromide water available in the Bromide Springs area" (Arbuckle Historical Society 1988:133). The company built the White Sulphur Inn in 1892,[7] and Brown and Garrity (1981:9) state that they laid out a town and sold lots and leased business privileges here.

After the Curtis Act, the Sulphur town site was incorporated in August 1898. Then on September 27, 1898, the Froman Company gave a deed of trust to J. D. Leeper[8] for the Park Hotel and the tract of land known as the Froman Ranch to secure a debt to the Waples Painter Company, of which Leeper was the "principal stakeholder" (DOI 1904a). On September 29, 1898, a deed from the Froman White Sulphur Springs Company to the Waples-Painter Company reads partially as follows:

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[6]Brown and Garrity say that Richard Alexander Sneed, a Paul's Valley and Lawton Merchant-farmer organized the Sulphur Springs Company in 1891-1892, chartered under the laws of Texas, and named it "The Sulphur Springs Indian Territory Resort." That Sneed had 50 stockholders, bought 640 acres from the Froman Ranch, and platted a town site, and his summer home became the Sulphur Inn. The authors do not cite their source (Brown and Garrity 1981:9).

[7]Purchased by W.L. Townsley and "moved across the creeks north of the Vendome to become the Park Hotel," which was razed in 1925 (Brown and Garrity 1981:43).

[8]Graves Leeper of Oklahoma City came to Sulphur for his health and established a lumber yard here (Brown and Garrity 1981:10).

> The Froman White Sulphur Springs Co.… executed and delivered to me, J. D. Leeper, as trustee for the Waples Painter Co.… a deed of trust dated said 27th day of September 1898… for the purpose of securing the payment of certain indebtedness set out in said deed of trust… and being the two story frame Hotel owned by said Sulphur Springs company, and being known as the Sulphur Springs Hotel and all out houses and buildings and improvements… and all the right, title and interest of said Froman White Sulphur Springs Co. on and to the 640 acres of land more or less, quit claimed prior to the said 27th day of Sept. 1898, by Perry Froman and wife to C. J. Grant, J. T. Hill and C. D. Carter, including all right, title, interest or claim the said Sulphur Springs Co. had on said September 27th, 1898 in and to said 640 acres of land… being the and upon which are located the Springs known as the Sulphur Springs and the post office of Sulphur, I. T.…. And whereas default has been made… and said indebtedness became thus thirty days after the 27th day of Sept. 1898, and whereas the Waples Painter Co., the holder of said indebtedness has since said default… requested me, the said trustee, to sell the property… sale said property was struck off to said Waples Painter Co. for the price and sum of six hundred and fifty dollars… (DOI 1898).

Swords wrote the Secretary of the Interior that a town site company organized and leased about 425 acres of land from Froman, but they had to sell the hotel and lots under foreclosure and the owners held onto the improved lots. When it was proposed that there would be a reservation, Sneed claimed to represent the old town site company and demanded payment from the holders of the improved lots. Some paid money so they could have some peace (DOI 1902d; DOI 1902g); however, Sneed had no authority to sell or dispose of lots in the town of Sulphur, because the only way to obtain title was in accordance with the Curtis Act (DOI 1901d).

On February 4, 1901, a letter was written to the Secretary of the Interior from G. W. Robberson, a local citizen, regarding the surveying and platting of Sulphur Springs. He writes what appears to be the first correspondence regarding reserving a park here, noting that the location

> …is pre-eminately [*sic*] situated and has abundant natural advantages for a health and pleasure resort. And is in fact the one and only place where can be reserved and platted a town for the pleasure and health of the people of the Indian Territory and the south west. The waters here have long since demonstrated the fact that they carry medicinal properties of a high order. Could this town be plated with this object in view, with ample Parks Reserves and Public grounds for the pleasure, health and comfort of the many thousands who visit here annually, would be to make of it, a town of considerable, note (DOI 1901w).

The letter informs the Secretary of the Interior that shortly after the Curtis Act, the citizens applied for and secured incorporation; however, the agents they selected to represent them surveyed the town according to their own notions, and that looking at the plat they made would "reveal the fact of gross incompetence and should such a plat meet your sanction the place will be deprived of its chief attraction" (DOI 1901L). Robberson protested this plat because the bank of the creek and even the creek itself had been platted "marring its beauty and rendering harbor for filth and setting up an unsanitary condition" (DOI 1901L). Also, buildings on the east side above the springs allowed sewage to be absorbed into the springs. He stated that this survey, known as the King[9] survey, should be denied and the matter given over

to the town site commission with "specific instructions as to what in [the Secretary's] judgement will be for the present good and future welfare of the town" (DOI 1901L). Because the town was developing very quickly, the letter requested prompt attention to the matter.

The people of Sulphur wanted to have the town surveyed and disposed of as soon as possible so that they could procure deeds for the lots they had improved. "An act of Congress of May 31, 1900, [31 Stat. 221] authorized the Secretary of Interior to survey and plat town sites with populations of more than 200. H. V. Hinkley was appointed Supervising Engineer on June 4, 1900, to direct the activities of 10 to 12 field parties that were sent out to locate the exterior limits of town sites and prepare plats. The Tribal Townsite Commission appraised individual lots within town sites after the plat was approved by the Secretary of Interior" (Carter 1994:87). The act provided that the external boundaries of the town could be located before the actual survey and appraisal by the town site commission if the town had been established prior to the Atoka Agreement (Brown 1937).

There was concern by Commissioner Dawes that the white citizens were getting judgments on the land via the citizenship issue. On February 12, 1901, he wrote that 4,000 people, mostly whites, had judgments of citizenship for purpose of allotment, and that the "value of the land thus to be wrenched from the tribes is enormous" (DOI 1901a).

On March 26, 1901, Sulphur attorney Eugene E. White wrote to Indian Inspector J. George Wright at Muskogee stating that six weeks ago a J.E. Henry and others had sent in a petition for the annexation of a certain tract of land to the town site of Sulphur. White stated that:

> …not having been advised of any action on the petition, the petitioners have asked me to make inquiry concerning it. Houses are going up on the tract of land in question every day, and it is really an important part of the town, and ought to be included in the town site (DOI 1901x).

The Dennis Flynn Republican Club sent a resolution to the U.S. Indian inspector concerning the protection of the springs on June 4, 1901, which stated:

> The rapid growth of the town of Sulphur and the increase in values of permanent population admonishes us of the dangers which would ensue if the many advantages and resources provided by nature now enjoyed freely by all comers should pass into the hands of individual holders and the now free use of the natural springs be curtailed or controlled for personal profit and whereas we have no representative in Congress to express our desires or protect our interests in the matters of legislation so vital to our future, therefore… it is hereby resolved that Hon. Orville H. Platt, U.S. Senator, who has for many years been familiar with and advocates legislation for the benefit of this Territory, be and is hereby requested to act as our representative in securing legislation as will tend to set apart a Township of six square miles to be known as Sulphur Springs under Governmental control so that the waters of the springs and other natural advantages shall be free to all comers in perpetuity and further resolved that a copy of these preamble and resolutions signed and attested by the President and Secretary be forwarded to the Secretary of the Interior and United States Senator O.

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[9]In 1895 B.T. King had a residence lot, 150 feet by 200 feet at the "old ranch spring," which was excluded from the Froman deed (DOI 1895).

> H. Platt as the unanimous expression of the desires of the members of the Republican Club of the town of Sulphur. T. R. Cook, Prest. (DOI 1901L).

Orville Platt forwarded the resolution to the Secretary of the Interior on June 11, 1901, with a request that

> …if there is anyway this section of land can be withdrawn from allotment I should think it would be a good plan. It is hardly fair that they should be allotted to Individual Indians when by reservation a health resort could be built up there for the benefit of all (DOI 1901c).

On June 17, Indian Inspector J. George Wright responded to the resolution. In reply, Wright states that

> …while the exterior limits of this town were laid out by one of the surveyors, they did not, in my judgment, appear to be satisfactory, and were not, therefore, submitted for the approval of the Department (DOI 1901d).

Wright said he expected that after the first of July one of the surveyors could re-establish the boundaries, and then "the matter will receive careful consideration, and a full report upon the petition referred to will be made" (DOI 1901d).

Another correspondence from Platt to the Secretary of the Interior on June 19, 1901, stated that Joseph F. Swords was appointed appraiser for the Dawes Commission at Platt's request, but had given up that position, becoming interested

> in the development of mineral springs at Sulphur… and through him I am flooded with resolutions and the actions of various meetings of the citizens, setting forth their wish to have land on which these springs are found withdrawn from allotment so that it can be utilized for public benefit. They seem to think that I am to take this matter in hand and see that what they want done is accomplished…. I do not know what can be done about it, but I wish that you would give the matter your attention. It is suggested that you might have the land investigated through the geological Department, and learn definitely the facts, and also consult Major Taggart who is I think employed by the department and knows the location and situation (DOI 1901e).

Platt wrote the commissioner of Indian affairs stating that he thought the variety of medicinal springs "could become a place of considerable resort" and "would seem to be well adapted for a health resort as Hot Springs, Arkansas." Platt continued that he did not know what could be done, "unless by congressional action based upon some supplementary agreement with the Dawes Commission" (DOI 1901b).

The Secretary of the Interior requested a United States Geological Service survey of the mineral springs, which was conducted by geologist Joseph A. Taff in July of 1901, although a final report was not received until November 20, 1901.

On July 30, Eugene E. White wrote to the Secretary of the Interior of his concern about the size of the proposed reservation and the omission of "several hundred acres" that should be included, and that these waters "ought never to be permitted to fall into private control or monopoly. It will take the strong arm of the government to prevent this" (DOI 1901f).

Chickasaw Governor D. H. Johnston wrote to Indian Inspector George Wright on September 2, 1901, that he had received Wright's letter of August 26 relative to reserving the springs through a supplemental agreement with the two nations.

> If a plan along those lines, that would be practicable and satisfactory to the Chickasaw and Choctaw people, and providing for adequately compensating them for the lands desired for that purpose, I see no reason why it should not be consummated (DOI 1901g).

A supplemental treaty was awaiting the action of the forthcoming session of Congress. Inspector Wright suggested to the governor that "if you have any specific suggestions to offer as to the form of such a provision [within the treaty], I should be pleased to have you make the same to me" (DOI 1901g).

Inspector Wright sent the Secretary of the Interior his report and stated that geologist Taff made the examination of the springs but Wright had not received that report yet.

> It seems the desire of all parties located in that portion of the Territory to have the mineral springs at that place reserved, and inasmuch as this town has become quite a resort and is growing very rapidly, and it appears that the springs are quite valuable, I believe they should not be allowed to get into the control of any individual Indian of the Chickasaw Nation or the control of the town of Sulphur, and therefore, if any plan could be outlined to set aside and reserve a reasonable tract of land at this place, I respectfully recommend it be done (DOI 1901h).

Wright notes that a provision would need to be made in a supplemental agreement with the Chickasaw and Choctaw Nations, and he advises the Dennis Flynn Republican Club and E. E. White "to take the matter up with the tribal authorities" themselves, and that in the meantime, "no steps will be taken" to survey or plat the town site (DOI 1901h). The acting commissioner of Indian affairs concurred with Wright's proposal (DOI 1901; DOI 1901i).

Eugene E. White, writing to both the Secretary of the Interior and the Indian inspector on September 26, 1901, stated he was unsure if the letter of advice that he had just received from the department was intended to have the people of Sulphur themselves take up the question with the tribal authorities, or whether the department was going to attend to the matter through its regular official channels. White preferred that there be cooperation between the officials of the department and the citizens of Sulphur in negotiation with the tribal authorities, and hoped that the inspector could come down to confer with the town in the matter. He also pointed out that whatever was done should be done before adjournment of the Chickasaw legislature, and before the Dawes Commission negotiated with the tribal authorities for the supplemental agreement (DOI 1901j).

The correspondence to the Secretary of the Interior became a battle between the Dennis Flynn Republican Club and E. E. White regarding who was "authorized" to approach the Chickasaw. On September 30, T. R. Cook of the Republican club stated that Mr. White's motives arose from personal real estate interests with the firm of Gafford and White, and that Joseph Swords, a member of the Dennis Flynn Republican Club, was the "originator of the movement for segregation, petitioned by the town council," was the author of the resolutions, had worked "zealously and efficiently to accomplish the desired end, upon lines suggested by Platt," and that Mr. Swords is the agent of the club and the town council in all matters pertaining to the reservation before the Department of Interior and Congress and the one delegated to go before tribal authorities (DOI 1901k).

Colonel Swords had been an appraiser for the Dawes Commission, and Eugene E. White had been a special Indian agent at Anadarko, and an allotting agent (DOI 1901e). White had also been an applicant for the position of assistant commissioner of Indian affairs in 1893 (DOI n.d; DOI 1894). Therefore, both men were familiar with tribal government and federal Indian policy.

Correspondence to the Indian inspector from Eugene E. White on October 17 refers to the inspector's inquiry of the status of the proposed reserve, and White informed him that J. F. Swords and D. J. Kendall (Mayor) went to Tishomingo and accomplished nothing, so White and six others went to see the Chickasaw authorities themselves. White states that the Chickasaw all seemed "dead set against a reservation six miles square" and many knew of "my stance against such a large area." But they "expressed a willingness to give it due consideration" and would like to have until the 22nd to consider the matter (DOI 1901m).

On October 19, T. R. Cook wrote to Indian Inspector George Wright that Governor Johnston advised Mayor Kendall and Joseph Swords that "as soon as the commissioners for the preparation of the supplemental treaty should be in session, he would notify the delegates." However, the illness of Governor Johnston had prevented the session, and Kendall and Swords were awaiting notification. Cook continues that "we do not deny the right of E. E. White or any other citizen to appear before any person or tribunal in the interests of a proposed reservation," but the citizens have voted expressly not to appoint White to represent them, "and this club will not consent to any cooperation whatever with Mr. White" (DOI 1901n).

Referring to White’s question of whether the department would take the matter up through official channels, the Indian Inspector informed the Secretary of the Interior that both Mr. Cook's and Mr. White’s correspondence state that the citizens had already taken the matter up with the Chickasaw; therefore, he recommended that no further action be taken by the department "until the same is again brought before the department" (DOI 1901o).

On October 31, White wrote a detailed account to Inspector Wright concerning his meeting with the Chickasaw and referred further to the subject of the proposed reservation at Sulphur.

> I went to Tishomingo Monday last, and on Tuesday had an interview with Governor Johnston, and at night I addressed the members of the two houses of the legislature on the subject. They took the position that no formal action by the legislature was necessary because the Chickasaw Commissioners to treat with the Dawes Commission will have full authority under their general powers to make an agreement on this subject, and they advised me to get the Dawes Commission to submit a proposition to their commission, all saying that it would be more satisfactory to them to have the proposition come from the Dawes Commission than to make the first move in the matter themselves. There seems to be no objection now anywhere to a reserve of reasonable area being set apart, except by a white man who claims to have rights as a Chickasaw citizen, and he is holding Sulphur Creek and the springs constituting its source. He wants $150,000.00 for his claim to this tract of only a few hundred acres. Of course this is preposterous, and unless he becomes more reasonable, that tract will have to be omitted. I will immediately make a draft of what we want, and submit it to the Dawes Commission for their consideration (DOI 1901p).

Then on November 29, 1901, White again wrote Inspector Wright:

Dear Sir:

Referring to our previous correspondence upon the subject of the proposed permanent reserve at Sulphur, I beg to report that agreeably to the directions of the Secretary of the Interior through yourself, I took the matter up with the Commissioners of the Choctaw and Chickasaw Nations appointed to negotiate a supplemental agreement with the Dawes Commission. All of the said Commissioners seemed to favor the project, but preferred that the proposition should come direct from the Dawes Commission. I then had a conference with Hon. Tams Bixby, Acting Chairman of the Dawes Commission, who suggested that I make a draft of the provision that we desired and submit it to him for the consideration of his Commission. Pursuant to that suggestion, I made drafts of two propositions—one to purchase the town site at ten dollars per acre with the proviso that a permanent reserve should be carved out of the town site to embrace all of the medicinal and valuable springs therein, and also all of those parts of Sulphur and Rock Creeks lying within the town site; and another to lay out a sufficient amount of land for the town site, and to dedicate a permanent reserve therein as above indicated, and to appropriate two-thirds of the proceeds of the sale of town lots in the town site to pay for improvements and possessory rights on and to the land appropriated, and for the improvement and care of the reserve. When these propositions were submitted to the Commission of the Chickasaw and Choctaw Nations, they seemed to prefer the first, and to have no objection to it other than the fear that it might be objected to by the Secretary of the Interior or in Congress, and thereby endanger the ratification of the whole agreement. Some of the Commissioners informed me that they also thought it would be to their advantage to confine their agreement to the subject of citizenship and one or two other subjects of national importance to them, and omit the subject of the reserve and others not of national importance, to be used in compromise with the Secretary of the Interior on the citizenship and other important subjects. I remained near the commissioners during the negotiations at South McAlester, so that I could be called before them in case any information from me should be desired. Then I was compelled to go to Court at Pauls Valley, since which time I have received no information as to whether there have been any further negotiations on the subject or not.

I presume you are fully advised of the importance of establishing this reserve. When you come to survey and appraise and sell this town site under the Atoka Agreement, the little parks containing all of these valuable springs which the people here have set apart and to this date protected by common consent, they will have to be surveyed into lots and sold to the highest bidder, and the springs will thereby pass into private control and monopoly, to the irreparable injury of the town and all persons, whether white or Indian, in this Territory and the surrounding states and territories, who may ever wish to have the benefit of these excellent curative waters. To avert this great and unnecessary wrong, we appeal to you, and through you to the Secretary of the Interior, to insist upon some provision being incorporated in the agreement to protect these springs from private control and monopoly, and to preserve them for the free use and benefit of the public forever. We also request that the representative of the town of Sulphur be given opportunity to be heard further upon the subject at proper stages of the negotiations, either before the commissions in the Indian territory, or before the Department at Washington.

Very Respectfully,
Eugene E. White (DOI 1901q).

In response to the Secretary of the Interior, Eugene E. White and T. R. Cook replied on December 5, 1901.

> Agreebly [sic] to your instructions, the citizens of the town of Sulphur selected us to take up the subject with the tribal authorities. We made two trips to Tishomingo for that purpose. The Indians expressed not only willingness, but desire, to have a provision incorporated in the supplemental agreement which it was proposed to make with the Dawes Commission, that would accomplish our purpose. They stated, however, that in all of their negotiations with the Dawes Commission they had always occupied a defensive or negative position, and had never made an original proposition themselves, but in all cases had simply stood and received propositions from the Dawes Commission and considered them or met them with counter propositions, and that they preferred not to reverse that attitude in this matter. They therefore suggested to us that we see the Dawes Commission and get them to submit the proposition. They also authorized us to say to the Dawes Commission that they favored the project, and would consider it if it was submitted to them. Acting upon that suggestion, we went to Muskogee to see the Dawes Commission. Commissioners Needles and Breckenridge were absent in the Cherokee Nation, and we found only Acting Chairman Bixby at the office. He advised us to make a draft of the provision as we would like to have it embodied in the agreement, for his consideration and submission to the Indian Commissioners, if he approved it. Pursuant to this advice, we made drafts of two provisions, to be considered alternatively. One of these was for the purchase of a sufficient tract of land for the townsite of Sulphur at ten dollars per acre, with a proviso that a permanent reserve should be carved out of the tract to embrace all of the medicinal and valuable springs, and to be dedicated to the public use forever. The other proposition was to set aside the same tract of land for the townsite, and then to survey out of it the permanent reserve as above, and set aside two-thirds of the proceeds of the sales of the town lots in the townsite as provided in the Atoka Agreement, for paying the owners of the improvements and possessory rights on the lands so taken and set apart therefor, and for the improvement and preservation of the springs. We delivered these two papers to Chairman Bixby, and were afterwards informed by him that he submitted them to the Choctaw and Chickasaw Commissioners for their consideration. We remained at Muskogee where we could be called if needed to give information, until the adjournment of the Commissions to meet the following week at South McAlester. Our Mr. White also met the Commissions at South McAlester, and remained there two days, when he was compelled to attend Court at Pauls Valley. Before he left, however, the Chickasaw Commissioners told him that no agreement had been reached on any subject, and that while they all favored the establishment of a reserve at Sulphur, they were afraid that if they put it in the agreement it might be objected to by the Secretary of the Interior or in Congress, and thereby endanger the ratification of the agreement. They stated further that they feared that the Secretary might not sanction their agreement on the question of citizenship just as they wanted it, and that they thought it would be to their advantage to confine the agreement to that one subject, or perhaps that and one or two others of like importance to them, and omit the subject of the reserve at Sulphur and other subjects of less than national importance, to trade on with the Secretary. That is to say, to hold them back so they could say to him that if he wanted them to be included in the agreement, they would

> incorporate them; but that if they did so they would want him to give them as liberal a provision on the citizenship subject as possible.
>
> Since that time we have not been informed as to whether any conclusion was reached on the subject, or what further consideration, if any, was given it.
>
> We assume that you are fully informed as to the necessity of preventing these valuable curative waters from falling into private control and monopoly, and preserving them for the use and benefit of the public forever. Of course you understand that in the Atoka Agreement there is no provision for parks. But the people have set apart three small plots of ground, (not half-adequate, however, in number or size, to protect the springs or accommodate the people in the enjoyment of them) embracing a number of these springs, and surveyed some of the others into streets, and have by these means, by common consent, held and protected them to this date. But when the townsite Commission comes to survey and sell the townsite under the Atoka Agreement, of course these little plots will have to be surveyed and sold as unimproved lots, and thereby the springs will go to the highest bidder and become individual property; to the irreparable injury of the town, and to all the people of the Indian Territory, and all surrounding states and territories. This is not saying too much, because these springs are visited now by people from St. Louis and Omaha to Galveston, and from New Orleans to Denver, and are considered unequaled in their curative properties by any springs between Arkansas and Colorado resorts, east and west, or between the Gulf of Mexico and the British line, north and south.
>
> Therefore, in our own name, and in behalf of the citizens of Sulphur, and the public generally, we appeal to you to insist that a provision that will save these springs to the people be incorporated in any supplemental agreement that may be negotiated between the Dawes Commission and the Commissions of the Choctaw and Chickasaw Nations.
>
> Very Respectfully,
> Eugene E. White
> T.R.Cook[10] (DOI 1901r)

A letter from Sulphur Mayor Kendall to the Secretary of the Interior on December 9, states that the citizens of Sulphur, at a mass meeting on October 1, appointed Mayor Kendall and Joseph Swords to work with the Chickasaw on the matter of the reservation. The delegates were cordially received and assured by Governor Johnston that when the commission to prepare a supplemental treaty should meet he would advise Kendall’s committee, and that they might appear and state the wishes of the citizens of Sulphur. But, thus far no notification had been received, and Kendall asked the Secretary to instruct the Indian Inspector to call the attention of Governor Johnston to his desire for a conference with the treaty commissioners (DOI 1901s).

The commissioner of the Five Civilized Tribes wrote to the Secretary of the Interior that he had received the department’s letter of December 7, 1901, in which the Secretary suggested that proposed provisions concerning the Sulphur Springs reservation be forwarded to the department for consideration by the Chickasaw and Choctaw, and stated that this suggestion would receive the

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[10]It is of interest to see note that says J.R. Cook, formerly of the Dennis Flynn Republican Club, is now working together with Eugene E. White.

consideration of the commission when the proposed supplemental agreement was acted upon (DOI 1901t).

White had received a letter dated December 14, 1901, from the Dawes Commission advising him that they were unable to find the draft of the provisions that he had prepared and submitted to the acting chairman. Therefore, White reproduced from memory the proposition and sent them a carbon copy (DOI 1901u).

The commissioner of the Five Civilized Tribes wrote to the Secretary of the Interior on December 30, stating that the report would be delayed because the terms of the agreement had not been concurred with by the Chickasaw and Choctaw nations and the commission. A draft proposed agreement had been transmitted to the department; however, it did not include the provision for the reservation at Sulphur Springs. The establishment of a reservation was suggested to the representatives of the Choctaw and Chickasaw; however, they "unqualifiedly expressed a disinclination to agree to the segregation of a reservation at that point" (DOI 1901v).

The commissioner of the Five Civilized Tribes wrote to the Interior Secretary on January 3, stating that there appeared to be no opportunity to accomplish the reserve at that time. It turned out that the "representatives of the Choctaw and Chickasaw Nations, now authorized to negotiate, have declined to consider the embodiment of a provision for that purpose in a supplemental agreement" (DOI 1902a).

The Dennis Flynn Republican Club wrote the Secretary of the Interior on January 3, reiterating that Joseph Swords "is the only person authorized to represent the club in matters pertaining to the proposed reservation." It was the club's contention that the former president, Thomas R. Cook, received and retained letters from the Department of Interior dated October 1, 1901, and that they wanted copies of the letters. A note attached to this archived letter from the Interior Secretary’s office then states, "did not write to said Cook. Maybe Ind. Terr. Div. Did" (DOI 1902a).

Inspector Wright wrote to the Secretary of the Interior on March 3, 1902, stating:

> In the platting and surveying of this town and the appraisement and disposal of town lots these springs should be reserved in some manner for the general public, as this place is visited each year by a large number of people for the purpose of securing the benefit derived by the use of these springs and in my judgement for this reason this place will undoubtedly in the future be an important and popular resort.
>
> These springs should therefore be reserved in some manner for the general public, as also the whole of Sulphur Creek, including the springs at its source, which are located a short distance from the town, and also that part of Rock Creek within such town.
>
> It is suggested that in the surveying and platting of this town and appraisement of lots that an amount of land embracing all of the above could be set aside as parks and appraised by the town site commission at their true value.
>
> I understand that under the direction of the Honorable Secretary of the Interior the Director of the Geological Survey has caused an investigation to be made of these springs and a report submitted in reference thereto to the Department.

> As it will be necessary that some agreement with the Choctaw and Chickasaw Nations be negotiated, I enclose herewith a proposed amendment to the Supplemental Agreement with the Choctaw and Chickasaws, now pending before the Department, and respectfully recommend that Congress be asked to add this memorandum to the agreement, with such modifications as the Department may deem proper.
>
> I have personally inspected these springs and it is of great importance that the same be reserved for the use of the general public in some manner.
>
> The lands covering these springs and waters, being within the town of Sulphur, must be disposed of in some manner and in my judgment it would be extremely unfortunate for the general public to have the same sold at public auction, thereby permitting some individual to secure exclusive rights to same (DOI 1902b).

On March 21, 1902, the draft agreement by the commission to the Five Civilized Tribes on behalf of the Choctaw and Chickasaw was transmitted to the Secretary of the Interior for departmental consideration.

Joseph Swords wrote to the Interior Secretary requesting that the town site of Sulphur be surveyed as soon as possible so people could procure deeds to the lots they improved. Swords stated that the population of Sulphur is about 1,600, "consisting of a large number of invalid persons, veterans of the civil and Spanish wars living on their pensions and many Confederate Veterans as well" (DOI 1902c).

E.E. White, who at this point was the mayor of Sulphur, wrote to Indian Inspector George Wright on June 10, 1902, that "at least 9/10ths of the people in the town want the survey postponed until after the supplemental agreement is voted on by the Indians" (DOI 1902e).

On June 13, George Wright, writing to the Secretary of the Interior, stated that he had received the department’s letter of May 27, instructing him to survey and plat the town site of Sulphur,

> …having in view the provision in the pending supplemental agreement with the Choctaws and Chickasaws providing for a reservation of 640 acres to embrace the natural springs in and about said village. I am further directed to give notice that a man named Snead, or the town site company which he represents, has no authority to sell or dispose of lots in the town of Sulphur, and that the only manner of obtaining title to such lots is in accordance with the provisions of section 29 of the Curtis Act, and the act of May 31, 1900. If, however, I should be of the opinion that there is any legal or other objection to proceeding at once instructed, I am directed to report the matter immediately to the Department for consideration.
>
> Concerning this matter, I have the honor to report that no steps have been taken to survey and plat the town site of Sulphur under existing law, owing to the provision contained in the pending supplemental agreement, above referred to, and it is not believed by me to be practicable or in any way desirable to survey and plat this town site at the present time, owing to the location of the springs and the existing conditions. I have had prepared a plat, which I respectfully transmit herewith, as showing the springs and surroundings at this place. The exterior limits of the Sulphur town site were originally located in 1900,

prior to the time that there was any agitation over the matter of reserving these springs.

The plat transmitted shows the boundaries as located at that time, but other than running them out on the ground, no further steps have been taken relative thereto. It will be noted that the main springs are located in the town and immediately in the business section. I have also had shown upon this plat the tracts that are at present reserved and used by the town people for park or other purposes. The plat also shows the source or head of the stream east of the town site, which I understand is desired to be included in the reservation when made.

The supplemental agreement provides that not exceeding 640 acres may be selected to embrace all of the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary. It is therefore obvious that until these tracts have been selected it would not be possible in any way to survey and plat the town site, in view of the location of the springs and the fact that the streams referred to run entirely through the town site.

I have had some considerable correspondence with the mayor of the town of Sulphur in the matter of platting this town site, and I respectfully enclose herewith a communication from him, dated June 10, 1902, wherein he states that at least nine-tenths of the people of that town do not want the town surveyed until the supplemental agreement is voted on by the Indians, and he as mayor very earnestly recommends and requests such postponement, stating that the reasons are many and obvious.

I do not believe there is any particular necessity of surveying and platting this town site just at this particular time, even though there was no especial legislation pending concerning the same, but in view of the fact that it seems to me absolutely necessary that the lands to be reserved, should this supplemental legislation become law, be first determined upon, and also in view of the desire of the majority of the town people and the regularly constituted authorities, I respectively recommend that no action looking to the surveying and platting of the town site be taken until after the supplemental agreement is finally passed upon one way or the other.

As to the matter of the town site company selling and disposing of lots in this place, I have to respectfully submit that the same condition of affairs exists in every old town in Indian Territory. Parties claiming the occupancy right to lots in these towns have always sold and disposed of such right at any time up to the time appraisements were made and the lots disposed of in accordance with existing law.

The courts have held time and again that where parties are in possession of town lots in these old towns, they can dispose of such right of occupancy or possession, and I therefore respectfully ask that instructions to give the public notice referred to be withdrawn, as the same would have no effect and I know of no means whereby any orders relative thereto could be enforced.

The limits of this town as shown on the plat were fixed in the first instance to include all improvements. It is estimated that the population of Sulphur is now between 1500 and 2000 people (DOI 1902g).

Senator Platt introduced Senate Bill 4848 on March 31, 1902, to ratify and confirm the agreement with the Chickasaw and Choctaw Indians. Congress approved this agreement, known as the Supplemental Agreement, on July 1, 1902.

Inspector Churchill (DOI 1902) wrote the Secretary of the Interior on July 24 regarding carrying out the selection of reservation lands at Sulphur as provided in Section 64 of the act of July 1, 1902 [32 Stat. 641], which section stated in its entirety:

> The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites. Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, twenty dollars per acre for each acre so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provide by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to intoxication, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory [32 Stat. 641].

The Department of the Interior requested that the U.S. Geological Survey (USGS) have geologist Joseph Taff go back to Sulphur Springs to assist Churchill and also to send a competent surveyor (DOI 1902f; 1902h). A survey to determine the necessary boundaries of the Sulphur Springs Reservation was conducted in July of 1902.

On September 25, 1902, the Chickasaw and Choctaw tribes ratified the Supplemental Agreement, which went into effect on October 1, and on November 19, 1902, the Sulphur Springs Reservation was proclaimed. The Chickasaw and Choctaw ceded 629.33 acres for which they were paid $20.00 an acre; the total for the land was $12,586.60 (DOI 1903a).

After the Choctaw and Chickasaw Supplemental Agreement was ratified, regulations were drafted on September 25, 1902, that established provisions relative to the use of the water and temporary use and occupation of the government land (DOI 1903d). Several thousand people visited these springs each season, and a recommendation was made to appoint a superintendent under the charge and supervision of an officer appointed by the Secretary of the Interior who would receive instructions from the Secretary (DOI 1903d).

Indian Inspector Frank C. Churchill went to Sulphur on January 16, 1903, to appraise improvements on the lots (not the value of the lots) and make a schedule for compensation to the owners (DOI 1903h; DOI 1903i). Soon afterward, Churchill was detailed to care for and protect the reservation, and to secure payment of rentals, such as bathhouses, under temporary leases and rules prescribed by the Interior Secretary (DOI 1903).

On February 28, 1903, Acting U.S. Indian Inspector Zevely submitted a report to the Department of Interior showing the establishment of the exterior limits of the town of Sulphur, which had been laid out by Sweet when he was surveyor (DOI 1903e). The supervising engineer stated that he had surveyed and marked 2,572.92 acres for proposed segregation for the Sulphur town site, including 484.79 acres for the government reservation, which left 2088.13 acres for the town site proper. He also stated that a large number of people had summer cottages there, and that more would want them, so the area surveyed would cover that projected need (DOI 1903b).

Senator Platt disagreed, and wrote to Secretary Hitchcock on March 16 that he saw no reason to make the boundaries so extensive, and that he thought that the result would

> …take away from allotment to Indians lands to which they ought to have the benefit of full value as the town increases and grows, and give the speculators a chance to get the lands which it is supposed the town may sometime reach at very low figures…. It seems to me better to confine the exterior boundaries of this projected town site to the old town site organization; either this, or to disapprove this survey, which was made by Hinckley, and leave the matter to Churchill if he should be put in charge as inspector, as I hope he may be… [as he is] a man of unquestioned integrity, who cannot be influenced by the speculative sentiment of that territory (DOI 1903c).

Hitchcock responded to Platt that the matter had "been referred to Special Inspector Frank C. Churchill for his report and recommendation" (Platt 1903). A memorandum to the Interior Secretary noted that Platt was not the only person to object to the large area; the Chickasaw and Choctaw representatives also did so (DOI 1903j).

Churchill reported to the Secretary of the Interior that in his judgment "the area proposed is in excess of the present and prospective requirements of the town of Sulphur" (DOI 1903k). On April 9, Churchill’s March 25 report was submitted to the Secretary of the Interior by the acting commissioner, stating that in 1901 or 1902, the exterior limits of a town site were surveyed by Surveyor Colby under the direction of Indian Inspector George Wright, and that the acreage of the town site was 948.14 acres (DOI 1903e). In August 1902, the

government reservation took in a considerable portion of the town site. After establishing the reservation lands, more land was needed for the town site; however, Churchill saw no reason to make the town site larger than was "originally proposed," because the town would probably never have great commercial importance, and that it should be "rather a pleasure and health resort" (DOI 1903e).

Churchill stated that the only changes he thought should be made to the town site survey would be the addition of 230 acres on the west and north, in the event that the section lines must be followed. Churchill felt that the 230 acres were not needed–only 109.99 acres according to the original plan, making the segregation for the town site 1058.13 acres. Acting Commissioner Tanner stood behind the "original recommendation" (DOI 1903e). On April 4, Acting Indian Inspector Zevely forwarded draft regulations for the use of the springs and recommended Frank F. Sweet as superintendent, at a salary of $1500 a year (DOI 1903L). At this point, the Office of Indian Affairs began to divest itself of responsibility for the reserve, as Acting Commissioner A.C. Tonner states:

> … when the lands at Sulphur were segregated by the Department they became a Government reservation, and are not, therefore, in any manner, longer subject to the jurisdiction of this office, the Indian title having been, by such segregation, become extinguished (DOI 1903L).

At a later date, Churchill informs the Interior Secretary:

> First, the control of the Reservation should be entirely with the Department, and its management separated absolutely from other branches of departmental work in the Indian Territory, in so far as to require whoever may be in charge of the Reservation and Reservation affairs, to report to, and receive instructions from the Secretary of the Interior, direct. The Indians have parted title to their land, the Reservation is no longer an Indian matter (DOI 1903m).

Rules and regulations for the reserve specifically state:

> The reservation, and all property of the United States within its limits, shall be under the charge and supervision of an officer appointed by the Secretary of the Interior, who shall receive his instructions from, and report to, the Secretary of the Interior (DOI 1902g).

The town became involved in the competition between two candidates for superintendent of the reserve, Frank F. Sweet and Joseph F. Swords. The segment of the community that wanted the town limits to be large enough for future development endorsed Sweet, who was the town site surveyor, and condemned Swords for going to Washington to have the proposed extension disapproved. This latter faction wanted to see town site growth on the south and east part of the town, and claimed that Swords "subsidized the interest of a proposed new town site North of the Springs and Reservation" (Platt n.d.). According to Swords, James Bayless and Eugene E. White were "grafters… railing against the Secretary for desiring a new addition to [the] reservation, but they have been speculating on false grounds…" (Platt 1903a). Eugene E. White wrote such a harsh letter in denouncement of Swords to E.A. Hitchcock, Secretary of the Interior, that the Secretary stated, "Mr. White’s letter I have not, and shall not reply to" (Platt 1903b).

In his letter, White claims that "Mr. Swords [is] too much interested in schemes of speculation in and near the town to be entrusted with such important local authority," and "boasts that through Senator Platt of Connecticut he can

cause anything to be done here" (Platt 1903c). White wanted the springs to be the geographical center of a town on the north, south, east, and west. Swords explains that "James Bayless, a grafter from Gasseville, Missouri came here a year ago and formed forces with White to build up the south hill, to the exclusion of the three other sections[11] (Platt 1903d).

Swords defended himself by writing Platt that "everything favors the growth of the north side of town, area, elevation, excellent ground and scenery" (Platt 1903e). Both Frank Churchill and Orville Platt recommended the appointment of Swords and he became the first reservation superintendent on September 16, 1903.

In April 1903, Swords corresponded to Platt, stating that "White and his crowd have referred charges against me and Churchill as well, when they learned that their town site scheme had been disapproved" (Platt 1903f).

In October, Churchill reported on proposed additions to the reservation:

> Any attempt on the part of the Government to enlarge the Reservation as it now is would meet with vigorous opposition from claimants to the land on the south side along the present Reservation lines in the town, which, in the estimation of those in possession who live there, has increased greatly in value. The only point where additions would appear to be necessary is on the south side of the Reservation, and inasmuch as I understand that it will require a special agreement with the Indians as well as Congressional action to acquire additional lands, I will make further comment on this subject by special report if it is considered desirable… [There should be a complete plan for] laying out the Reservation into a Park (DOI 1903m).

Churchill informed the Secretary that the 230 acres on the north and west should be taken into the site, which would make the town acreage 1288.13 (DOI 1903m). On October 20, Secretary Hitchcock reported in a letter to Platt:

> The U.S. Indian Inspector for the Indian Territory, Muskogee, I.T., has been directed to amend the exterior limits survey of the town in accordance with a recommendation of Inspector Frank C. Churchill, and to proceed to survey and plat the town site (Platt 1903g).

Senator Platt wrote Swords that he thought the Secretary would recommend "the securing of some additional land for the reservation, in order that the springs may be kept beyond the possibility of pollution" (Platt 1903h).

The last correspondence to Swords from Platt, dated April 20, 1904, showed that Platt was beleaguered by the town's condemnation of Swords. He writes to Swords:

> I telegraphed you because there was a very vigorous attempt made to prevent the legislation with regard to the Sulphur segregation, etc. and it was persistently stated that you were President of the Chickasaw Land Improvement Company…. It was hard work to secure the legislation, which was finally put in the appropriation bill (Platt 1904).

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[11]J.M. Bayless came to supervise the Frisco railroad spur to Sulphur, but resigned and went into business with Clay J. Webster, a local banker (Brown and Garrity 1981:97).

On April 21, 1904, the Indian Appropriation Act [33 Stat., 220] expanded the reserve by including 78.68 acres in the northwest quarter of section two and the northeast quarter of Sec.3, T.1S., R.3E and south of this section a tract of land comprised of 140.21 acres. The United States paid the Chickasaw and Choctaw $60 per acre for the 218.89 acres, at a total cost of $25,654.60 for the entire 848.22 acres (Platt NP 1912b; DOI 1916).

In May 1906, the Senate Committee of Forest Reservation and the Protection of Game proposed to name Sulphur Springs Reservation in memory of Orville H. Platt, noting that until the statehood bill was passed the matter would not proceed, but the preliminary work could be "shaped to follow the passage of that bill," and that Colonel Swords should be consulted as to the proper method of procedure (DOI 1906).

The Senate and House joint resolutions of June 23 and 25, 1906, respectively (S.R. 69 and H.J. Res. 181), resolved to change the name of the park to Platt to honor Orville Hitchcock Platt. A joint resolution was endorsed by Secretary Hitchcock and passed without amendment to become law on June 29, 1906.

The joint resolution read as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, an Indian Reservation now in the state of Oklahoma, formerly in the Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for twenty-six years a Senator from the state of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country [34 Stat. 837].

In April 1907, charges were filed against Swords with the attorney general to dismiss him for "alleged misconduct in office and improper use of same for personal gain" (DOI 1907a). Some of the specific charges included using "his official position to influence prospective buyers of property and to induce them to buy where he has financial interest" and "lack of executive ability in making improvements" (DOI 1907b). Swords was replaced by R. A. Greene, the second superintendent of Platt National Park in 1907.

The history of the setting aside of the reservation is complex and beleaguered by the personalities and "grafters" of the time. However, special recognition must be given to Eugene E. White, because his knowledge of tribal government and his persistence in getting the bill to protect the springs were crucial to its establishment. It is also clear that it took the work of Congressman Platt, with the inducements of Colonel Swords, to pass it through Congress. Swords conveyed this achievement in a letter to Mrs. Platt (DOI 1906a).

> August 7, 1906
> Mrs. O.H. Platt
> Washington, Conn.
>
> Dear Mrs. Platt:
>
> Your very kind letter of July 19, 1906 is before me, and I reply in a typewritten letter, for which please accept an apology because my pen hand is not as firm as I would like it to be. Nothing could be more gratifying to me than the result of my efforts in having the name of this reservation changed to that of "Platt National Park." I was fortunate

enough to secure the support of the President through warm personal friends, and Mr. Samuel Fessenden interested Senator Brandegee, and through Mr. Charles Hopkins Clark of the Hartford Courant, I obtained the support of the Connecticut delegation in Congress. My next effort will be to have the park placed under the control of the Smithsonian Institute, of which the late Senator was so long one of the Regents. In fact, nothing that I can do will ever repay the obligations I owe to your late husband for the many kindnesses extended by him to me. I sincerely hope that you may be able at some future time, when the roads shall be in better condition than they now are, to visit the Park, and meet some of the many friends who revere the memory of the late Senator. We are now passing from the uncivilized state of the Indian Territory to the new state of Oklahoma, and in the sixtieth Congress we shall have two senators and five members of the House of Representatives to give their aid toward placing the Park on par with the other national parks which exist in the west, and I shall then feel as though my life’s work was about completed.

I am enclosing a brief sketch of what the park contains, which go toward making it an ideal place for rest and recreation for the benefit of the people of the Great South-west, whites and Indians alike. It may be interesting for you to know that we have in camp at this place about fifty Indians, who are waiting for an officer to come to remove the restrictions. Which act will place them in possession of 320 acres of land, father, mother, children each according to their allotment, which is the fruit of the wise legislation inaugurated, and made effective by the legislative efforts of the late Honorable Orville Hitchcock Platt.

I am, very sincerely yours,
Joseph F. Swords

Chapter Three

THREATS TO THE PARK

When geologist Joseph A. Taff surveyed the springs in 1902 he noted that the mineral springs and creeks were of prime importance, and that in order to determine the reserve area necessary to protect the springs and guard against their contamination, practically all of the 640 acres would be required (DOI 1902i).

The geologist characterized the area of Sulphur Springs as follows:

> The larger of the two springs as the source of Sulphur Creek[12] issues from the bed of the valley in a dense jungle of young forest trees; the other issues from beneath a projecting bluff of limestone conglomerate on the south slope of the valley about midway in the slope above the main channel. From these sources for nearly half a mile the waters flow with little grade; then the streams begin more rapid descent in a series of beautiful natural low falls and rapids, over dams constructed by the streams' deposited sediments; above the falls are placid pools, and the dams are clothed with mosses and ferns, and in many places occupied by forest trees (DOI 1902i).

Geologist Taff noted four main purposes for setting the reservation's boundary: to preserve and protect the springs from contamination; to preserve and protect Sulphur and Rock Creeks; to reserve space for public passage and comfort in connection with the waters; and to preserve the beauty of the surrounding grounds, forest, and landscape (DOI 1902i).

On June 29, 1906, Platt became the 7th national park. Since the National Park Service was not established until 1916, Platt was managed under the direction of the Secretary of the Interior. In 1906 there was no federal policy governing the establishment of national parks and no National Park Service to manage or protect them. In 1910 Secretary of the Interior Ballinger wanted Platt ceded back to the state of Oklahoma. Oklahoma congressmen fought such a move, and praised the "health giving and invigorating waters of the springs, and above all pointed to the numbers of visitors—more than were registered at some of the worthy parks" (Ise 1961:141-42). If visitation was a measure of park worthiness, Platt set the standard for the criteria. In 1914 Platt's visitation was second only to Hot Springs, ranking above Yosemite and Yellowstone (DOI 1916b).

Visitation by 64,000 people annually was extolled at Sieur de Monts National Monument, which became Lafayette National Park in Maine in 1919,[13] and was used as a basis for evaluating its successful transfer to the status of national park (Rothman 1989:105-106). That same year, Platt's visitation was 107,976. According to one retired Platt ranger, interviewed for this project in 1996, "Platt was one of the older areas, therefore, it didn't grow up with the rest of them…. It was kind of left there… and using the visitor, which I think is why we're here, we finally got help" (Interview Shaffer 1996).

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[12]Now Travertine Creek.

[13]Changed to Acadia National Park, January 19, 1929 [45 Stat. 1083].

Despite the purposes for which the park was established and its demonstrated popularity, Platt was consistently threatened with removal from federal protection in 1910, 1913, 1924, 1927, 1928, 1930, 1932, 1938, 1957, and 1958. As early as October 30, 1903, Senator Platt had made a statement concerning "turning over the reservation to the state or territory when organized." Colonel Swords responded to Platt that he hoped "at some future day to prove that the people of the southwest are so appreciative of a place to rest, recreation, and pure water that they will write in asking congress to consider the 629 acres here as supplied by nature for their needs" (Platt 1903a).

Platt responded:

> There was a feeling in Congress that the government has taken itself an unnecessary burden on the Arkansas Hot Springs reservation, and that it ought not to extend its liability in the same direction, with which sentiment I confess I sympathise…. It was distinctly understood that the government was not to be committed to expense in this matter, beyond what might be necessary to preserve the springs until such time as the government could turn it over to the state or territory (Platt 1903f).

On January 8, 1930, Representative Cramton of Michigan presented two bills to Congress. The first bill was to change Platt from a national park to a national monument, and if that did not work, a second bill would transfer Platt to the state for use as a state park [H.R. 8283; H.R. 8284].

The importance of Platt was understood by its users and constituents; however, the strong support it received from Oklahoma representatives led some to believe it was draining funds from parks in other congressional districts, and its significance as a national park was questioned. The small size of Platt National Park was also one of the reasons it was a target for removal from the National Park Service. The underlying issue however, was not size, but rather the differing values concerning what national parks should be.

In 1924, Director Mather wrote:

> In general the policy of considering and admitting to the system only those areas giving expression to the highest types of scenery has been quite consistently followed. The national park system has been developed along wise and sane lines and it will take wise and sane judgment to resist the demand for inclusion of areas that do not measure up in the highest terms to the high standard that has been set for that system (DOI 1924).

In a letter from the city of Sulphur to park superintendent Robert G. Morris, the people of Sulphur expressed that Platt National Park did measure up.

> Platt National Park offers… more, real benefit to the people of this nation as a health resort than any spot on earth. With its many and varied mineral waters it has brought health and happiness to countless thousands (Platt NP 1924a).

After a visit to the park with Stephen Mather in October of 1921, the San Francisco office Chief Civil Engineer, George Goodwin and Landscape Engineer Daniel Hull reported to the director that:

> Platt Park being one of our smallest parks and situated as it is practically within the confines of a corporate city, its proper development represents rather a different problem than that affecting our

larger western and more remotely located parks. Platt Park is, however, I believe in the fullest sense, a National Park (NPS 1922).



Stephen Tyng Mather and Superintendent Ferris, Oct. 1921 (Harpers Ferry 69-572)

In a 1932 field report to the director, Harold C. Bryant, Assistant Director of Research and Education, said after visiting the park that his main reaction was that it "was more of a park than I thought. Of outstanding interest are the remarkable mineral springs" (DOI 1933a).

And Platt's visitors were not just locals or Oklahomans. Chief Civil Engineer George Goodwin reported that the "visitors that had come there during the past few years were from quite distant states" (NPS 1922). There was also a sentiment among those interviewed that the park was visited by people from all over the United States, as evidenced by the various license plates they notice here.

It is quite clear that park standards were based on individual ideals of what constitutes a national park at given times. The 1931 annual report on national park standards states:

> Our ideals contemplate a national park system of primitive lands free from all present and future commercial utilization, but, like all ideals, they can not be uniformly attained in this day and age (DOI 1931:6). If we did not allow for a broad range of parks, the system would "probably have netted us just one park, the Yellowstone" (DOI 1931:7).

In 1932, Louis C. Cramton, special attorney to the Secretary of the Interior, was asked to make a careful study of the Congressional Record and all other legislative documents relating to Yellowstone National Park, to determine what Congress, in initiating the National Park System, intended the national parks

to be, and what policies it expected would govern the administration of parks.

Some of the key criteria for parks that Cramton identified were that national parks should:

1. Be dedicated and set apart for the benefit and enjoyment of the people.

2. Have national interest because of their value from a scenic, scientific, or historical point of view.

3. Be of national interest in their preservation.

4. Possess variety, accepting the supreme in each of the various types and subjects of importance.

5. Be enjoyed and used by the present generation, with their preservation unspoiled for the future, to conserve the scenery, the natural and historic objects, and the wildlife therein.

6. Provide inspiration.

7. Relate development to their inherent values to promote beneficial use by the people.

8. Be administered primarily for the benefit and enjoyment of the people rather than for financial gain, and such enjoyment should be free to the people without vexatious admission charges and other fees.

After the establishment of the National Park Service and prior to its reorganization in 1933, many areas that should have been preserved "did not meet the amorphous standards for national parks." "A problem of semantics plagued such areas" if they did not have the scenery that characterized the national park class (Rothman 1989:58). When national monuments were added to the National Park System there were "no intrinsic features that separated national monuments from the national parks," only the view that parks represented "scenic monumentalism." Therefore, in order to make national monuments equal to national parks, some manipulation was required. Although it was never a national monument, Platt's landscape was manipulated to meet these same amorphous standards, as acknowledged in a Civilian Conservation Corps (CCC) report to the chief architect.

> With the establishment of the Civilian Conservation Corps camp at Platt National Park came a welcome opportunity to clean up and renovate the area and to bring the park design up to National Park standards (Platt NP 1934a:2).

After the community, consisting of 371 remaining town buildings, was removed from the springs, the denuded areas were revegetated with local flora (DOI 1908), a philosophy no different than revegetating heavily used wilderness campgrounds in some of our more "scenic" national parks today.

In the 1970s, standards for national parks were presented in *NPS Criteria for Parklands*. The criteria for natural areas included outstanding geological formations, biota of relative stability maintaining itself under natural conditions, and an ecological community significantly illustrating the process of succession and restoration to a natural condition following disruptive change. One of the criteria for national significance of historical areas listed "structures or sites associated significantly with an important event

that outstandingly represents some great idea or ideal of the American people" (DOI 1971:13).

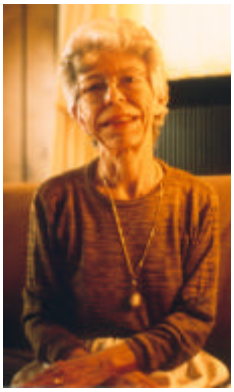
Not only did Platt retain natural significance after "disruptive change," but its cultural significance is tantamount, in that it is a NPS-designed landscape, with extensive elements constructed by the Civilian Conservation Corps under the park's master plan. The park's history of hydrotherapy at a time before medicine such as penicillin had been discovered is a significant criterion for national significance related to "some great idea or ideal of the American people" (DOI 1971:13).

In the late 1930s, there was an attempt to enlarge Platt National Park in an effort to protect the entire unique geological features of the Arbuckle uplift. This proposal resulted in a 1938 study and report; however, the recommendation was disapproved, with the suggestion the park become a state recreation area (DOI 1958a). Later, in 1938, a proposal was made to add Veterans Lake to Platt and change the status from a national park to a national recreation area. This was opposed by local residents who feared the result would be its transfer to the state and loss of national park status (DOI 1958).

In the 1950s there was a large migration of people away from Oklahoma, so the state and federal government began to develop water resources in an effort to attract new industry and keep Oklahomans in Oklahoma (Gibson 1981). One of these projects was the Arbuckle Reclamation Project, developed by the Bureau of Reclamation to provide a permanent municipal and industrial water supply.

The thrust to remove national park status from Platt National Park culminated with the proposal to add the Arbuckle Reservoir to NPS management at Platt in 1958. Its significance as a national park again came to the forefront. In a study of this proposal, the conclusion was that the Arbuckle Reservoir would not qualify as a national recreation area; however, it might offer the opportunity to combine it with Platt National Park for transfer to the state of Oklahoma. There were no standards and criteria for the evaluation of national recreation areas at the time (DOI 1958a).

Former park employee Retha Condriff discussed the confusion regarding designating Platt as a national recreation area. "People rationalized that Platt was an area where picnicking occurred and that picnicking is recreation, so Platt must be a recreation area. And they are swimming in the holes. That is recreation too." (Interview Condriff 1996). Despite the fact that the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended that the 912-acre Platt National Park remain unchanged with the addition of the recreation area (DOI 1966), in 1976 Platt National Park's land status and name were changed to Chickasaw National Recreation Area.



RETHA CONDRIFF

The Chickasaw Tribe proposed to change the name of Platt National Park to Chickasaw National Park in 1967 to honor the cession of their former lands (USGPO 1977:36). In 1970 the tribe reaffirmed and updated that proposal to reflect the proposal to join Platt National Park and Arbuckle National Recreation Area, and requested that the name become Chickasaw National Recreation Area (Chickasaw Nation 1970). The use of the name Chickasaw to commemorate the Indian Nation who ceded the land was supported by the cities of Sulphur and Davis; however, the Sulphur Chamber of Commerce and the community wanted "to retain the National Park intact" (Heltzel 1972). This sentiment was expressed in a letter to President Nixon from a 12-year-old Sulphur girl:

> The people of Sulphur are mad because we have had Platt National Park for many years. The people of Sulphur love the Park the way it is…. If you Mr. President ever come to Sulphur you'll know how come we want it Platt National Park (Dilbeck 1973).

During this same period, a resident of Houston, Texas, wrote Senator Bentsen that he felt "the loss of this small, very beautiful and delicate ecotone, which would easily be ruined without the protection of national park status, would far outweigh… heavier development of a recreation area" (Vincent 1974).

When asked how the change in status to a recreation area came about, a former ranger stated that community advocates thought a recreation area would receive more funding. Unfortunately, when they did this, the reason the park was established was downplayed. "When the lakes came along, the springs went by the wayside…. They say you shouldn’t have dropped why the area was created to start with. That should not have been" (Interview Shaffer 1996:15).

Retha Condriff said that she did not feel that the name change made any difference in the use of the original acreage of Platt, what is now called the Platt District; however, there was concern by long-time residents who felt that the loss of its status as a national park was merely a stepping stone to the future conveyance of both areas to the state of Oklahoma. "It was a genuine heartfelt concern." The community had a great sense of pride about the park (Interview Condriff 1996).

In the Committee on Interior and Insular Affairs Senate Report of March 3, 1976, concerning the proposed recreation area, Senator J. Bennett Johnston of Louisiana called Platt an "anomaly arising from the early conservation movement prior to the creation of the National Park Service" (U.S. Senate 1976). In a change from their 1966 position, the chairman of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments talked about the criteria for national parks that have been developed subsequent to the authorization of Platt National Park, which "that area does not meet" (DOI 1971a). Dwight Rettie, former chief of the NPS policy development office, makes an important point that could be used to counter this argument. Rettie says he sees "no reason why parks that were brought into the system in 1925 (but pick any year) should be required to meet the same criteria intended to serve as a filter for new parks…. There ought not be any ‘lesser’ parks in the National Park System" (Rettie 1996).

It is unfortunate that Platt National Park lost its park status in the struggle to understand or clarify what national parks should be, despite the value people placed on the park. As expressed by one family that has been coming to the park since 1902, "when we entered the park, we lost all stress. There is nothing like the natural beauty of this place and the water. I can’t mention the water enough, it is so soothing" (Interview Austell 1997).

Platt was established as the seventh national park, 27 years before the reorganization of the NPS in 1933 under Executive Order 6166, which made the NPS responsible for much more than scenery, as it added historical sites-as a consequence the distinctions between the different park units began to coalesce. The new NPS areas fulfilled an objective of building a constituency within the American middle class and changed the "previously elite system" to one belonging to the American people (Rothman 1989:188).

In a letter written to Conrad Wirth by Frederick Law Olmstead, Jr., expressing the philosophies of both men's fathers, the following excerpt is important in understanding the role of the National Park Service:

> [There is] something of much more profound importance in park work than is generally recognized…. Constant and compelling interest in and sympathy with, the people using the parks—on finding one's chief satisfaction in appreciative friendly observation and study of the ways in which those people actually use, and derive pleasure and benefit from any given park, and in helping and guiding them by every available means to get the best values from their use of it… that are made possible by the inherent characteristics of that particular park and by the widely various personal characteristics of the people themselves (Wirth 1980:21).

Platt exemplifies this view. It is a place where people go to drink curative waters, enjoy an early morning breakfast cooked on an open stove in a CCC constructed picnic area, contemplate the sunrise from Bromide Mountain, view the purest of water emanating from the earth, and swim in the cool pools of Travertine Creek.



KIDS IN TRAVERTINE CREEK NEAR NATURE CENTER

In the hearing before the Subcommittee on National Parks and Recreation to establish Chickasaw National Recreation Area, Representative M. Taylor asked, "What would be the difference in management of this park if it were changed to become a recreation area?" Representative Wheeler responded, "It is a difference in degree and emphasis… from natural preservation to a more intensive recreation use by the visitors" (DOI 1975).

This may be true of the lake area, but the original park area will always retain the dignity and qualities that it was recognized for-providing a healthful, relaxing natural environment for people.

Chapter Four

EARLY LANDSCAPE DESIGN

Prior to the protection of the springs, many areas had been bare of vegetation due to the clearing of the two former town sites, and cattle had made mud wallows of the springs. In 1908 the superintendent proposed the employment of a scientific forester for the reforestation of denuded portions of the park. The forester began sodding the park with Bermuda grass, including the areas of West Central Park and Cold Springs. In 1909 the superintendent was instructed by the Department of Interior to raise alfalfa and oat hay for sale. The philosophy behind this decision was that it is better to raise profitable crops on the old fields than to let them grow up in weeds that mar the landscape (Platt NP 1909a).

During the later part of 1908, the state forestry department examined the park to ascertain how practical it would be to reforest certain portions. In the spring of 1909, Superintendent Greene planted a number of young trees, but the drought killed all but one. From 1910 to 1911, about 178 young trees were planted, with higher survival rates. In 1913, 108 shade trees were planted in East Central Park and West Central (Flower) Park, and along the Buckhorn Road. Also in 1913, two alfalfa crops were cut and stored, and "a fairly good oat crop harvested and put away, with prospects for an excellent corn crop" if the hot winds they were experiencing did not burn it up (Platt NP 1913).

Revegetaion was not the only landscape consideration for the area. Inspired by its natural beauty, the park’s features enticed landscape design. In 1902 the geologist’s report highlights the potential for such beautification.

> Nearly midway between the high land and the bases of the valleys of Sulphur and Rock Creeks, hard pebbly limestones occur lying in a flat position in the midst of softer strata. The varying hardness of these rocks in their outcrops gives a diverse and beautiful topographic effect to the valleys. They make steep and rugged slopes, terraces, and cliffs clothed with trees and vines in many places over-looking the forested stream valleys. Such topographic features are especially prominent on the south side of Sulphur Creek valley, and in the south sides of the bends in Rock Creek. Near the center of Sulphur and above the Bromide Springs, in the extreme southwest corner of the town, these terrace-forming rocks afford secure footing and pathways in the slopes, and their abundant loose boulders are convenient for the construction of rustic seats and bridges, and dams, if need be, across the streams (DOI 1902i).

The first formal landscape design within the park began in 1908 when recommendations were made to build the rock-arch foot bridge in West Central Park and an ornamental gateway of native stone facing the boulevard between Second and Third streets (Platt NP 1908d). The wire suspension footbridge at Bromide Springs was completed in June of that year. After its completion, 136,590 people visited Bromide Springs. The rock-arch bridge known as Lincoln Bridge was completed and dedicated on February 12, 1909. At each end of this bridge were circular flower beds in rustic walls of conglomerate stone, where the civic league of Sulphur planted a large variety of ornamental shrubs and flowers. Similar flower beds were also planted in Cliffside Park near the north approach to the wire suspension bridge.



CLIFFSIDE PARK SHOWING ORIGINAL BROMIDE PAVILION ACROSS THE CREEK (DOI 1908c)

The first appropriation of money from the federal treasury for maintenance and improvement of Platt National Park came in 1911 in the sum of $5,000. In 1912 another appropriation was made for maintenance, bridges, roads, trails, and sewage in the sum of $18,000 (Platt NP 1912b). That year, 4,466 square feet of cement walks were laid in Flower Park, as well as 48 cement steps and a cement sidewalk along the Cliffside Trail, increasing the total cement walks within the park to 7,573 square feet. On the outer edge of the Cliffside Trail, two banister posts of conglomerate rock and cement were erected, through which a strong iron chain was strung to aid pedestrians in ascending and descending the steps, and to prevent accidents. Near Robber’s Roost, a woven wire fence was erected on the outer edge.



"Visitors on Burros, circa 1900" (CHIC Archives 0133)

By 1916 more visitors were coming by car, and the campgrounds grew over-crowded. These visitors "had the appearance of being a more prosperous class of people than at any year previous" (Platt NP 1916a). In a 1922 report from NPS Engineer Goodwin and Landscape Engineer Hull, they note "the most essential need of Platt Park today is additional camp grounds… [and the] sanitary development in connection with these new camp grounds." They also recommended that no camping be allowed at Bromide Springs to reserve it for "general recreational and meeting purposes." The report noted that the tilled fields could be used "to better advantage as camp grounds than for the production of corn", and recommended the extension of Cold Spring camp up Travertine Creek (NPS 1922).



"Camping in Platt, 1910s"
(CHIC Archives 0110)

The Cold Springs public camp, located along a wooded grove of trees, was a favorite place for picnic parties. This was one of three camps later developed for more "systematic use and beauty" (CCC 1935). During the winter of 1912, the superintendent had about 50 acres of timber thinned out and the underbrush cleared along both sides of the road at Cold Springs. He also had a table 36-feet-long with benches around it, and additional benches and two comfort stations constructed (Platt NP 1913). Cold Springs camp was "used to a great extent by people seeking recreation" in the summer, and was usually crowded to capacity (CCC 1935). Cold Springs was not the major camping area in the early years. Most camping was at Bromide, in the area around the ranger station and Walnut Grove. A former ranger remembers the campers at Bromide back in the 1950s:

> They used to come in their wagons, and they would have some chickens, and when the camping was over, the first year I worked seasonal, we had a problem getting those chickens all caught up. People would go out there with their chickens… and when they left, they left their one chicken they didn’t eat, and some of them even turned their last chicken loose, so we derived several ways of catching those chickens (Interview Shaffer 1996:3).

Tents could be rented locally at Goff's and Hicks'.[14] These businesses set the camps up, complete with cookstoves and cots.

> Blind Charlie rented tents, cots and tables and chairs to the people. He would take them down and put them up. He had a black dog and he'd go down…. He'd pull his wagon down and put the tents up, and he had a dozen tents up, but that dog would bring him back to that tent, right there…. Now he couldn't rent them in the park, but he rented them outside. Then he could take them down and put them wherever they wanted them (Interview Shaffer 1996:4).

> This was probably in the late twenties or early thirties. There was another man there that had a business, he was a colored fellow and he sold hot tamales…. That little corner was quite busy because the visitors who came back year to year knew, and there was a little store right there too [12th and Lindsay]. To me it was part of the park's history. Growing up, we could see the park rangers, and that's when I decided I'd like to be a park ranger…. But I'll have you know, I asked the ranger how much he got, and he said he made a lot of money, about $5.00 a day. I just couldn't believe that anybody could make that much money, $5.00 a day…. A dollar a day was the going rate for hard work (Interview Shaffer 1996:6).

The CCC rehabilitated Cold Springs Campground between 1938 and 1939 and Central Campground in 1939. After the development of these two campgrounds, visitation continued to increase, and camping at the Bromide Springs area was permitted for overflow only until 1950, when the Rock Creek Campground was completed. The Rock Creek area was part of the original Dixie H. Colbert[15] patent of July 13, 1910, (Interview Colbert 1996:3,7) and the park purchased 63.75 acres of this land on March 6, 1942 (Branch 1941; Platt NP 1966).



BUS CAMPING AT COLD SPRINGS
(Harpers Ferry 60-JB-252)

[14]Hicks operated into the 1980s.

[15]Scott Colbert's great grandfather.

In 1922 the city of Sulphur and the chamber of commerce constructed two community houses in the park, one at Bromide Springs and one at Cold Springs, to be used for gatherings in case of bad weather. In the fall of 1946, the Bromide community house was acquired by the park and used as a temporary museum. In the spring of 1947, the community house at Cold Springs was acquired and converted to temporary seasonal quarters; it then became the resource management office, and then returned to temporary housing. As of the publication of this report it is a physical fitness training room.

There were few improvements possible under the 1923 annual appropriation of $7,500, and the increasing use of the park by campers and tourists urgently necessitated a larger appropriation for the extension of the campgrounds, sewer, water, light system, and toilet facilities (Platt NP 1923). Park roads, which had originally been constructed for horses and carriages, were too narrow for automobiles. A request for more funding in 1920 is recounted in John Ise's book on the NPS. He states, "one Oklahoma representative wanted $30,000 to build roads, causeways, bridges, dams, retaining walls, toilets, repair buildings, purchase tools, and otherwise improve and beautify the park" (Ise 1961:141).

> These requests did not get a warm reception in Congress. Often when the appropriation for Platt came up there was a great deal of sarcasm and merriment. When one of the appropriation items came up Representative Smith of Iowa said that the park was good for two things: to take care of the five men employed there, and to act as a sewage receptacle for the town of Sulphur; and he recommended that Platt, and also Wind Cave, be given to the states or returned to the Indians (Ise 1961:141).

Platt continued to be plagued by insufficient appropriations, and it was not until CCC Company 808 arrived in 1933 that the numerous needs of the park were met, utilizing the master plan that had been prepared June 15, 1934, by the NPS San Francisco office under Superintendent Branch (NPS 1934).

> Until the camp was instituted at Platt, there had been little detailed study of the design problems of the park. The Master Plan prepared by the San Francisco office was of utmost value in giving a general organization of the work, but in general, due to lack of field study and the absence of detailed topographical information, few plans were available (Platt NP 1934a:16).

As early as 1922, the NPS recognized that Platt National Park's development should be studied from the perspective of landscape architecture (NPS 1922). Work at Platt closely followed the master plan; and specific plans were developed for projects to "insure proper accuracy and to study the problem thoroughly" (Platt NP 1934a:16). In 1935 two "urgently needed plans" for the CCC were laid out in working drawings for the Bromide and Hillside springs pavilions. Sketches for these structures were sent to the San Francisco office for approval (CCC 1935b). In their seven years of work at the park, the CCC provided access to the springs, facilities, trails, picnic sites, and campgrounds-all monuments of architectural integrity.

Chapter Five

THE VOICE OF THE 808TH

These were very, very hard times and poor times…. We lived in creeks and things. Before we come here we lived all over Arkansas and New Mexico and we traveled and picked cotton…. We didn't have much of a chance to go to school-we stayed on the road all the time, in old cars. If it hadn't been for the CCC we would've had to pack up my nine brothers and sisters and go to Arkansas. There's no way we could've lived, because I couldn't get a job at that age… I was the oldest…. And after the CCC I stayed here. I never did leave no more (Interview Long 1996:5,11,20).



HAROLD LONG

Camp NP-1 at Platt National Park was the first national park CCC camp in the 8th corps area (Oklahoma, Texas, New Mexico, and Arizona), and was authorized on April 20, 1933. The original camp was located in the southeastern portion of the park near the Veterans Hospital. On May 10, 25 Local Experienced Men (LEM) were enrolled, followed by a contingent of 50 men on May 16; and by May 24, there was a total of 169 men, all from Oklahoma, "a fact which contributed greatly to the success and morale of the camp since most of the enrollees were able to spend week-ends with their families" (Platt NP 1934a:2). The original camp location was near a dairy and there was a problem with flies so it was moved to a site on Rock Creek, "just below Black Sulphur Springs," on November 5, 1933 (Platt NP 1934a:2). Company 808 occupied this camp location for 15 periods, until the camp was closed on June 29, 1940, and the company moved to Colorado.

Throughout its tenure, the camp consisted of approximately 200 men, with the addition of 54 drought relief men from Dallas, Texas in 1934. The drought broke in 1935 and the drought enrollees were reduced from 54 to 21 (CCC 1935:2).

The recruits varied each period, but many were local boys. The CCC narrative reports shed some light on the composition of the camp. During the fourth period-October, November, and December of 1934-park superintendent Branch reported:

> It appears the average type of enrollee at this camp is somewhat of a different character than the first enrollees received. While the general morale and willingness to work has from the beginning been very fine, it is apparent the present enrollees are of a steadier type-the fickle, gold bricking type having been apparently practically disappeared entirely (CCC 1934).

A 1935 report states that responsible and conscientious men were hired at the beginning of the program for supervisory positions, and they were retained the entire time (CCC 1935c). In 1937 the CCC program was extended, as was the time period an enrollee could serve-from six months to two years. The same act that extended the CCC and the length of enrollment also provided for local civilian employees to be added to the CCC work force. These men performed more specific duties, similar to the LEMs, and were paid $75 per month. Former LEMs had the opportunity to qualify for these positions, as did others in the local community (NACCA 1999).

African American men usually were enrolled in segregated CCC camps. During the third enrollment period of 1934, Company 808 included black enrollees.

> 18 Negro boys were transferred to the camp. Momentarily it was doubtful as what the result would be of assigning the Negro boys to this camp. However, careful administration has avoided racial complications and now the Negro boys are functioning very satisfactorily. The Negro boys live, eat and work separately from the White boys, but receive identically the same consideration, and their work has proved satisfactory (CCC 1934b).

Company 808 boasted "a very mellow colored quartet," which performed in the mess hall on two occasions "before an appreciative audience." The quartet consisted of Walter Hardridge, Eddie Branch, Curtis Ervin, and Earl Phillips (CCC 1935f).

The CCC camp facilities included a headquarters building, a day room with Ping Pong™ tables, and a little canteen where you could buy cigarettes, gum, and candy; in the middle of the camp was a shop building, and educational and supply buildings. On the west end there were two barracks on the north side and the latrine in the middle. On the far end was the mess hall. There were three more barracks located on the south side and a flagpole in the parade ground. "I say it was a parade ground. It was where we stood for formation" (Interview Pollard 1996:13). Today there are three fireplaces west of the location of the CCC camp. According to Earl Pollard the remains of the old CCC coalhouse foundation can still be seen east of the Monkey Tree.



FRONT VIEW OF CCC CAMP
(CHIC Archives 0029)

The CCC carried out a vision for the park. The vision was that of the camp's senior landscape foreman, Edmund B. Walkowiak, who said that

> …despite the natural beauty of Platt National Park, it was quite evident from a landscape viewpoint that many fine areas had been totally neglected and too many terribly mistreated. No landscape work of any major proportion had ever been undertaken, and considering the intense use and mis-use the 840 acres, of the Park, receive, there was a lot of room for improvement and repair (CCC 1934b).



CCC STAFF
Vernon H. Fielding, Edmund B. Walkowiak, Sam G. Whittelsey, and Jerome C. Miller

The CCC developed the landscape seen today in Chickasaw's Platt District. They confined Rock Creek to its channel; constructed fine masonry pavilions; built trails, bridges, roads, and campgrounds; landscaped entrances; trimmed trees; planted vegetation; and fenced a new buffalo pasture. In 1936 Superintendent Branch wrote that the work accomplished in the past three years were "equivalent to 20 years accomplishments under regular park programs" (Branch 1936). Company 808's masonry and forestry work was exemplary, but the development of the young men "mentally, physically and morally" was by far the most outstanding part of the program, because this was its prime purpose (Branch 1936). Jay Pinkston remembers working "harder in Platt National Park than I ever worked for any contractor or expected to" (Interview Pinkston 1996:27).



JAY PINKSTON

As Superintendent Branch wrote early in the camp's history,

> …we feel that a very efficient organization has been built up and we will be sorry to lose most of the boys in a few months, at the end of the twelve month period. It appears that most of the boys would be content to remain at Platt indefinitely, but we feel it is best for them to make way for others and enter outside work for their own good (Branch 1934).

Branch got much assistance from the CCC. In fact, he even had select CCC boys help in his home. For example, former CCC enrollee Joe Rutledge recalls taking three or four of Branch's children out to do things, and he even helped Mrs. Branch with the housework (Interview Rutledge 1997). Evidently Branch's "building of the park" was far reaching.

In 1934, CCC Landscape Foreman Walkowiak wrote down his extraordinary philosophy for the landscape design of Travertine Island, constructed between August 11, 1933, and February 2, 1934.

> This area which had been known under various names such as, "End of the World" and "Old Barbecue Pit" had long been recognized for its primitive beauty, and as one of the most interesting spots in the Park. With the presence of the most magnificent trees within the park, the natural topography of its travertine formations, one might doubt whether humble man should meddle with this handiwork of nature. But the area had long been used for picnics and regardless of our feeling about the matter, would probably continue to serve this purpose. Therefore, with the authority, which you and Mr. Branch gave to me, I resolved to make it a picnic area which would endure through centuries and which would serve countless generations. While actuated to make a useful and lasting work I also hoped that development would have an aesthetic value.
>
> The natural topography suggested the main elements of the design and construction. For example, we decided that the general shape of the whole area should be defined by the travertine out-cropping, and that these out-croppings should remain undisturbed. A wall and seat combination faithfully follows the inside line of the travertine formation, and where travertine does not naturally occur; we have introduced it to suggest a complete enclosure of travertine. The topography also suggested the three subdivisions of the area, which we have affected. While the three subdivisions are intimately connected, each affords a certain degree of privacy from the others, and each may serve a special use. For example, subdivision 1 might well accommodate a card or dinner party of four. Subdivision 2, might afford seats for a band, orchestra, a chorus, or various other groups or musicians.
>
> The main subdivision 3, might supply seats for an audience of three hundred people or more, whether this audience was enjoying a musical, a lecture, or some general entertainment. We feel however, that the main use of this area will be for large picnic lunches. The large paddle-shaped table will accommodate at least twenty-five people, whom we may conceive to be the officials or other dignitaries of some organization such as that of the American Legion. The bean-shaped table was designed primarily for the children who might be holding their own party, or who might be along with their parents in a general picnic party. The oven and wood-box-table combination is adequate to the obvious uses for which they are intended.



TABLE AT TRAVERTINE ISLAND

> All the elements mentioned above in shape and general style were motivated by the general design of the area, which in turn was motivated as we have previously stated, by the natural topography of the area in addition to practical considerations.
>
> While development of the first area on Travertine Island shows a predominance of travertine over any architectural elements, the reverse is true in the main development on the island. Here the exceptionally fine rocks from the quarries at Dougherty, Oklahoma are dominant. Indeed, the availability of the Dougherty rocks-approximately twelve miles from Sulphur-was the chief practical consideration in addition to topography, which motivated the general design (CCC 1935).

After Travertine Island, the CCC began work at Buffalo Springs. As early as 1921, the development of this spring had posed an interesting philosophical dilemma for the NPS landscape architect. That year the park planned to encircle Buffalo Spring with a stone wall laid in cement, which would cut off the surface water that made the area unsightly (Platt NP 1921). Director Cammerer wrote to NPS Landscape Engineer Daniel Hull noting superintendent Ferris' position that the spring was subject to surface water pouring in, and that an enclosure would keep the spring water "clear and pure" (NPS 1922a).



"Working on Buffalo Springs"
(CHIC Archives 0003)

Hull responded to the proposal by saying that "we certainly could not make the place more beautiful as a natural landscape and, after all, the natural landscape is the thing we are trying to preserve" (NPS 1922b). In a second letter, Hull said that "we cannot add to the charm or beauty of Buffalo Spring by any man made structure" (NPS 1922c). Hull was under the impression that the enclosure was being proposed to accommodate the city's water needs.

When the CCC arrived in 1933, Buffalo Spring was used almost exclusively by picnickers and sightseers and was in a deplorable condition because cars were parked everywhere.

> The whole area was overgrown with weeds, vines, brush and trees, some of which were dead and dying, presenting a very untidy and overgrown appearance…. This same area was subject to overflowing during seasons of heavy rainfall which left deposits of all kinds (CCC 1934b).

The creek's meander cut heavily into the surroundings, hampering flood control, so the CCC filled the channel with 300 cubic yards of dirt to provide flood waters with a direct passage to prevent overflow, and to remove the danger of the creek bed flowing into the springs (Platt NP 1934). A pergola, "whose design and construction was quite foreign to National Park Service standards," occupied a very "conspicuous spot near the Springs" and was removed. Access across the creek was necessary, particularly for fire regulation (CCC 1934b).

The CCC landscape foreman, Edmund Walkowiak wanted to give the whole area the "fine setting it deserved and to make the spring water more appetizing." Plans were drawn, which called for a low circular stone structure enclosing the main portions of the springs and the construction of stone and wood guard rails to keep cars within bounds and to provide suitable entrances to both areas. The landscape work included raising the grade level 15 to 18 inches at the springs and picnic areas; planting trees shrubs, and evergreens; building rip-rap walls along the creek for bank protection; constructing a barbecue, tables and fireplaces; and, laying flagstone and gravel walkways (Platt NP 1934).

The first task for the construction of the Buffalo Spring enclosure was to excavate a 3-foot-deep and 47-foot-diameter ring with a steel-reinforced concrete base. This was constructed of 32 piles of 8’ X 8’ white pine in two concentric circles. The result was a ring of concrete 8-inches-thick and 10-feet-wide resting on piles to support the base for the upper stone structure.

Foreman Walkowiak had the men quarry the rock at Dougherty where he selected stone for the caps and parking area retaining wall. The stone tables, a fireplace, and garbage and wood receptacles were completed in July 1934. "The embryonic stone masons of the CCC surpassed all our expectations in producing this excellent piece of work" (Platt NP 1934).

> This entire work was done by untrained boys from the CC Camp and is interesting both as a handsome piece of work and also as an object lesson in what the Camps can accomplish under careful direction (Platt NP 1935a).



Rock Crew-CCC Boys
(CHIC Archives 0027)



Buffalo Springs after CCC Completed Work
(CHIC Archives 0005)

Buffalo Spring became "one of the most desirable picnic places in the park" (Platt NP 1934c). CCC worker Jay Pinkston remembers the big sheets of sandstone rock that were made into tables and benches. Every morning the park ranger would take the CCC crew up to Buffalo Springs with "a 3 gallon bucket and a broom and [they] scrubbed everyone of those tables before the tourists got there, every morning" (Interview Pinkston 1996:6).

In August 1934, gravity earth dams with clay core walls were completed downstream from Antelope Spring to create lily pools (Platt NP 1934c).

> Four[16] dams were constructed along the Spring Creek in order to add interest to the creek and to create noise of falling water. Also, the added pressure created along the Spring Creek, due to the pools behind the dams, keeps the Springs from breaking out along this creek bed. The dams were built of rock and stone 6 to 9 inches high…. To facilitate crossing the creek between the Spring and picnic areas steps were built on both sides of the creek and 4 stepping stones set into the creek bed…. The steps are connected to the Spring by a flagstone walk…. Two stone tables with seats around are to be constructed; also three small fireplaces which will eliminate the dangers of open fires…. It is hoped that the present Buffalo Springs area warrants the time expended and materials used, and that it will… be a source of joy and pleasure to the many thousands of visitors to Platt National Park (Platt NP 1934).

In 1934, under the CCC Forestry Foreman Donald E. Stauffer, the trees in the upper part of Cold Springs campground were given "surgical and pruning work" (Platt NP 1934d) and a section of Cold Springs campground was closed for several years so that the vegetation could recuperate from heavy use.

The campground was rehabilitated between 1935 and 1939 under an organized campground plan "according to the ideas approved by" Dr. Elmo P. Meinecke, a renowned plant pathologist (Branch 1936). Meinecke had developed a system of campground planning for the NPS in the 1930s that included road design, parking, and restoration. The plans for Cold Springs Campground, which consisted of 15 acres, were completed during the fourth period (October 1, 1934–March 31, 1935), and development of the area began in April 1935. The Cold Springs comfort station construction was begun on July 19, 1935, under ECW construction. The buildings were a "departure from any previous masonry done in the park," as the material was a rough, dark, gray and brown sandstone of large and irregular shape. The largest individual stone weighed approximately 6 tons (CCC 1935a:3). According to the construction report, "the appearance is much more natural in effect than the yellow-brown limestone previously used, and blends more inconspicuously into the landscape" (CCC 1935a:3), and the restrooms were "fine examples of rustic architecture" (CCC 1935b:2).

The Cold Springs masonry, completed in October 1935, "will probably determine the type of future stone work used in the park" (CCC 1935d). Fireplaces for the 66 campsites were constructed of the same stone as the restrooms in September 1935. In March 1938, the building crew completed the checking station, and "the appearance of this structure [is] unusually pleasing" (CCC 1938).

Priority was given to minor improvements in the campground to make it ready for the season opening. One CCC worker interviewed remembers planting Bermuda grass at Cold Springs, which they acquired along the shoulders of the road in the black part of town (Interview Pollard 1996:12). In 1939 the superintendent reported that the campground opening was postponed "one more season" to give

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[16]Only three exist today.

the new vegetation time to get established; besides, the drought had caused Travertine Creek to become dry, and its "main attraction" was the swimming pools (Branch 1939).

A report of proposed CCC projects recommends that the Bromide Springs Pavilion project be carried out "as no single improvement would add more to the attractiveness of the entire park, or more to the serviceability of the Public dependent upon the Medicinal Springs" (Platt NP 1935a).

In June 1934, the preliminary drawings for the Bromide Springs Pavilion were reviewed and the building approved as an ECW project (Platt NP 1934d). In late 1934, the Bromide pavilion project was canceled because of an order in regard to ECW enrollees performing skilled labor (CCC 1934). This issue must have been resolved right away, because the Bromide Springs Pavilion retaining wall and footings were being constructed in late February 1935 (CCC 1935e). In September 1935, the sketches for the Bromide pavilion were sent to San Francisco for further study (CCC 1935a). The completion of the pavilion for public use was scheduled for October 1, 1936 (CCC 1936).

> The public heartily approves of the new structure. The directional and information signs, paper cup containers, and disposals, and flag pole details which were neglected in the original designs are now being worked out to round out the project (CCC 1936a).

The Pavilion Springs pavilion was a much more difficult project. The first problem encountered was uncovering the old underground facilities, such as the former town site water lines, drain lines, walls, and floors that were found during excavation. The CCC crew dug down seven or eight feet, but left the old inverted concrete funnel in place over the main flow of the largest spring, known as Big Tom. This served as a form in which to place a more substantial one, as the old funnel was leaking badly and did not cover the entire area of the spring. The underground work took more time than anticipated and delayed the completion of the structure (CCC 1936).

The CCC crew built up the area around the spring with rock and concrete. The next day, the CCC placed tar on it and then more concrete, continuing with these layers until it was high enough that it did not backfill with water (Interview Beaver 1996:2). In December 1936, after encountering "almost insurmountable difficulties in the control of the spring water," the sub-floor’s "monolithic slab of concrete" was completed, seats were put in the exterior walls, the floor was prepared for flagging, and the timbers, which came from Washington State, were adzed and sized (Interview Beaver 1996:5). The incredible huge rock that serves as the fountain was Foreman Kodiak’s idea. The crew put it in place using crowbars; a windle, which is a hoist; and a lot of labor. There was no plan for shaping it, they just "kind of rounded it off" with chisels (Interview Beaver 1996:4). The planner predicted "that this structure will be the most successful yet built in the area" (CCC 1936a).

The February 1937 monthly narrative report states that ECW construction work had been "confined to the Pavilion Springs Pavilion" and the stonework was "under way again after a long delay due to freezing weather," but it was hoped that the structure would be completed in March 1937. The March report states that the pavilion had taken much longer than anticipated, and that stonework had "gone ahead very slowly due to the irregular character and formation of the rock chosen for the structure," and it was not expected to be completed until early May (CCC 1937d).

In May 1937, Pavilion Springs was still far from completion. "The fault seems to lie in the character of the stone obtained for the structure," as it

required a great deal of hand cutting. "This sand-conglomerate cap rock will not be used in further structures if any other type of stone can be found available" (CCC 1937e). Chickasaw National Recreation Area Landscape Architect Ken Ruhnke has recognized the numerous chisel marks on the rocks today.

By July, the roof and stonework were completed, but approach walks, steps, and grading were delayed due to the absence of the landscape foreman.

The August 1937 narrative report notes that "Pavilion Springs pavilion is now complete and will be opened to the public August 22nd" (CCC 1937b). CCC enrollee Frank Beaver says that it took them a year to build the pavilion. The rocks were hauled by the CCC boys from the Dolese Brothers plant southeast of Dougherty, near Big Canyon. The block-and-tackle method was used to move the huge stones for the pavilion construction. Frank Beaver believes the mortar has lasted so long because it was laid in two layers. He recalls animal bones and various things that were dug up at the spring location. There were eight men who built Pavilion Springs. The names of six of the men are Frank Beaver, Harvey Smith, Doyle Smith, Curtis Harvey, Ninna Hogg, and Roy Radie. They would work about two at a time, unless there was more to do, and then all eight worked together. A man named Kodiak was the supervisor and he had masonry experience. Kodiak oversaw all the construction work in the park (Interview Beaver 1996). Delbert Gilbert also mentioned Ralph Dodson as a masonry man (Interview Gilbert 1996:4).



KEN RUHNKE INTERVIEWING FRANK AND VINITA BEAVER



PAVILION SPRING

"To me, the pavilions are just kind of a monument to some real good construction work" (Interview Cobb 1996).

The Bromide Springs entrance portal of native brown limestone and gray and brown flagstone is "a fine example of rustic architecture" (CCC 1935b). The construction of the entrance pylons was completed in March 1935. The most striking part of the overall design of the entrance is the artesian well, "visible a long way approaching the entrance" (CCC 1935c). The completion of the entrance court of flagstone, enclosing a pool, was "a fitting introduction to this area of medicinal water" (CCC 1935d), and the "single jet fountain, rising 30 feet in the air has given life to the entire surroundings" (CCC 1935a).

Plans for the recreational dams on Travertine Creek were completed by the San Francisco office and dated May 1935. The plans include recreational dams at Niagara Falls, Bear Falls, Central Campground, and two at Garfield Falls. This project, ECW 7-123, was submitted as a carry-over for the sixth period, October 1935 to March 1936, but no reports have been found by the authors that describe the construction of the dams. Superintendent Branch included photos of the swimming pool development at Little Niagara and Bear Falls in his 1936 annual report (Branch 1936).

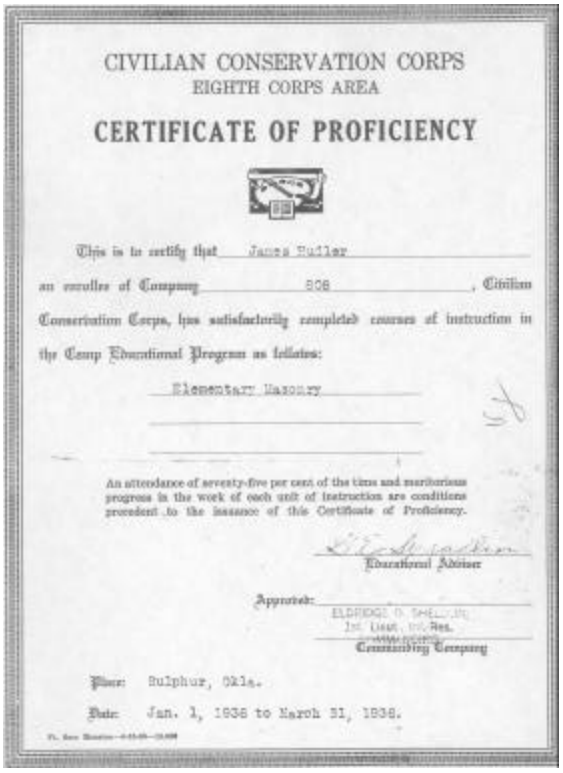


RECREATIONAL DAM, GARFIELD FALLS



LITTLE NIAGARA

None of the interviewees worked on the dams, but the wife of CCC enrollee James Hudler gave the park a copy of his "Certificate of Proficiency" for a three-month training course he took in elementary masonry between January and March, 1936 before he began work on the dams (CCC 1936b).



CIVILIAN CONSERVATION CORPS
EIGHTH CORPS AREA

CERTIFICATE OF PROFICIENCY

This is to certify that James Hudler

an enrollee of Company 808, Civilian Conservation Corps, has satisfactorily completed courses of instruction in the Camp Educational Program as follows:

Elementary Masonry

An attendance of seventy-five per cent of the time and meritorious progress in the work of each unit of instruction are conditions precedent to the issuance of this Certificate of Proficiency.

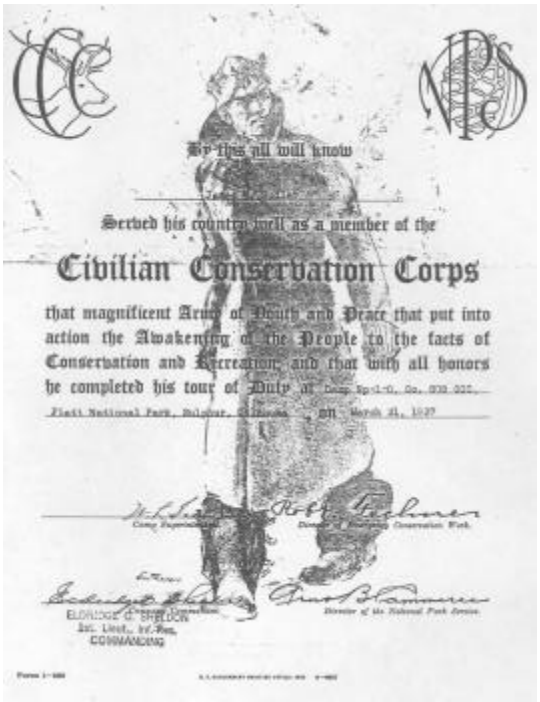
Educational Adviser

Approved:
ELDRIDGE O. SHELDON
1st Lieut., Inf. Res.
Commanding Company

Place: Sulphur, Okla.

Date: Jan. 1, 1936 to March 31, 1936.

JAMES HUDLER'S CCC CERTIFICATE OF PROFICIENCY IN ELEMENTARY MASONRY, 1936



By this all will know

Served his country well as a member of the

Civilian Conservation Corps

that magnificent Army of Youth and Peace that put into action the Awakening of the People to the facts of Conservation and Recreation, and that with all honors he completed his tour of Duty at Camp Sp-1-O, Co. 808, 825, Platt National Park, Sulphur, Oklahoma, on March 31, 1937

ELDRIDGE O. SHELDON
1st Lieut., Inf. Res.
COMMANDING

Director of the National Park Service.

JAMES HUDLER'S CCC COMPLETION TOUR OF DUTY, 1937

One CCC worker remembers shouldering the highway through the park "by all the swimming pools" along the Travertine Road (Interview Pinkston 1996:10).

> It was a 10-inch commercial road, and they laid 4 to 5 inches of asphalt down. You've got to have something to hold asphalt, or it will crawl around-so we put a red clay gravel down, called Troy gravel, and we made a shoulder about 3 foot on each side all the way up. We tamped that clay down and that held the asphalt. All the way from where you turn off to the nature center, to Buffalo and Antelope springs, and all the way around (Interview Pinkston 1996:10).

The rock crusher for the roadwork was located on the W. L. Scott Ranch, just below Veterans Lake and Rock Creek. W. L. Scott was the CCC camp superintendent until his son, W. L., Jr., took over as camp superintendent in January 1935. Scott "was the one who built most of the comfort stations and the well houses" (Interview Pinkston 1996:11).

The rock crushing operation was located on Scott’s ranch, 2½ miles south of Buckhorn, and was operated by Tom Collins (Interview Cobb 1996:4). The men would gather the limestone rock and send it up to the top of a hill, then it would come down a chute into the dump trucks, and the truck drivers would haul it from the crusher to the park and spread it with graders. This crushed rock was also used on the trail to Buffalo Spring (Interview Pollard 1996:18).

The CCC camp cook would prepare meals that were brought to the rock crushing operators. Usually these were hot lunches, including sliced pies. Years after working on this project, Earl Pollard went back to visit the site.

> I was way back down there where the rock crusher was and I looked up in a fork in the tree, there was a pie pan up there that had 808 on it. And I got it and brought it back to the Nature Center and gave it to them. I got a letter from the park superintendent on that.
>
> We used to go up-we'd go out west of town and turn back through a ranch and ford the creek to the crusher. When the creek was too high to ford, we'd work in the park. What we'd do is pull clover, which was not a natural plant for this part. We'd pull it and set these little buck bushes back in place. These little small bushes with red berries on them. I think we got rid of most of the clover on the road shoulders. They were making them look natural. The construction supervisor said that all landscaping was "nature faking." The shoulders had been graded and they wanted to make it grow back natural (Interview Pollard 1996:2-3).

The CCC men conducted mostly landscape work in the park because there was an outstanding need for it.

> When the CCC camp was first installed at Platt, it was clearly evident that one of the first and most important tasks of the whole program would be the care and protection of the existing trees, which constitute one of the chief attractions of the area; and consequently, a comprehensive program for the treatment of the whole park was instituted (Platt NP 1934a:5).

Donald Stauffer, the cultural foreman or chief forester, developed a program to protect, rejuvenate, and reestablish "deforested areas" (Platt NP 1934a:5). The goals of the planting projects were to "restore the park to its original condition" and to be "of an ornamental nature, to strengthen the Park boundaries, and add to the general attractiveness of the Park" (Platt NP 1934a:5; 1935b:5).

> Work of this nature, planting, can easily be over-done and to a useless end, especially in an area of this type-of marked contrasts. In the fertile valleys of Rock and Travertine Creek plants grow with almost tropical luxuriance, while only a short distance away only grass, and hardy weeds and a few hardy tree and shrub species thrive of their own accord. We have attempted to take this into consideration in our planting program…. It will take this area years, if ever, to recover from haphazard planting and small farming operations which were practiced on the park a number of years ago (CCC 1934a).

Under the supervision of Forestry Foreman Stauffer, 550 large cedars were brought into the park during the winter of 1934. These trees were from 3 to 30 feet in diameter. Approximately 100 large balled hardwoods were also planted, including oak, elm, hackberry, chittam wood, and tree plum. The total number of shrubs planted was close to 25,000, and included dogwood, chaparral, fragrant sumac, common sumac, red bud, red haw, corral berry, black haw, wild rose, privet, and euonymous. During the same period, 1500 trees were trimmed (CCC 1935). A complete list of trees, where they originated, and where they were planted in 1933 is included in Appendix B.



"Tree Crew at Work"
(CHIC Archives 0024)

During the winter of 1934-1935 two areas of the park were reforested. A large field adjacent to the Pavilion Springs Trail was planted with oak and walnut from seeds collected in the park. This was an area that was cultivated for numerous years and had grown into weeds. On Bromide Hill, between Rock Creek and the ridge, 3,000 native red cedar seedlings were planted. The CCC also built the trail up Bromide Hill, moving many rocks with dynamite. The steep and rocky hillside made plant survival difficult; the same number of trees had been planted there the year before with only a 20% survival rate, so it was necessary to revegetate this area to prevent soil erosion. Apparently, it had historically been covered with large cedars (CCC 1935).



CCC STONE STEPS
Pavilion Springs/Travertine Creek Trail

A trial planting of 21,800 bois d'arc and 1,400 persimmon seeds was started in several barren areas of the park. Rock Creek was planted with shrubs after revetment and the slopes of the creek were planted in Bermuda grass. The Bromide Hill road was landscaped to give this highway a park like appearance and the grade was extended into the natural slope and planted with Bermuda and prairie grass (CCC 1935). Truman Cobb commented that he "took care of those slopes. They put us to doin' somthin' that would last, and make something beautiful. You go today, where they're building highways and it's just an old barren cut there and nothin' pretty about it. But we sloped those things, leaving the boulders, leaving the outcroppings that would be picturesque…. We might work half a day around one boulder… kinda like an artist" (Interview Cobb 1996:18).

Complete reforestation was accomplished under the CCC program, which ended in 1940. The CCC planted 800,000 plants, including 60 tree species (Barker and Jameson 1975:24).

> We carried fire buckets of big heavy gauge down to the creek and filled two of them and come up and watered each one of these little old bushes and hedges that we planted, the whole crew did (Interview Pinkston 1996:27).
>
> . . . . . .
>
> They pruned oaks, and elms, and sycamores. There were 200 boys cleaning the park. It's never looked that good since (Interview Pinkston 1996:15).
>
> . . . . . .
>
> The tree pruning gang climbed trees with a 670-foot rope, and you had a saddle that went around each leg and around your waist with a tail rope like this. You'd coil the rope and throw it backwards, higher than you can out front, and we'd throw it to the first limb and climb up there and go to the top, and if you was smart enough to tie it to a limb that wouldn't break, you could go everywhere. You might break one off and come back to the tree, that was when it was fun-when your limb cracked we'd all go to laughing because if you didn't turn like a cat will turn on its feet and hit the body of that tree with your feet, you got skinned up a little bit.
>
> Every morning we'd examine that rope, but Stauffer would always put a little fun in it, he'd say, "Now, if you ever break one of those ropes, I'm going to give you a brand new one." We had an army pistol belt, and we had a hand saw on one side and a little can of liquid asphalt and a brush on the other side…. You had to paint it. It didn't do any good, but we didn't know that then. You had to get out there some way and you had to paint that cut. It was a lot of fun. We were about 17 years old and we didn't care if we fell out of that tree (Interview Pinkston 1996:8).
>
> . . . . . .
>
> They schooled us on not hurting the trees. Don't break no green limbs off, you know, and we took that schooling. We wasn't allowed to cut a green limb, just the dead ones that probably might fall, so we'd trim them, and we had all this buckled on our belts, saws and everything. Why we'd climb them trees like a squirrel. Get up to that first limb, why you undo it and throw it up and get another limb. You'd go plumb to the top of the biggest ones… along the roads and the creeks (Interview Gilbert 1996:21).

Around Bromide Springs were many large post oak and pecan trees. The CCC boys would put expanded steel in the cavities and pack concrete in so that the bark eventually grew over the hole.

> I asked the old guys one time that work in the park, I said "You all ever run into any concrete?" and they said "we cuss you guys every time we tear up a saw" (Interview Pinkston 1996:9).
>
> . . . . . .
>
> At that time they protected the parks a lot more than they do today. I mean, if a tree got scarred up, somebody would be down here fixing it. They would fill that with cement and then put stuff like tar over it to heal the wound, and even until today, sometimes they'll cut trees down, and there's been a few of those slabs of cement still in them (Interview Pollard 1996:7).



"Tree Surgery"
(CHIC Archives 0037)

The CCC had a nursery "like a big garden," which the CCC boys watered. Today you can still see pine trees there. "There are 6 or 8 pine trees scattered up the creek and I am sure the CCC put those in. They are about 100 yards down from Cold Springs on the left side of the creek. At one time there was a little bit of a wire fence around this area and you can see where the nursery was" (Interview Kennedy 1996:14). Earl Pollard says that "a lot of trees have grown in. It's so much different, but it does have a lot of fond memories. I can visualize it" (Interview Pollard 1996:14).

The CCC also had a student enrollee work with Landscape Foreman George Merrill to collect 600 species of plants between 1935 and 1936 (CCC 1935a). The plants were identified at Harvard University and the park's curatorial facility houses the herbarium today.

The CCC constructed "a carefully planned trail system about 6 miles in length traversing the entire length of the park; affording access to various points of interest" (Platt NP 1942). A trail system "leading through the park to the various points of interest along the streams" had been recommended by the NPS San Francisco Office as early as 1922 (NPS 1922).

NP-1 closed June 29, 1940 (CCC 1940), and they "took us to Davis and loaded us on a train." The company ended up working on the Timber Creek Campground at Rocky Mountain National Park (Pollard 1996:5,16).

The CCC enrollees interviewed remember their time at Platt National Park fondly. One CCC worker remembering Black Sulphur Springs said that:

> In that old camp in the summer time, we'd have bed check, you know, 10:00 I guess. Anyway, after bed check it was too hot to sleep. We'd get up and put our clothes on and go to Black Sulphur Springs. We'd sit there in the cool and drink that water. You get to where you just kind of crave it. We would just sit there out in the cool wind and drink that water until about 1:00 and slip back in camp and go to bed (Pinkston 1996:19).
>
> . . . . . .
>
> Sulphur used to be a lively place. Very lively. The CCC camp didn't have any air conditioning, and we'd open the windows and doors at night, and the music from the honky tonk, if we weren't up there, would put us to sleep every night. It was a noisy place. It was probably three blocks or more from where we were at in the CCC camp and you could hear the music every night. I was always partial to Bob Wills. You could go, but you had to be back in bed at 10 O'clock. They had a bed check, but a lot of times they'd come and crawl in bed and pull the covers up, and twist the cover back after bed check and take off again. About the most pleasant part I guess is being in the prime of your life and enjoying it. And I enjoyed the park real well. It's still like home (Interview Pollard 1996:17,20).

CCC interviewees would like to see a monument at the camp location or some kind of plaque to show what it was like. They think that visitors to the park should have a better understanding of "how much work and how much good they did" (Interview Pinkston 1996:27). "If nothing else, just a sign that says this site was the home of the CCC Company 808" (Interview Pollard 1996:14). Perhaps an interpretive wayside could include the wonderful statement below from the CCC enrollee completion of duty certificate (USGPO 1934).

[The CCC Enrollee]

Served his country well as a member of the

CIVILIAN CONSERVATION CORPS,

that magnificent Army of Youth and Peace that put into action

the Awakening of the People of the United States to the fact of

Conservation and Recreation

Chapter Six

AFRICAN-AMERICANS AT PLATT NATIONAL PARK

FREEDMEN

The Five Civilized Tribes signed a peace settlement treaty in 1866 that required them to free all their slaves and to adopt them as citizens with full rights in the respective nation. The Chickasaw denied their freedmen not only the right of suffrage; especially provided for in the treaty, but also denied the children of freedmen the right to participate in the Chickasaw schools (US Senate 1894). A freedman's school was established at Fort Arbuckle in 1872 (Gibson 1971:293).

The Chickasaw requested that the freedmen be removed from the nation in 1868; however, they couldn't force them because the treaty stipulated that the freedmen did not have to move. In 1885 the Choctaw adopted their freedmen, but the Chickasaw refused. In signing the Atoka Agreement of 1897, the Chickasaw were required to enroll their former slaves and subsequently all freedmen born before October 31, 1899, received 40-acre allotments within the Chickasaw Nation. In 1906 there were 4,670 enrolled Chickasaw freedmen (Gibson 1971:306).

COLORED TOWN

Bordering the park's northeast boundary is what was known as Colored Town, Black Town, and other less appropriate names. Title research would be necessary to determine if this area was originally a freedman allotment. The area appears within the 3rd town site. It is possible that the former occupants of this area were descendants of slaves. Some of the names of former residents of this community are freedman surnames, as were found on the website http://members.aol.com/angelaw859/freename.html. Several families still live in the area; among these is the Ervin family, associated with the Choctaw freedmen, while the Bruner name is from the Chickasaw freedmen. The Cade name is not mentioned in the list of names associated with any of the freedmen of the Five Civilized Tribes. In 1870 newly freed Negroes moved up from Texas (Gibson 1971:291), and the Cade family may have come to Sulphur at that time.

Sulphur's black community once comprised approximately 300 people. The residents were employed by many of Sulphur's hotels and bathhouses, as well as day laborers on farms. Once farm mechanization began to replace manual labor, and the resort era began to decline, residents of this community had to move to cities where jobs could be found. According to Cleve Ervin, "they started moving out in the 50s, and I'd say by the mid-sixties most of the people had moved away" (Interview Ervin 1996:12). Many moved to Davis and some of them moved east to work for the car companies, like General Motors in Illinois.

> Oh, all the people-all the ones that aren't dead-they just gradually moved away on account of there wasn't enough work here. I guess you could say I'm about the only one besides the Cade's that stayed here (Interview Ervin 1996:11).

Today there are only three black families (6 people) that still live in this community. Many others still own their property, "but it's all grown up-it's a wilderness over there" (Interview Ervin 1996:11).

Eugene Cade's mom owned the land where the city's water pump station is. His father was the first black child born in Sulphur. "I got some kids but they all left here." Mostly blacks still own the land (Interview Cade 1996).

Delbert Gilbert said that "they used to have big camp meetings in the summer, the colored people would, and they'd have the biggest white one over there too. I've been over to the church-they'd preach all night. Along in there where the bar is built there was a tabernacle. It was colored, but white people could go, it would last sometimes all night. There was preaching and singing. They sure had good music" (Interview Gilbert 1996:32).

Cleve Ervin recalls that "all the really big changes took place in Sulphur in the sixties. In the sixties is when they integrated the schools, white kids and black kids started going to school together" (Interview Ervin 1996:11).

"IT JUST DOESN'T SEEM REAL"

In 1923 the Ku Klux Klan (KKK) began planning for a parade at Platt National Park. Superintendent Robert Morris wrote the NPS director for advice on the protocol regarding the wearing of the KKK regalia in the park, and noted that it was a violation of Oklahoma state law (Platt NP 1924). On June 2, 1924, Acting Director Demaray responded that "the Department and its officers will not undertake to interfere in any case with visitors to the parks or what they shall wear" as long as they "comply with existing laws, rules, and regulations" (DOI 1924a). On the same date, Demarary submitted the following regulation for approval.

> No person shall be allowed to enter or remain in any national park or national monument while masked or otherwise disguised so as to conceal his identity (DOI 1924b).

This 1924 advertisement is a disturbing pictorial of these times.





KU KLUX KLAN GATHERING
(PLATT NP 1924b)

> The only way we could come across town at night would have to be on Main Street. You couldn't get off Main. They'd run you back or arrest you. During that time any restroom or café, if you wanted anything you'd have to go in the back door. If you went into a restaurant you'd have to sit on boxes back there (Interview Ervin 1996:10).
>
> . . . . . .
>
> We had two theatres, one was where the bank is, but we couldn't go to that one. We always went to the other one. They had a balcony where blacks could sit. You know, looking back at those days, it just doesn't seem real (Interview Ervin 1996:35).
>
> . . . . . .
>
> We had our own little school out there; the school was located where that big vacant lot is south of Retha Condriff's house. We had two teachers, and you went to tenth grade. You had to go to the black school in Davis to finish high school (Interview Ervin 1996:11).

"COLORADO PEOPLE ONLY"

> They had a sign up at this one swimming hole at Central Campground, and a sign at the entrance to it-"Colored," and that was the only place colored folks were supposed to go in the park at that time. In that old water hole, I learned how to swim right there. I was nine years old and my uncles threw me out there and told me to swim or drown, and I swallowed about five gallons of water and they started in after me and I beat them to the bank (Interview Ervin 1996:9,28).

Earl Pollard remembers "one of the CCC boys, George Lucas, was standing up in the bed of the truck and he misread that sign; out loud, he said, "Colorado People Only." That's how I remember what the sign said" (Interview Pollard 1996:11).



CENTRAL POOL

> The sign was back up there by the gate [into Central Campground]. Anybody that wanted to use the pool besides black people could come in and use it, you know. They never ran them off if they came here, but they'd run us off if we went to the other swimming holes. We'd swim all day and we'd

> go to the movie, and when we'd come out of the movie at 10:30 or 11:00 at night and we'd go swim at Panther Falls until 1:00 or 2:00 in the morning. The only reason we went to Panther Falls is because there wouldn't be anybody there at that time of night. It was a better and bigger swimming hole. The colored weren't supposed to go there (Interview Ervin 1996:9).
>
> . . . . . .
> We used to swim right down there [Central Park] and jump off that rock. Only coloreds could swim there then. I had a ball in there. I sneaked down to Panther Falls. If they catch you there you got in trouble. Anytime we'd see them we run away. If you got caught they put you in jail or give you a fine (Interview Cade 1996).

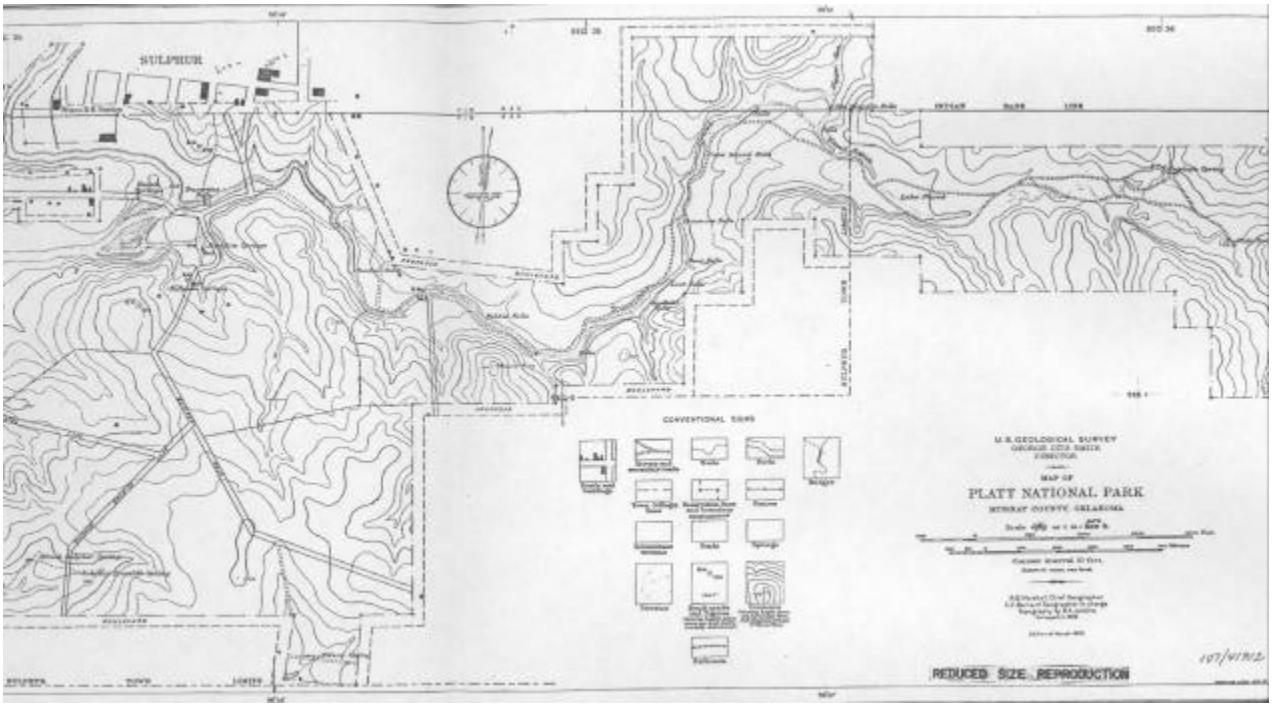
"KEEP A STEPPING"

Eugene Cade told how "it wasn't hard then, but now it is." Eugene finds it hard to go back to the park; "I can't hardly go over there." "I was scared of them." You could get water at Bromide if you were black "as long as you didn't take long." You couldn't stay in one place. "When we'd come down to the park, we didn’t do nothing, but keep a stepping" (Interview Cade 1996).

Cleve Ervin recalled that "we could walk around the park and look, but we mostly walked around the trails or the highway, and we'd look at people, but we couldn't go where they were. It was tough" (Interview Ervin 1996:13).

Cleve has happier times in the park today.

> I take my family to the park. We go down to the lake most of the time. We had several cookouts here in the last month or so, out in the Black Sulphur area. Some of my folks from Davis came over and we just get together and go down and laugh and talk, and eat, just to get away from everything and everybody for a while (Interview Ervin 1996:15).



SHOWING FIRST COLORED CAMP
ECW PROGRESS MAP
OCT. 1, 1934 TO MARCH 1, 1935
(PLATT NP 1935)

EXCLUSIVE USE

The 1932 Report of Director Albright mentions a "small area containing a swimming pool and equipped with tables was set aside for the exclusive use of Negro visitors. As an administrative step, this procedure was highly successful" (DOI 1932:55). In the WPA Guide to 1930s Oklahoma, it notes a location "in the bend in the creek is the Negro Area (campgrounds)" (WPA 1986:368). CCC worker Delbert Gilbert remembers where the sign was that said "Colored Only." "When you go east up in the park, there's a low water bridge there [now gone], well, it's just right over there to your right, that used to be colored only" (Interview Gilbert 1996:31).

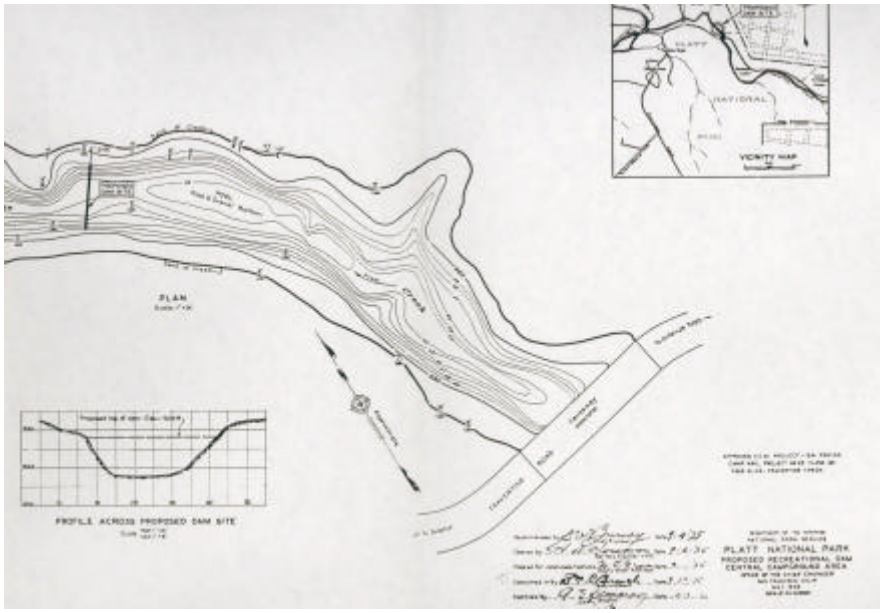
The National Park Service Bulletin contained a summary of the location; "Platt Has Swimming Pool for Negroes."

> The swimming pool and recreational area definitely segregated last month for negro visitors in the park is proving highly successful. Strange to say, a little trouble was experienced during the first part of the month by white people desiring to use the isolated part of the creek set aside for the negroes. However this has all been straightened out. The negroes have been very orderly and it has been found more satisfactory to place a negro caretaker in charge of this pool rather than a white person (NPS 1932:18).

The 1935 "Progress Map" for the CCC work shows a "Colored Camp" at Panther Falls. This map was dated April 15, 1935.

The swimming area mentioned above at Panther Falls is not the same as the colored only swimming hole that Eugene Cade and Cleve Ervin remember. They remember the swimming hole at Central Park, built by the CCC. The development of the Central Park area is mentioned in a February 1937 Monthly Narrative Report.

> The entrance road to the new negro area is complete. Further work in this area will include the placing of a guardrail and the construction of a comfort station (CCC 1937).



PLAN FOR CENTRAL PARK RECREATIONAL DAM (PLATT NP 1935C)

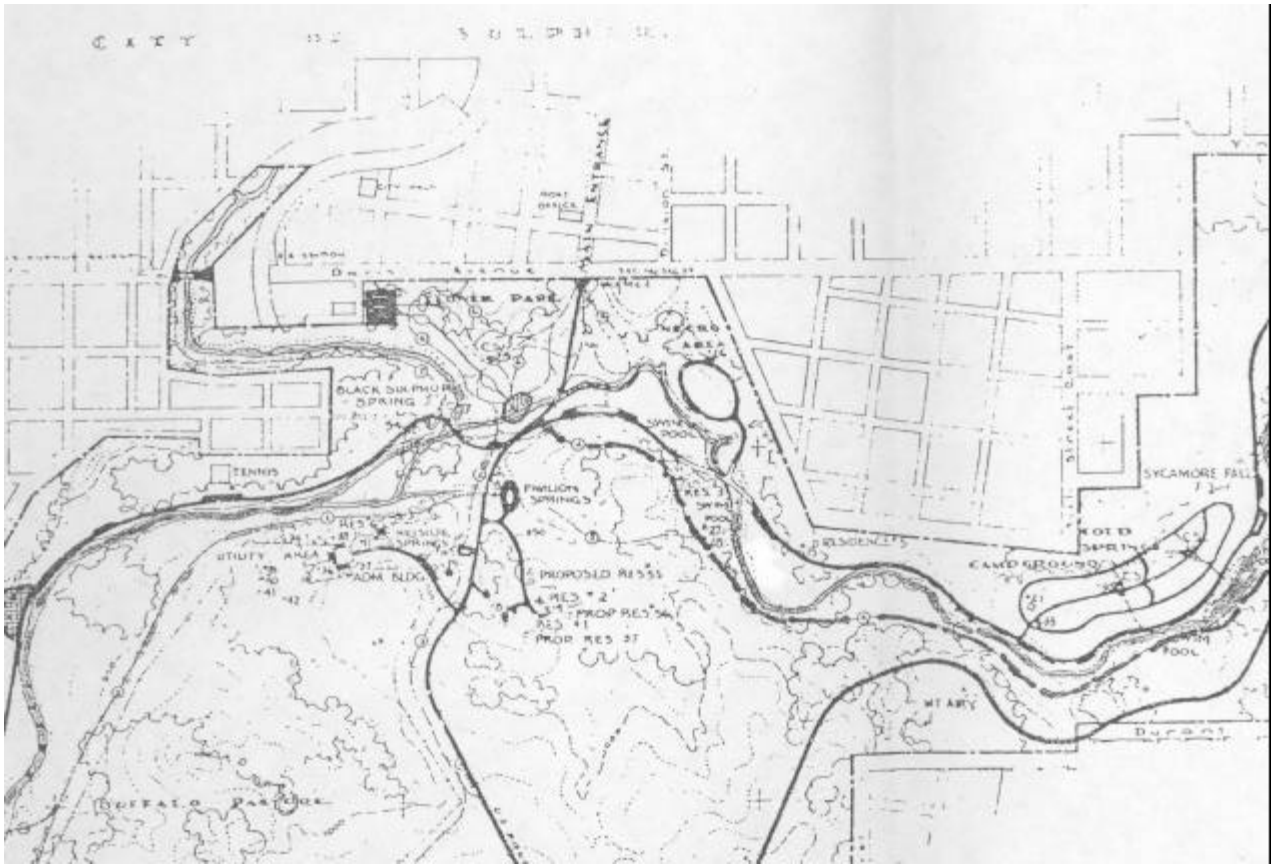
In July of 1937, the monthly narrative report states that a new comfort station was being built for the "recently established Negro area. The area is now used as a campground, but when other areas are opened for camping a permanent Negro area will be made available with all facilities complete" (CCC 1937a).

> Excavation was started on a comfort station for the new negro area on July 19. This structure will give all the necessary facilities for the area. It will be opened to negroes in 1938 (CCC 1937a).
>
> Footings are in place on the Negro area comfort station and stonework is in progress. Completion of the area will fulfill a definite need for sufficient space to allow colored people to camp, picnic and swim in one special area set aside for that purpose. The present Negro area, available only for picnicing and swimming, will remain a picnic area for general use. The old concrete dam will be removed to better naturalize the creek at this location[17] (CCC 1937b).
>
> The comfort station started late in August is now complete except for fine grading and general improvements around the structure. This utility

[17] If this is Panther Falls pool, the dam was never removed.

> building will complete the improvements necessary in the negro area (CCC 1937c).

The Master Plan development outline dated 1940, proposed to reorganize Central Campground into a picnic area, and the eastern half "to service new Negro area" (Platt NP 1940:3-1).



NEW "NEGRO AREA" FROM MASTER PLAN (NPS 1950)

In the 1940s things began to change, as former Chief Ranger Lonnie Shaffer recalled:

> Back when Cal Miller was the superintendent he told me he was expecting two people from the regional office. Well, they finally got here, so he wanted to ride with them and talk and he asked me to drive the car. I was driving around through the park and we drove into Central Campground. There was a big old sign, it had been there all my life, and I didn't know any difference, "COLORED AREA." Regional Director Minor Tillotson said, "Whoa, wait, back up!" And he wanted the superintendent to explain that. Well I thought it was very obvious… and it came down that day, before the sun went down. This was in 1946 or 1947 (Interview Shaffer 1996:46).



LONNIE AND FRIEDA SHAFFER

CONNOTATIONS

The removal of the sign did not change people’s viewpoint, as Cleve Ervin remembers.

> This one ranger, he ran us off from there several times. Even after they had to take down the signs and all that so we could go anyplace we wanted. For several years after that, we'd go to the swimming hole and if there were some white people swimming there, they'd all get out and leave (Interview Ervin 1996:9).

Brenda Ringer recalled her mother telling her not to swim in the Panther swimming hole, she'd say "you can't swim there, 'cause you'll get polio there." Ringer pointed out that "a lot of polio came from the swimmin' holes. That's what they believed…. But *this* one, I think the parents said that, because they were really prejudiced…. The Texas people didn't know that, and when they would come, they'd swim there. And I said, `Mama, they're swimming in it!´ `Well, they're gonna get polio!´" (Interview Ringer 1996:25).



ADVERTISEMENT FOR POLIO INNOCULATIONS
1960 NATIONAL GEOGRAPHIC

Today Cleve Ervin relates:

> There is never a moment when I drive by there that I don't think about that. We had fun, no matter what people thought, because my mom always taught me to just treat people how you want to be treated, and we never- we try not to ever let it get to us (Interview Ervin 1996:36).

In 2001 Jacilee Wray returned to the park for a brief visit. While driving by the Monkey Tree, she saw a large group of people picnicking and children climbing the tree, so she stopped to take a photograph for this report, as we did not have any photos of African Americans enjoying the park. She walked with one of the children from the group and told him about the tree and how it was called the Monkey Tree because kids like to swing on the branches and play on it like monkeys. She then asked the boy if he would mind if she took his photo and he shyly acknowledged it would be all right. While taking his photo climbing the tree, the mother of the child came over and asked her to stop taking photos. She said, "I know what you are doing-you want a photo of him in the tree because it's called the Monkey Tree." Walking away in complete remorse over the situation, she had the awful realization that a long time ago black people suffered the derogatory comparison to monkeys. She felt sick, and wished that those memories would be gone for future generations of children. Unfortunately, for that young man, the Monkey Tree will now have that connotation.



KIDS IN MONKEY TREE

Chapter Seven

IT'S THE WATER

Effervescent, clear, cool, and palatable, these waters come fresh from the rocks and gravel of the great apothecary, where Nature compounds them (Arbuckle Historical Society 1984).



GARFIELD FALLS POOL

In a July 1919 park report, the superintendent said "Platt is celebrated, not so much for its beauty, and even this is called incomparable-as for its wonderful medicinal and fresh water springs" (Platt NP 1919b). The springs are what have drawn people to this area for generations, and it was for the protection of these pure waters that a park was created here.

The origin of the springs lies well below the Arbuckle Mountains, which form a great arch, 60 miles in length and 7,000 to 8,000 feet thick. As the tops of the mountains eroded over time, a stream carried the worn material away and piled it along the mountain’s base. This consolidated material, known as the Pontotoc Conglomerate, is exposed within the park. Below the Pontotoc Conglomerate is a 600-foot-thick layer of Viola Limestone, and below that, the Simpson Group Formation extends 1500 feet lower (Gould 1939:7-8).

During a process of uplift, faults and folds developed, giving rise to anticlines and synclines. An outcrop of the Simpson Group plunges to the northwest, and this syncline, which begins southeast of the park, forms the intake area for the water in the Sulphur artesian basin. The water passes beneath the Pontotoc Conglomerate underlying the park and flows down through the porous limestone and shale of the Viola and Simpson Formations, then rises to the surface through joints or fissures to form the springs in the park (Gould 1939:8-10).

Buffalo and Antelope springs originate directly from the Pontotoc Conglomerate. These springs have no taint of sulphur; however, lime and calcium carbonate accumulate as the water percolates upward and form the travertine found in Travertine Creek (Gould 1939:10).

In 1902, geologist Joseph Taff classified the waters of the Sulphur Springs Reservation into four categories:

- Sulphur Springs: The largest group of seven springs issues from Pavilion Springs and from Hillside Spring. Three more springs are located on the West bank of Rock Creek, immediately above the mouth of Sulphur Creek. The public resorting here extensively used all of them. The Rock Creek Springs are bottled and shipped by a private company. The waters are slightly saline and contain sulphurated hydrogen gas. After exposure to the atmosphere for a day or more, the gas escapes.

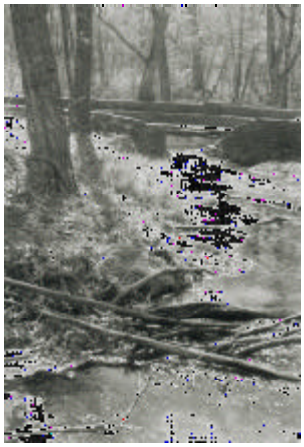
- Bromide Spring: There is a single bromide spring of small volume at the base of Bromide Hill. It is strongly saline and valued by the public for medicinal properties.

- Bromide Sulphur Springs: Now called Black Sulphur Springs. There are two springs of small volume on a branch of Rock Creek that contain small quantities of both sulphur and bromide and are considerably saline.

- Wilson Springs: Five springs on a branch of Rock Creek. Their flow is minimal and their mineral properties contain a minor amount of sulphurated hydrogen gas (DOI 1902i).

Geologist Taff did not mention the fresh water at Buffalo and Antelope springs, which, according to a railway brochure, produced 5 million gallons daily around 1911 (Santa Fe n.d.[a]:8).

Today, Buffalo Spring is encircled by beautiful CCC masonry work that somewhat resembles a kiva (a Southwestern Pueblo Indian ceremonial structure). The bottom of the encasement is sometimes covered with bright green algae, under which tiny bubbles of water percolate into the pool. The water leaves the spring through a small opening in the masonry and flows into the creek among the watercress. The setting is a combination of nature and human masterwork. This is a setting out of a child’s fairy tale. From the springs visitors walk a path made by the CCC that crosses several waterways.



BUFFALO SPRING



STROLLING ACROSS BRIDGE NEAR BUFFALO SPRING

Antelope Spring emanates from a small cavity under a large rock of conglomerate limestone. On top of the conglomerate rock is a rolling prairie, now partially wooded. There are no characteristics on top that would associate it with the amazing scene below. This is truly a magical spot.



ANTELOPE SPRING

Frank Miles, an Indian born in the area, told the park service architect in 1916 how Antelope Spring was historically known as Buffalo Spring because of the "striking likeness from a certain point of view of a buffalo with its calf running at its side, formed by a rock in the center of the spring" (DOI 1916a).

Marian Crowley, born in 1903, remembers having picnics at Buffalo and Antelope springs in 1909. She calls the location the "Head of the Creek" (Interview Corley 1996:3). These two favored springs were closed to vehicular traffic when the Travertine Nature Center was constructed in 1969. Some of the CCC features, such as tables, barbecues and ovens were removed-whether they were all removed at that time or earlier is uncertain, as Boeger states in his book ***Oklahoma Oasis*** that the large barbecue pit and big fireplaces were removed from Buffalo Spring around 1947 (Boeger 1987:160).

Cleve Ervin remembers this as

> the prettiest part of the park. They had big parking lots with rock walls around them and all these big picnic tables of solid rock, kind of like the ones up there at Travertine Island. And we had to tear them all out. That was around 1968, my first summer as a seasonal. We took those rocks and built little rock walking bridges across the creek and on the nature trails. I hated to see them do that (Interview Ervin 1996:17).

A large segment of the community, especially elderly people who had used and enjoyed the two springs for years, could no longer drive to them, and felt a loss, for they remembered the springs and the wonderful times they had there. The park has considered providing some form of transportation so that those who can not easily walk to the springs may still access them on specific occasions (Interview Hill 1996). However, most people who are able to walk to the springs, do so, while those who cannot, are still able to utilize the park's many mineral springs.

Many people interviewed said that the reason they moved to Sulphur was to heal a sick parent or relative. Frank Beaver moved here from Octavia, Oklahoma, in 1927, at the age of 13, because his dad had stomach trouble; while his wife moved here from Pauls Valley when she was 12 because her father had gallstones so badly he could not work. The water helped him, as he had no more attacks (Interview Beaver 1996).



FRANK AND VINITA BEAVER

People who live nearby drink the water today for curative purposes and because it tastes good. Delbert Gilbert, who lives in Nebo, tries to drink it everyday. He fills up at the Vendome well and brings it home. They keep it at home all the time. When asked what kind of benefits drinking the water has, Delbert stated, "I just like it. It could help; I don't know (Interview Gilbert 1996:17-18,24).



DELBERT AND EVELYN GILBERT

While interviewing Lonnie Shaffer, he said "I've got some good Vendome water here. Would you like to have a glass of water? All of our coffee and all of our tea is made with it." Lonnie's wife Freida said that they got the water "yesterday, so it would be aerated, and you don't smell it, and it doesn't have the taste in it either" (Interview Shaffer 1996:29).

Ina Little recalls her family taking water from the time she was a toddler around 1918. "I remember my grandpa real well; we would go down town with a jug and get some sulphur water. They had an old parrot down at the hotel and it would holler at everybody" as they passed. Ina came into town with her parents from Hickory, and they would always get water in a big five-gallon glass jug to take home. Ina still has the jug but does not know how they "kept that thing all those years without breaking it" (Interview Little 1996).



INA LITTLE

Early on, doctors and the general public had acknowledged the mineral water's medicinal qualities. A 1930 pamphlet explains how the waters heal.

> An open intestinal tract free from poisonous waste and attendant foreign bacteria gives nature the opportunity to repair any specific contracted ailment or build up the merely worn and tired body.
>
> Chlorine, appearing in all the waters, is a highly efficient antiseptic that counteracts and eradicates disease germs. Combined with sulphur, iron, soda and magnesia the medicinal value is not to be overestimated.
>
> Flushing the system with waters having an actual antiseptic value permits of no absorption of impurities into the system from foods, the blood is improved and red corpuscles multiply. This with the laxative action of the waters leads naturally to strength with which to eliminate waste, and defend the body against any attacting [sic] disease germs…. The first medicine prescribed by a physician [in] serious illness is bromide, given to calm fevered nerves and permit other treatment to gain headway. The Bromide Spring at Sulphur is unique, absolutely the only one of its kind in the world and the greatest nerve sedative known to medicine. Taken in conjunction with the sulphur waters…, [the bromide water] calms and soothes and makes recovery free from taut nerves and the overstrung condition that prevents many sufferers [from recovery] …. Bromide water in its purest state as compounded in the great medicine cabinets of the earth, is preferable to any prescription compounded in strength, purity and quick effect.



"Jugs in hand, two visitors head for Bromide Pavilion for a supply of mineral waters, for which Platt National Park is famed," 1960 (Harpers Ferry 60-JB-245)

> Hundreds have come to Sulphur bedridden or in wheel chairs and have gone away renewed in mind and body, perhaps walking alone for the first time in years and largely because for the first time in years healthy intestinal and stomach conditions permitted the manufacture of rich, red blood to send strength to diseased portions of their bodies and combat further spread of infection or breakdown (Sulphur Chamber of Commerce 1930:4,6).

When the buffalo still roamed this area, they would coat their hides with the mud at Pavilion Springs to free themselves from insects and then stand around the wallows and sip the water. Presumably the name Buffalo Suck, once used for the Pavilion Springs, originated from the sound of the bison making sucking noises as they drank the water (Sulphur Times-Democrat 1980). These same properties were found in the mud within the pools at Flower Park, and were used by the public like a plaster to heal various ailments (Interview Jennings 1969).

> I can remember, even before I was old enough to sell papers, you'd see people laying out there on their blankets and quilts…. They'd just be solid black all over. And they'd let it dry. You could just see them crawl in there and start their treatments…. They had all kinds of arthritis and rheumatism…. And poison in their system, because that [mud] would just draw it out. I've seen a lot of people who would tell me their stories later, you know, "I've been coming here for so many years. When I came here they had to carry me in on a stretcher" (Interview Shaffer 1996:18).



"Visitors applying mud, pool, Flower Park"
(CHIC Archives 0328)

The preservation of the unique waters was a concern for the earliest managers. As addressed in the first rules and regulations for the reserve, dated November 4, 1903, "no water from any spring or creek shall be taken from the reservation, or diverted or conducted from its natural course, without the approval of the Secretary of Interior" (DOI 1902g).

On June 12, 1907, the superintendent suggested that the rule that prohibited the taking of water from the reservation was impracticable, because hundreds of people in the town of Sulphur took water to their homes daily, and this practice had never been interfered with, and should not be (Platt NP 1907).

The superintendent proposed limiting

> the taking of water from the bromide, iron, and soda springs only, and prohibiting the sale or shipment of water from these mineral springs absolutely, but fixing no limit as to the water taken from other springs, except that none should be taken for sale or shipment without a license from [the secretary's] office.
>
> [The supply was abundant] from 'Hillside', 'Beach', and 'Big Tom', the latter being the principle spring in the group known as 'Pavilion Springs', and for the further reason that there is a large and increasing demand for these waters for shipment. According to the estimate of Professor Gould, 'Hillside Spring' discharges 80 gallons per minute, the group known as 'Beach Springs' 70 gallons per minute, and 'Big Tom' 40 gallons per minute.
>
> The shipment of water from 'Beach Springs' has been going on for years, as I am informed and believe, and of course without the payment of any license therefor. A bottling works located near this group shipped six carloads in 1905, and probably doubled that quantity in 1906. It is still in the business, and preparing to increase its capacity (Platt NP 1907).

Superintendent Greene suggested that a "schedule of license tolls be prepared and posted at each of the springs from which water may be taken for sale or shipment, and that the shipping of water without license" be prohibited and stopped (Platt NP 1907:2).

> At one time water was so precious and it was used so much that you could have all you wanted to drink, but you could only carry away one gallon…. I carried a lot of people water, and boy, you could make a nickel doing that. Carry a gallon of water up to one of the little apartments where they come to stay and drink the water. Con Earl Stockton… shipped it out by rail…. He shipped it out in five-gallon jugs (Interview Shaffer 1996:11).

> He would ship only from Bromide. The story goes that you weren't supposed to take over a gallon at a time. But dad was a real good friend of the superintendent of the park, and people would write in…. He couldn't drive the truck over because of the suspension bridge… so we would have to walk across carrying those five gallon jugs of water…. It was shipped all over the United States…. They would return the bottle to dad and then we would go and fill it up and ship it back to them (Interview Stockton 1996:3).

In the monthly report from March 1909, the superintendent states:

> Since the order of the Department authorizing the shipment of water from the Bromide Spring upon a physician's certificate, requests for the privilege have steadily increased. On March 31, 1909, 15 physician’s certificates had been approved and a corresponding number of orders of water issued. Shipments are made in quantities of 5 gallons each on the basis of one gallon per patient per day. Under this system water is now being shipped to various parts of Oklahoma and the States of Texas, Kansas, Nebraska, Arkansas, and Missouri (DOI 1909).

By June of 1909 a change in policy notice read:

> This is to notify you that on and after June 1, 1909, until further notice, no more bromide water will be shipped on physician’s certificates, or issued for any other purpose than drinking at the spring or immediate vicinity. This order was necessary because of the extraordinary local demands for bromide water, which require all that the springs afford (Platt NP 1909).

The bromide water gave out on several occasions in 1911 when the weather was hot and the attendance large in the afternoon. The average daily visitation at Bromide Springs that year was 613, but one day 1,044 people visited the spring. The flow from the Bromide Springs was 270 gallons a day; Little Bromide produced 40 gallons a day and Medicine Spring, 528 gallons (DOI 1911).

Superintendent French discovered Medicine Spring, near Bromide Mountain, in 1911. In a March 13, 1911, letter to the Secretary of the Interior, French writes of:

> …the great favor and preference shown for the waters of the new spring just west of Bromide Spring and known here as Medicine Spring. Under the present development of this spring the amount of water now retained in the reservoir is, but about three gallons. This is sought in the early morning, lasts but a short time, after which they sit and await the flow, consuming it as fast as it can be gotten. My idea in farther developing this Spring is to go close to the foot of the Bluff and sink a well, which will probably go below the bed of the creek, cut off this flow,

> creating a reservoir of the well, thus sunk and confine and retain the water (DOI 1911a).

In a May 8, 1913, letter the practice of shipping water was described in some detail.

> Sulphur water may be shipped to one person in quantities not to exceed five gallons per day. No person is allowed to obtain more than one gallon of the Bromide or Medicine water per day, for his entire family. Only five gallons of the Sulphur water may be obtained for one family per day.
>
> It will be necessary for you to send a prescription stating which water you desire. It can be shipped every five days, in the case of the Bromide and Medicine water, 5 gallons at a time, in 5 gallon crated bottles which cost $1.25 each, or in jugs at a cost of 65 cts. The agent here charges 35 cents for bringing each 5 gallon container from the springs, and you pay charges at your end of the line for express (Platt NP 1913a).

In 1913 visitation to Bromide Springs was 90,106, exceeding the previous year's attendance by 741. The park office filled 191 orders based on physicians' prescriptions for the shipment of water in five-gallon quantities to persons outside the city. During the year, 56,438 gallons of water were taken away from the springs, surpassing the previous year by 269 gallons (Platt NP 1913).

The Bromide and Medicine springs were confined and conveyed to the Bromide Pavilion in 1915. That year there were 161 water orders on physicians’ prescriptions for both the Bromide and Medicine waters in five-gallon quantities from people outside of the city, such as various points in Oklahoma; Texas; Kansas; Chicago; Brooklyn; New York City; and, in Hot Springs, Arkansas. A total of 5,205 gallons of Bromide water and 278 gallons of Medicine water were shipped from the park. For that same year a total of 54,430 gallons were taken at the springs; 34,971 gallons of Bromide water and 13,976 gallons of Medicine water. During a part of the season, no orders were issued for shipment, because "the supply was not sufficient to permit of its being carried from the springs" (Platt NP 1915a). Problems soon arose at Medicine Spring, because the system was flawed, and the spring filled up with floodwater from Rock Creek during heavy rains. Medicine Spring became totally submerged, making the water unfit for drinking until it could be cleaned out (Platt NP 1915a).

By 1916, 154 orders were issued on local physicians' prescriptions, of which 2,205 gallons of Medicine water and 7,829 gallons of Bromide water were shipped. A total of 58,090 gallons were taken from the springs by 100,337 visitors to the park-15,328 gallons of Medicine water, and 42,762 gallons of Bromide water (Platt NP 1916).

The amount of water permitted for removal was reduced in the park’s updated May 1917 regulations.

> No person shall remove from any of the bromide, iron, or soda springs more than 1 gallon of water in any one day, nor remove from any of the other springs more than 5 gallons in any one day, nor shall any water be taken therefrom for commercial purposes, except in pursuance of a license issued by the Secretary of the Interior. Whenever in his judgment the circumstances warrant the supervisor may prohibit the use of the waters of any of the springs in the park other than for immediate drinking purposes at such springs, the facts in such case to be reported to the Secretary of the Interior (Platt NP 1917).

R. A. Sneed was superintendent from 1914-1919, and one interviewee remembered when his father asked Sneed for more than a gallon a day because he could not come every day. "Sneed said to bring him a doctor's prescription, but that was hard to get because the doctors didn't believe the water did any good" (Interview Jennings 1969:2).

Even if doctors' prescriptions became more difficult to get, the spring waters continued to be widely used in great abundance. In 1919, 40,251 gallons of Bromide spring water, 10,657 gallons of Medicine spring water, and 5,383 gallons of Sodium-chloride water were taken. "The Bromide Spring was held to capacity, the public using every gallon and [the park was] forced to stop shipment of Bromide water during this crouded [*sic*] season" (Platt NP 1919b). On the Fourth of July in 1924, over 20,000 visitors came to drink water at Bromide Springs (DOI 1924).

Cleve Ervin remembers the use of the waters at Bromide Pavilion in the late 1930s.

> That springhouse was full of people down there every day, and they would haul it out by the thousands of jugs a day. It's an amazing thing, because just like people came from all over the world to take these baths, they came from all over the world to get that water. I've seen them drive big trucks down there, and they would load them up for hours. I mean literally hundreds of big jugs of that water and leave with it (Interview Ervin 1996:16).

In 1939 geologist Gould reported that the mineral springs in the park "flow approximately one-fifth as much water as they did in 1906." Gould believed that the "decline in flow is due very largely to the uninterrupted flow of water from the artesian wells in Sulphur," because it appeared that they obtain their waters from the same source of Simpson sandstone (Gould 1939:20). At the time of Gould's 1939 report, the artesian wells in Sulphur were "drawing from the underground reservoir approximately three times as much water annually as falls on the surface" of the intake area (Gould 1939:20). When the city wells drain large quantities of water from the underground storage, over the "course of time both the springs and the wells will cease to flow" (Gould 1939:21).

The sulphur springs continued their spells of going dry from April 1927 to August 1927; from September 1938 to July 1940; and, from December 1951 to April 22, 1952. The first written record of the springs going dry was in March 1911, but an old resident told how years ago, before there was a thought of a reservation here, he held cattle and watered at Buffalo Springs, and at one time it became so dry that he was compelled to scrape out holes at that spring to a depth of three or four feet to secure water for his stock (DOI 1911b).

The same resident related that the Indians had said the springs were dry back in 1888, 1891, and 1896 (DOI 1911b).

In 1919, the park reported that the springs were affected by drought and "have gone dry three times in the last 27 years" (Platt NP 1919b). For example, in 1911 the flow of Antelope Springs had entirely ceased (DOI 1911b), and the flow of Buffalo Spring did not exceed 25% of the normal flow. Antelope and Buffalo springs were also documented as being dry from September 18, 1912 to November 1913; from February 1918 to March 1919; in 1927; from 1938-1940, from 1951 to 1952, and in 1956. The longest episode was from 1932 to 1939. During the drought of 1956, Sulphur's water supply dropped more than 18 feet (US Senate 1962:9).

In 1939, geologist Gould reported that the Pontotoc Conglomerate, being a surface formation, responded more quickly to precipitation and drought. The springs are affected by lack of rainfall, but also "by the withdrawal of water from the city wells of Sulphur, which are located down dip from the springs and obtain water from the same source" (Gould 1939:17,20).

After the 1911 drought, Superintendent French wrote, "it would appear that the underground current which is the source of these springs must be gradually rising" (Platt NP 1912a). The Indians have a theory that a subterranean branch of the South Canadian River supplies Buffalo and Antelope springs, because every time the water in the South Canadian River went dry the springs also dried up. Gene Delay, a professional driller, believes that the waters of Antelope and Buffalo springs originate in the northeast and flow out of silica formations (Interview Delay 1996).

According to Gene Delay, the Arbuckle aquifer is a misnomer; actually there are numerous underground streams traveling "through cracks and crevices in the limestone and that's why you get it in one spot." As the water is traveling down hill, it is "dammed off by the fault lines, by anticlines, where it breaks and then holds the water. When you penetrate this it comes up because it's under pressure, that's where it got the word artesian" (Interview Delay 1996:3). The notion that "this water is going to deplete is a fallacy…. It's not because of consumption, because you're not going to hold this water, it's going to move down the line" (Interview Delay 1996:4). It will come out at a spring and "you use the water or you lose it" (Interview Delay 1996:4). Superintendent Branch noted in 1939 that the larger school of thought is that the water is supplied by local precipitation that "balances the outflow through wells and that the wells will probably not cease to flow." The revival of the springs came after a period of rain. This strengthened the belief that the "artesian reservoir, from which the wells and springs flow, is supplied by local precipitation, which more than balances the outflow during normal times" (Branch 1939; 1940).

There has always been some debate regarding the springs, and how city use of the water affects them. In 1907 the city of Sulphur proposed to construct a reservoir on Sulphur Creek near Little Niagara to divert water for the city; however, the USGS engineer "was not able to recommend the construction" (USGS 1907:8). On March 12, 1907, Superintendent Swords wrote to the Secretary of the Interior that the city was requesting to lay pipe from Little Niagara (Platt NP 1907a).



LITTLE NIAGARA

A memo to the assistant attorney general from Secretary of the Interior Garfield requested that the attorney general prepare a letter of authority for the signature of the secretary to permit the city to put in the necessary connections and dams for their water supply from Sulphur Creek, but to ensure that

> …all proper restrictions and reservations are put in the contract, so that the Government will not lose control, and that all operations on the reservation and in the use of the water and in the determination of the quantity to be used, are reserved to the Government, to be under the Superintendent of the Park (DOI 1907).

The city was granted temporary permission to obtain water below Little Niagara (DOI 1909a), and they built a reservoir on Travertine Creek above Limestone Creek in 1907. This is probably the extant upper dam at Niagara Falls.

In March 1911, when Antelope and Buffalo springs discontinued flowing, the bed of Travertine Creek was entirely dry below the city's water intake and the city had to connect to city wells (DOI 1911b). At this point, Superintendent French questioned whether, after the drought, the city should be allowed to resume taking water from the creek (DOI 1911b).

The following year, on April 7, Buffalo Spring resumed percolating through the sand at its former location, but only at one-fifth of its normal capacity. Antelope Spring broke through the creek bed 50 feet below the original outlet, with about one-twentieth of its normal flow (Platt NP 1912a). As noted in the local paper, "Antelope Spring has changed its spot, the water issuing out of the rocks about 80 feet from its previous area of activity" (Sulphur Times-Democrat 1912).

In a series of correspondence beginning in 1921, the issue of the city getting water from Travertine Creek was again addressed. The public health bureau was concerned about pollution in the creek coming from grazing cattle upstream and the effects on city water use. The park responded that even though the city had five wells, it continued to get water from the creek because it was less costly to use the water from the gravity line in the creek than to burn coal to pump the wells (NPS 1921a). Director Cammerer recommended that "the city not delay, but get all its wells in good operating order and arrange for" additional ones if necessary, and the spring supply was to be "abandoned permanently" by removing a section of the pipeline to prevent its use (NPS 1921a).

In January 1922, Director Mather tacitly granted approval to "extend their pipe line to one of the two springs supplying Travertine Creek" (NPS 1922). However, the civil engineer believed that the city "contemplated securing water from another source" because they had voted an $85,000 bond measure for water. The NPS San Francisco office recommended the removal of the dam creating the reservoir at the city's water intake, which "floods out the rapids" (NPS 1922). Soon after, the city began operating its own water source, as noted in correspondence from the city in 1924 requesting that the park pay the city for the water it received, and that leaking pipes within the park be repaired.

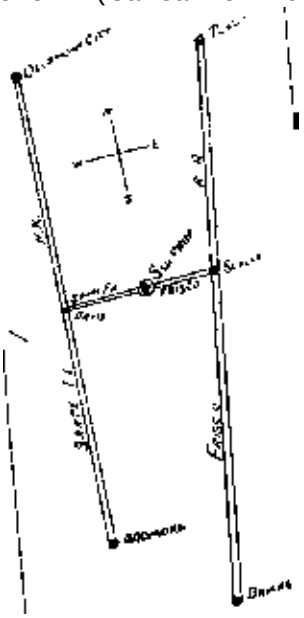
In the letter, the city recognized that what "helps and advances Platt National Park also helps Sulphur in its growth and prosperity," but city finances were so depleted, they were certain that the park would "be glad and ready to pay for the city water it consumes" (Sulphur, City of 1924). Director Cammerer responded that the city "has been tremendously helpful through its cooperation in promoting the interests of the park, although the benefits have been mutually advantageous" (NPS 1924). He goes on to say:

> An examination of the records of the Department discloses that since September 1907 until some time in 1922 the City obtained its water supply to a great extent and without cost from Travertine Creek within the park. The exact date when the City discontinued taking water from the park is not of record here. However, over a period of 15 years the City was furnished its water supply from the park. In view of the small appropriations annually made available for the protection and maintenance of Platt Park, of the long period during which water was furnished the City without cost, and of the mutual interests, it would seem that the City could for sometime without injustice to the tax payers continue free water service to Platt Park (NPS 1924).

CITY OF SPRINGS

> *The animals of the park, the birds, trees and flowers, the rocks, streams and springs all help to make Platt a place where people love to come and rest and refresh their tired bodies. Platt is fast becoming not only a pleasure resort but a great health resort as well. The fame of the water and its wonderful cures is spreading far and wide* (DOI 1924).

Early in the days of the development of the springs, the people who visited were mostly from the region and traveled by horseback and buggy. The Sulphur Railroad Company, which became the Frisco Railroad line in 1905, brought the first passenger train to Sulphur in 1903 from Scullin (Sulphur Times-Democrat 1999). The Santa Fe Railroad came into Sulphur from Davis in 1906[18] (Brown and Garrity 1981:97) and extolled the virtues of Platt National Park that "bubble forth from the foot hills of the Arbuckle Mountains, thirty-eight mineral springs, under the care and ownership of the U.S. Government and dedicated to the free use of the people forever" (Santa Fe n.d.[a]).



SANTA FE AND FRISCO RAILROAD LINES
(Sulphur Chamber of Commerce 1921)

[18]The Santa Fe was abandoned December 15, 1938.

Platt had become a great health resort as the fame of the water and its wonderful cures spread. A 1930 national park brochure, *Platt National Park: The Playground of the Southwest*, states that Platt National Park "bases it's highest claim to public notice on its wonderful mineral springs and their wide and just reputation for healing" (Sulphur Chamber of Commerce 1930:4).

By 1907 the city of Sulphur had 20 hotels and 13 boarding houses (Sulphur Times-Democrat 1999b), as well as bath houses and natatoriums (indoor swimming pools) that utilized the famous mineral waters. The luxurious Artesian Hotel had a natatorium, called the Eleazer Bathhouse, whose brochure lauded "experienced attendants. All known baths given" (Sulphur Chamber of Commerce n.d.:12). "People used to stream out from the resort hotels in the morning; at one time you could see 20 walking the trail to Bromide, a lot of them with cups and small jugs" (Interview Jennings 1969).

According to a Santa Fe Railroad brochure, Sulphur was "unlike hundreds of American and European health resorts, [as] it is cheap-ridiculously cheap as to cost of living… and it actually realizes the hopes of the discouraged and offers genuine, robust health to those who seek [it]" (Santa Fe n.d.[a]:17). This sentiment had been a common theme through time; Platt National Park benefited "the poorer classes of people," because it enabled them "at little expense to obtain benefits of the health waters" (Nichols 1921).

> People just had the bare essentials and people that didn't have a lot of money would come here for a vacation because it was fairly reasonable. People that didn't have camping equipment would go up to Hicks' Sporting Goods, and they would rent tents and these old iceboxes where you used to put block ice (Interview Hill 1996:2).

During the Depression Era, migrant worker families would stay at the park. Harold Long remembered his family stopping at the park on their way to pick cotton in western Oklahoma and staying near Black Sulphur Springs. His "Mamma washed her clothes in the creek and hung them on the tree limbs to dry." And he remembers his mother placing him in a handmade swing, hung in the branch of a tree that is still located at the spring (Interview Long 1996).

King Stockton's grandmother used to come down to Black Sulphur Spring and wait while his grandfather was conducting business in Sulphur. "There is a big elm tree that has long reaching branches on it, and she used to put my father-who was born in 1894, so he was probably one or two years old-in a little swing under the tree to spend the day (Interview Stockton 1996:6).



"Swimming in Travertine Creek, circa 1910"
(CHIC ARCHIVES 2520)

Swimming was also an important part of the park's use as early as 1903, when the Commission of Indian Affairs wrote to the Secretary of the Interior that "the park reservation having been set aside by the government together with the natural advantages which actually exist, such as bathing pools, fishing, springs, falls, etc., tends to make this a very attractive place" (DOI 1903b). In 1904 the issue of swimming in the "bathing pools" at the east end of the reservation was addressed in the park regulations, which stated:

> Before any bathing pool shall be established, permission in writing shall first be obtained of the officer in charge, and approved by the Secretary, who alone shall determine the location of such bathing pool (DOI 1904).

Special Inspector Swords noted that "there is a suitable pool at the lower or westerly end of the Reservation…. I therefore respectfully ask for instructions to permit bathing in that locality only" (DOI 1904). This is most likely the "commercial pool" resulting from the dam between the confluence of Rock and Sulphur (Travertine) creeks and Bromide Spring. This was a project initiated by rangers Forest Townsley and Robert Earl (Sulphur Times-Democrat 1999a:8A).

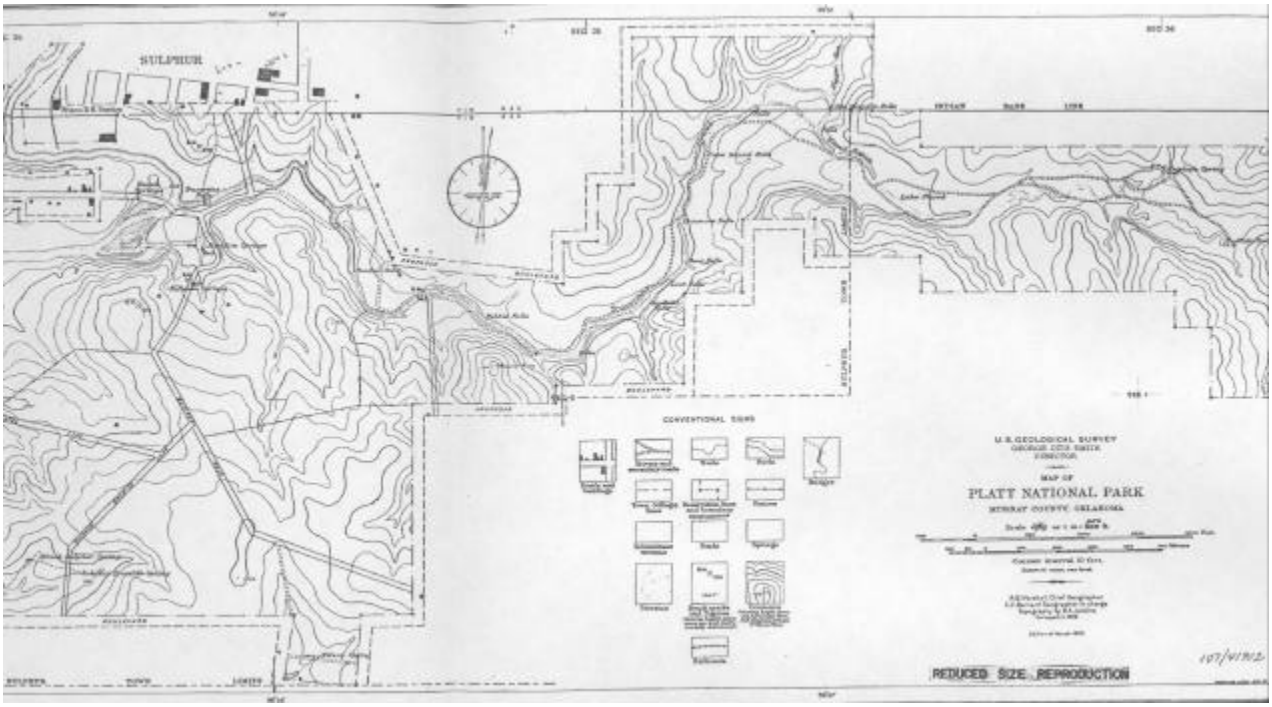
In 1908 park violations involving bathing occurred on July 6, 1908, when John Howard was admonished and discharged for nude bathing in Sulphur Creek, as were W. J. Wall and Clara Wall of Gunther, Texas, on August 25, 1908 (Platt NP 1908b; 1908c).

Superintendent Greene recommended constructing a bathhouse near Hillside Spring in 1911 (Platt NP 1911); then, in 1913, Superintendent French proposed a swimming pool at that location "through which the water from Hillside Spring could flow naturally in a constant stream." Such a pool would add, "interest to the park", and he would "be glad to have it available for visitors" since the old Vendome pool had been destroyed (Platt NP 1913).

Department of the Interior Architect Albert Winter wrote to Robert B. Marshall, Superintendent[19] of National Parks in 1916:

> Swimming as a pastime has been constantly growing in popular favor throughout the country and owing perhaps to the extreme heat in Oklahoma in Summer, has been unusually popular in Sulphur where the only swimming facilities lie in Platt Park. A pool situated just upstream from Panther Falls was in almost continuous use throughout last Summer, and I am informed, uncomfortably crowded, although this pool is at present too shallow to provide good swimming for adults. By the expenditure of about $200.00 for a concrete dam about three feet high at Panther Falls, and by clearing out a few large rocks, a very satisfactory swimming pool of about double the capacity of the present pool could be provided. A really better location for a swimming pool is available at Cave Island Falls, but owing to its distance from the central part of the park is only conveniently accessible to automobile parties, by whom it is at present considerably used (DOI 1916a).

[19] Prior to the establishment of the National Park Service.



CAVE ISLAND FALLS
(Sulphur Chamber of Commerce 1927)

Superintendent Sneed built a five-foot-high stone and concrete dam across Travertine Creek at Sylvan Cove, below Panther Falls, using part of the fees paid by the park concessionaires[20]. The dam held back the clear, fresh water of the two big springs. It was probably built in 1918, because the annual report states that a pool was enlarged (DOI 1918). Swimmers had been using the deeper pools in the creeks, but without improvements, none of these were very suitable. For dressing rooms, park employees stretched canvas around several poles set in the ground. So many swimmers used the area that Sneed asked Washington, D.C. for funds with which to add a second pool for the following season (Boeger 1987:99).

Platt National Park campers wrote a letter to the Director of the National Park Service in 1922 to request appropriations for the park. They stated that the "Artesian Wells and the 30 odd springs of the reservation make swimming" a very important activity here (DOI 1922). By 1930 the town of Sulphur had "five thoroughly equipped modern natatoriums, filled daily with fresh mineral water and many free swimming pools in the park" (Sulphur Chamber of Commerce 1930).

After the use of the automobile became more and more popular, rail travel began to dwindle. In 1932 an "attempt was made to revive the old time train excursions to the park. The result… was gratifying as the experimental

[20] Probably the existing Panther Falls dam.

excursion on the Frisco had brought 2,500 people to Sulphur (Branch 1932). During the travel year 1942, Platt "reached its lowest ebb" of visitation. "The tire emergency reduced the travel…." Despite this, the number of people entering the park "seeking the mineral waters and baths was reduced very little, if any. The large reduction in visitors was mainly in the usual crowds of picnickers and week end visitors," and "the absence of many large family reunions." There were 316,499 visitors in 1941, versus 140,894 in 1942, which is a decrease of 52.6% (Branch 1942).

> *Anyone seeking relief from pain, especially such ailments as rheumatism, paralysis, stomach disorders, kidney and bladder troubles, and nervous complaints, will be greatly benefited and often completely cured by these waters* (Sulphur Chamber of Commerce 1930).

The value that Oklahoma placed on the park waters may have led to the establishment by the state of a tubercular sanitarium for soldiers of the Great War, in May of 1922 (Sulphur Chamber of Commerce 1930). This facility had been previously contemplated in 1910 to accommodate "soldiers and sailors who served in the army or navy during the war of the rebellion or in the war between Spain and the U.S" (US Senate 1910). Oklahoma Senator Thomas P. Gore introduced the same bill to "set aside fifty acres" within Platt National Park to accommodate soldiers discharged from service (US Senate 1910a). The Secretary of the Interior questioned whether the Department should report "favorably upon the proposition" to set aside land within the park for this purpose (DOI 1910) and the facility was constructed outside of the park.

The Bromide Springs caretaker, Earl McIlwee, came to Sulphur because of the soldiers' hospital. It was a Veterans’ Hospital, and "most of them were tubercular patients." McIlwee was a veteran of World War I who had been gassed. "My wife’s daddy was gassed during the war. So many of them were gassed, and that left them with lung problems" (Interview Shaffer 1996:12). In 1922 the soldier's tubercular sanitarium contained 60 beds, and it was enlarged in 1927 to 102. In 1935 a children's preventorium opened at the veterans’ hospital, which had 28 beds (Brown and Garrity 1981:90).

The first Oklahoma school for deaf students was at Fort Gibson in 1897 as part of a private school for blind children of the Five Civilized Tribes. In 1898 the Territorial School for the Deaf was founded at Guthrie. A five-year contract from the territorial authorities was made to care for deaf children here under boarding school regulations. The state established the Oklahoma School for the Deaf in Sulphur in 1908 and in 1982 the Oklahoma legislature designated the Oklahoma School for the Deaf at Sulphur as a statewide resource center for the needs of deaf children and school districts across the state (http://www.ucpreferredrealty.com/area_information.htm).

Melvin Brown remembers his time at the school in the late teens and early 1920s, when all the students would line up and walk down to the park to swim at the swimming hole. At the end of the school year they would go down to the park and play, and "just had a wonderful good time" (Interview Brown, Melvin 1996).

In 1932 the springs’ curing powers were still demonstrated "by the large number of ill people [who] apparently benefited by using the medicinal waters" (Branch 1932). The mineral springs and their "wide and just reputation for healing" have cured many and are "little short of marvelous" (Branch 1932).

A bill was introduced in Congress in 1935 for an Indian hospital and bathhouse to be located "at or in" Platt National Park. Senator Dennis Bushyhead, a Cherokee tribal member in the Senate, wrote to John Collier for his consideration in the matter, stating that "Platt Park would be an ideal place

for an institution of this kind" (Bushyhead 1935). The Sulphur Chamber of Commerce also wrote to Collier.

> The Sulphur Chamber of Commerce and the city of Sulphur, together with hundreds of Indians in our community and adjacent thereto, are deeply interested in the location of an Indian Hospital and Bath House adjoining Platt National Park…. We feel that because of so many Indians visiting here already to derive benefits from our many medicinal waters, this would be a logical location for a hospital of this nature…. For your information, I am enclosing a statement from the Murray County Medical Society as to the value of our mineral waters here in the treatment of so many diseases, especially rheumatism, with which the Indians are afflicted…. A great service can be rendered the Indians of this section of Oklahoma with the location of such a hospital at this point (Keith 1935).

The Indian hospital was never built here, and the testimony concerning this bill was not explored, but the subject would be of interest for future study.

Through the years, the medicinal value of the waters diminished in the eyes of medical professionals. As one doctor told a patient, "it won't hurt you, but it won't help you" (Interview Jennings 1969). However, in the 50 interviews that were conducted for this project, the majority of people spoken with continue to believe in the medicinal qualities of the waters and still use the springs for health purposes.

According to Scott Colbert, the sulphur water is also considered holy water by Native Americans and is used in sweat ceremonies, where it is both consumed and poured on the rocks and cedar in the sweat lodge. The vapors that emanate from the sulphur water on the rocks "carry the prayers and the thoughts with it up to the heaven or are carried with the winds to their neighbors" (Interview Colbert 1996:8).

Chapter Eight

A MECCA FOR REUNIONS AND OTHER GATHERINGS

In addition to the use of the medicinal waters, one of the major park uses has always been for gatherings and reunions. As far back as the 1880s, there are "accounts of Confederate veterans' gatherings at Sulphur Springs, church conventions, and cowboys' rendezvous" (Brown and Garrity 1981:8). The confederate veterans boasted of an attendance around 10,000 members. Flower Park, which was known as West Central Park, was the meeting place for ex-confederate soldiers and summer Chautauquas-very popular entertainment around the late 1880s (Brown 1954:54).

In 1913 the park superintendent recommended that two bandstands be set up in the park, one at West Central Park (Flower Park) and one at Bromide Springs, because visitors congregate in both locations and the citizens of the town generally provide two bands for the entertainment of visitors (Platt NP 1913).

Platt was becoming a mecca for reunions by 1930, especially family reunions (DOI 1930). Branch repeated this claim in 1936, when he wrote that the "park has been the Mecca for many large family reunions" (Branch 1936).



PICNIC AT BUFFALO SPRINGS 1955
(Harpers Ferry WASO-D-798)

Every summer there seem to be hundreds of reunions at the park. On the second day of our field work on September 15, 1996, we drove by a reunion sign at Lake of the Arbuckles. The Ashton family had been gathering there for over 20 years, and on this occasion 105 family members attended. Among their reunion activities, the family held an auction and raised $465 for cancer research. The Ashton family welcomed us into their fold and we talked about their encounters with one of the rangers, their family history, and how to cook okra. The matriarch and last member of the original Ashtons, Mae Goss, born in 1913, gave us a taste of her Sad Cake. The recipe for this reunion favorite was given to Mae by her cousin Jimmie Bonsol who was born in 1914. Mae mailed us the recipe soon after our visit and recently told us she would be happy to share it for this report.

Sad Cake
2 cup Bisquick
2 cups Brown Sugar packed
4 eggs
1 cup Chopped Pecans
1 cup coconut
3/4 cups oil
1 table Vanilla
mix all liquids together & add dry ingrents & mix well
Bake in pan 8X15,
at 300 or 325 degrees
Till done

RECIPE FOR SAD CAKE
(Courtesy of Mae Goss 1996)



FIVE GENERATIONS OF ASHTON WOMEN, 1996
Carmie Allen, Mae Goss holding Isabel Alvey, Donna Hendrickson, and Rayna Alvey

In June 1999 the authors returned to the park to attend the longest continuous annual reunion to be held at Cold Springs Campground. The Wilkins' 60th family reunion was attended by 75 family members.



WILKINS' 60th REUNION, 1999

Many family members were interviewed and recalled when it all began in 1939. Actually it began long before that.

A Chickasaw man by the name of James Robert Baggett and his Cherokee wife, Mary Ann Biggs, left their home in Tennessee to avoid the Trail of Tears. They settled in Illinois for a short time, until the Cherokee were removed from Illinois. In 1854 the family moved to Montague, Texas, where they homesteaded. One of their daughters, Lydia Caroline, was about seven years old at the time.

Years later, in 1863, Lydia married J. J. Jones and they purchased 16 acres at Red River Station by Old Spanish Fort, Texas. J. J. Jones was a Confederate soldier, wounded at the Battle of Dove Creek. In 1879 he was one of the Texas Rangers at Red River Station who retaliated against the Comanche for raiding the town of Illinois Bend. A battle between the Texas Rangers and Comanche ensued at Queens Peak in Indian Territory, where J. J. was wounded. He died at home from his injuries ten days later. J. J. and Lydia had nine children. Their daughter Alice Jones became the tie to the Wilkins family, as she eventually married Thomas Edward (T.E. or Ed) Wilkins.

T.E. Wilkins' father, Samuel Medcalf Wilkins, was a minister who married a woman by the name of Eliza Martin. During their marriage they had seven children. Around 1825 or 1826 Samuel Medcalf Wilkins, his wife and children loaded up their worldly possessions onto a couple of flat-bottom boats and they barged down the Ohio to the Mississippi, and into Arkansas. They brought their livestock, their horses and wagons, and a few cows. Their children were: John W., Amogene, Robert Homer, Thomas Edward, Joseph, Colin Albert, and Ann Eliza. The family made it overland from the spot where they landed in Arkansas, to what is now Plano, Texas, and there they established a home.

In 1889, Ed Wilkins and his brother Bob participated in the first land run from Purcell, Oklahoma. They claimed land in what is now Slaughterville, Oklahoma, and there they built, and lived in, a lean-to. One of Ed’s other brothers, Al, had also participated in the run, but lost his claim when he turned back to retrieve his lost pocket watch. Ed moved back to Montague after marrying Alice Jones in 1890 in Plano, Texas. About 1898, Ed and Alice along with Ed's brother Bob moved to Wynewood, Oklahoma; then in the early 1900s the three moved on to Kiowa, where they practiced small-scale farming. Ed's brother Joe stayed in

Montague, Texas, while his brother John, and two sisters Ann Eliza and Amogene, lived in Oklahoma.

When Ed’s brother Al (Colin Albert) Wilkins lost his land in the run of 1889, he purchased a small farm near Nebo. Later, in 1934 he bought a 40-acre farm in Palmer, four miles north of Sulphur. In the early 1930s people from the area got along by using a barter system. When Al and his wife AdaBell lived in Palmer they had a separator, and would ride into town with their wagon to trade jars of cream, 6 to 8 pounds of butter, and eggs for staple goods, like rice, sugar, and flour, that they were unable to raise on their farm.

> All the trading took place at this little shed. That one building was worth more to all the people outside of Sulphur than any other thing the town had, because that's the only way you could get something different from what you raised (Interview Wilkins #6 1999:5-6).

Al's brothers were helping him build a new house at his Palmer place in 1938 and they decided to have a get-together at the park the following year. "Papa made a statement that he’d like to have a picnic down in Platt National Park as soon as he got his corn crop laid back." This occurred in August 1939. The family "took one or two wagon loads of stuff down" to Antelope Springs—"bedding, pots, pans, and groceries"-and they had a family get-together and stayed two nights (Wilkins 1999). The brothers and sisters decided to do this each year and to get the rest of the family involved. On Christmas in 1939, young Skeet Jones, the grandson of Al Wilkins, got a little toy printing press with rubber letters that could be set by hand. Skeet and his Aunt Ina Louise Jones printed 25 post cards and sent them out as invitations for the second reunion. The card read "Come one, come all. Wilkins Family Reunion, Platt National Park, first Friday, Saturday, and Sunday in August. Notify Ina at Route 2, Sulphur, Oklahoma, if you can make it" (Wilkins 1999).



FIRST WILKINS REUNION, 1939, AT BUFFALO SPRINGS
(Courtesy Kelly D. Wilkins)

In 1939 they probably camped at Antelope Springs, because the Cold Springs Campground had not yet opened for use. There was not enough room at Antelope Springs for everyone, so the next year they held the reunion at the newly opened Cold Springs Campground with its "large picnic area…. "We've been here ever since." (Interview Wilkins #1 1999:8). In 1940 there were a few more family members present, but in 1941 there were 192. The only year they did not hold a reunion at Cold Springs was 1943, when almost everyone had joined the war effort and there were so few family members around they just had a small Sunday picnic at Antelope Springs. The largest reunion was in 1944 or 1945, when 214 people attended.

> The first years we came here, we had no car. My grandfather Al used to ride down in the buckboard with two horses pulling us. They would actually take their springs and mattress off the bed from the house and bring them down here and throw them on the ground (Interview Wilkins #6 1999:5-6).

In later years, Royce, who has attended since the third reunion, said:

> We would bring a pickup with a couple of mattresses in the back and a couple of quilts and sleep (Interview Wilkins #4 1999:7).

Tanya, a member of the fourth generation to have attended reunions, remembers renting cots and tents for many years from Hicks in town.

> Just rows and rows of cots. You just picked a bed. All the kids slept down there. When Hicks stopped renting camping equipment, it was devastating, because I had to go to Wal-Mart and buy cots (Interview Wilkins #2 1999:7).

Ron Wilkins is the only family member who has never missed a year. He was four years old at the first reunion in 1939. Ron remembers that his

> Grandmother used to grow what they called neck gourds, which would be a gourd [with a long neck]. Back then our grandmother would take a piece of cloth and tie it from one gourd to the other gourd, and she would put them around you and take a piece of binder twine through those two bows and tie it in a knot to keep it from coming off. Then you could just walk down there in the creek, fall in, and you wouldn't go under. Every grandchild had one of those, a set of gourds. My granny called them water wings. That's what I learned to swim with (Interview Wilkins #6 1999:5).

Joe Wilkins' favorite part of coming here as a child was swimming in the creek.

> We would go to the creek around midnight and three or four times a day and two or three times a night. We would get up the next morning at daylight and go again (Interview Wilkins #5 1999:8).

> When you were old enough to go swimming after dark that meant you had graduated to some greater level (Interview Wilkins #2 1999a:2).

> One time a big group of us went night swimming. We all walked down to the creek… down through the trail and sang old songs (Interview Wilkins #6 1999:1).

Night swimming continued as a practice at the 60th reunion.

When Rona Wilkins, age 28, was asked how she thought her kids would be inspired to carry the reunion on, she replied, "Just bringing them here. That's what

everybody else has pretty much done from day one; they just bring their kids down here and bathe them in the creek" (Interview Wilkins # 6 1999:2).

Tanya, whose father is a full-blood Cherokee, said, "This was the biggest thing in our world, coming from the panhandle" of Oklahoma (Interview Wilkins #2 1999:2).

> I always thought it was cool, Platt National Park, to come from a little town like Hardesty and go to a national park. It was quite the big thing to write in my "what did you do this summer" paper at school.

Tanya wants her kids to camp, walk through the woods, and "dip their little toe in the water. That's the reunion to me" (Interview Wilkins #2 1999:5). Tanya expressed how important the park is to her:

> When you turned into Cold Springs campground that was the park. This is good; this is what we need. The swimming hole across the road… that's the only place I go. I would feel like I was betraying it if I swam somewhere else (Interview Wilkins #2 1999:4).

This is the first year Cheryl, who lives in New Jersey, has been to the reunion in about 27 years. Her two young sons went down to the swimming hole their first day at the park. The author happened to be at the pool when the older one climbed onto the rocks and proclaimed loudly, "this place is great, I'm coming back here next year," as he jumped into the water.

As teens, Tanya and her cousin Cheryl were reunion buddies. This is the first time they have seen each other since they were 17. According to Tanya, Cheryl loved to hike and visit the nature center to see the snakes and coyotes. "Well, I lived with snakes and coyotes, so that was no big deal to me" (Interview Wilkins #2 1999:11).

Cheryl and Tanya remember that the older women would tell ghost stories and "then run out from the woods with sheets and scream and we would huddle together. That's one of my best memories-so family oriented" (Interview Wilkins #2 1999:2).

One of the storytellers was at the 60th reunion and admitted, "Yes, I told many ghost stories; just made them up as I went. We would get dressed in a sheet, put our flashlight under the sheet and be very spooky looking. They loved to be frightened" (Interview Wilkins #5 1999:11).

Rona's grandparents, Charlie Wilkins and Flora Ruby Marcy Wilkins (Babe) lived in Sulphur, so Rona and her brothers would come up from Plano, Texas, to stay a couple weeks before the reunion. Her grandmother would bring them down to the park and let them go swimming and have picnics. They had three houses together: Charlie and Babe lived in the first house; Aunt Chloe, Charlie's sister, in the center house; and Charlie’s brother Roy and his wife Lila in the third house. "They all had little buzzers in their bedrooms to buzz each other and pick up the phone and talk" (Interview Wilkins #6 1999:1).

When asked why there seem to be so many reunions in this area, Terry Gibson said "I can tell you in a heart beat!"

> Back when this country was young; when your closest neighbor was five miles away; and the closest town, with a mill to grind your grain was 25 miles away; you had nobody else to count on except family. Families were large back then; generally 5-10 strong, so they were closer knit and most lived within a very close vicinity of each other. Today, it's easier for

> families to move away, but it's important for them to come together traditionally as much as anything else (Interview Wilkins #1 1999:5).

It is often said that this park was so popular for locals because it was an inexpensive way to have a vacation. Max says that "there may have been times like that, as well as times we could afford to go wherever we wanted to, but we prefer to be here. It's just something we look forward to each year" (Interview Wilkins #1 1999:6).

What makes this place so important to Tanya is that her "great grandfather and his brothers chose this spot. It must have been recreation for them after the harvest season was over. I think that knowing they made the effort to be here every year is what makes it important (Interview Wilkins #2 1999:5).

And what does the family see as the most important aspect of the reunion?

> [Rona] Catching up on what everybody else is doing in their lives, as this is the only time we all get to see each other. When we get together its like we are all family and it's not like there's any distinction (Interview Wilkins #6 1999:4).

> [Tanya] It didn't matter [who watched after you]. You went with whomever, and you didn't have to stay with your parents (Interview Wilkins #2 1999:2).

> [Rona] Tomorrow everybody will get together over in the picnic area, and usually what we do is break out the pictures and the family tree and everybody goes around and talks about old times. Then we have our big lunch (Interview Wilkins #6 1999:2).

> [Roy] They come from Texas, Kansas, New Mexico, California, and we all make it here. Just a fellowship between cousins and uncles and brothers you know…. This means a whole lot. There's plenty of room here to come and meet, to congregate and talk. That means more to me than anything else (Interview Wilkins #4 1999:7).

> [Cheryl] I was really fascinated by my Aunt Chloe and I knew what this was all about. I really loved it; it meant a lot to me that we would come to meet my mother's family and they would tell us stories and we would learn about our papa Jimmy, who helped begin this and what his life was like (Interview Wilkins #5 1999:12).

When Cheryl goes back to New Jersey, what will she feel about this trip?

> A connection to the family, which is important because you lose that connection when you live so far away.

In 1997 Eunice Dixon, daughter of Ed and Alice Wilkins who began the Wilkins' Family reunions, attended her last reunion at 100 years of age. Family members remember her skipping along the road hand in hand with her daughters, and sitting in her chair in the creek so she could enjoy the water over her feet. Eunice reiterated the importance of the reunions to her family:

> In order to know where you're going, first you have to know where you come from [Eunice Dixon 1899-1998].

Another long-held reunion is that of the Sterling family, who had their 50th annual reunion in 1996 with an attendance of over 200 people from 11 states, representing five generations.

The Sterling family patriarch is T. F. Sterling. His son Walter married Odessa Sterling (born 1907), who was interviewed for this project. Two of T.F.'s children were living in 1996, his son Odell and daughter Estelle are both from Paul's Valley. The Sterling children were raised near Wynewood, and the family would come to the park in the early days to camp. It was T.F.'s daughter Lily Sterling Vanderberg who began the reunion in 1946. Her son had died that year, and the family got together at her place in Shawnee to decide on a funeral. Family members got together there and "made their beds out in the yard" (Interview Sterling 1996). This gathering led to the annual reunion.

The following year they had the reunion as a Sunday afternoon gathering, and in 1948 the reunion was held in Texas City. In 1949 the reunion was held at the confluence of Rock, Guy Sandy, and Buckhorn creeks, and the following year they held it at Cold Springs where it has been held ever since. Initially the reunions were held in July, but it was usually too hot, so now they are held on Labor Day weekend.

Before there was a reservation system, some family members would come two weeks in advance to reserve their campsite (Interview Shantley 1996). A 1985 newspaper story from the Sulphur paper, titled "Annual Sterling Reunion Held at C.N.R.A." discusses how some years folks would "do some of their canning and jelly making" while reserving the campsite (Sulphur Times Democrat 1985:4a). One of the uncles would gather the wild plums to make jelly.

Most food is prepared by a group at the campsite (Interview Shantley 1996), except perhaps for pies and cakes. They used two big fire pits to cook on. They fried up okra and chicken in a big skillet. The fireplaces are gone now, but it would be a great asset to have them once more. In 1996 Ruth Shantley prepared 80 pounds of barbecue for one meal. They like the big tables at Cold Springs, and have quite a collection of cooking implements, a huge oilcloth they place on the dinner table, and specially-made awnings for the reunions. There used to be more trees in the group camp that provided shade from the summer sun. They had a "purse tree," where the ladies hung their purses on Sundays and a "hat tree" for the men. Those trees are gone now. There used to be grapevines too, which are also gone.



Outdoor Kitchen, 1957
(Courtesy Kelly D. Wilkins)

A long time ago, park staff and other campers would join the reunion group for dinner, but the park staff has changed and they don't join in anymore. They feel that since the park became Chickasaw National Recreation Area, there also came a change in the attitudes of park personnel. The interviewees believe it is because employees now come to work at the park from farther away than "the South."

The Sterlings would like to see an electrical outlet at the group camp so they can use their electric ice cream makers, and a water faucet installed, "to make happy campers happy" (Interview Vanderburg 1996).

The family used to enjoy a hayride through the park, but they don't do it any longer because they say the park "frowned upon it." They played games, like dominoes, till midnight. They had a beauty shop where they would give haircuts and perms. They had watermelon feasts and nature walks. "They just don't come to the park to sit around" (*Sulphur Times Democrat* 1985:4a). Some years they have themes and entertainment, such as a "talentless show." On Sunday mornings there is a small church service, with either a family member or local priest officiating and gospel singing. Sometimes there are crafts and white elephant sales at the reunion, and the proceeds go in the reunion kitty.

Reservations can be made starting at the beginning of the year, and Odessa Sterling telephones in to make the reservation on January 2, leaving herself notes all over the house so she will remember to be sure the family will get site 64; they have never missed getting it. The Sterlings have never considered having the reunion elsewhere. The family believes that the purpose of the park is to provide people with a place to get together, and for recreation. They would like a standing reservation and wish the park would take more interest in the reunion. The Sterling reunion is the annual vacation for most family members.

. . . . . .

Various community events continue to be held at the park. The contemporary Easter egg hunt is held in Flower Park. Back in 1933, the first Easter pageant or sunrise service was held in Platt National Park at the base of Bromide Hill, and was sponsored by the Sulphur Junior Chamber of Commerce. The Easter pageant was "staged on Bromide Hill early Easter morning and witnessed by some 7000 people" (Branch 1934).

Lonnie Shaffer, former chief ranger, was six years old at the time. He remembers it being cold, and seeing "a hundred or so camp fires" around Bromide Springs. Three crosses were placed on Bromide Hill the night before for the sunrise service. The participants would walk up the hill carrying paper crosses and walk up with mules to where the other crosses were located. The sun would rise and hit the top of the crosses as it came up, and the service was over soon after (Interview Shaffer 1996:40).

In the 1930s WPA Tour Guide of Oklahoma, for Platt National Park, it says that at the foot of Bromide Cliff, "temporary structures are erected each year to seat the thousands of visitors who come to view the Easter Pageant" (WPA 1986:367).

In 1935 the CCC enrollees conducted crowd control at the pageant for approximately 4,000 people, under the direction of Park Ranger Von Hetzler. The Easter pageant began at 4:00 a.m. on April 21, and Vernon Price, the camp chaplain conducted the choir (CCC 1935f).

Superintendent Branch reported in 1942 that the Easter "Victory" program was attended by 1,500 people. Various organizations assisted with the program, and

10 churches had singers in the choir (Branch 1942). Boeger (1987:156) wrote that the Easter pageant was abandoned in 1942. One source said it ceased because of a lack of sponsors.

The opening day celebration for the summer season, an annual event in Sulphur similar to today's Water Festival, began in 1924 (Boeger 1987:112). In 1934 the opening day celebration started up again after a lapse of several years. This event included a mile-long parade (Branch 1935).

In 1942 the annual "Water Carnival and Camera Derby" was held on opening day in Flower Park (Branch 1942). The Camera Derby included a beauty contest, in which a solider, a sailor, and a marine were the judges. Jamie Pettiti remembers being photographed in this contest when she was 15 or 16 years old.

Concern for accommodating the increasing amount of visitors was addressed by the NPS landscape architect in a 1936 report for the CCC program.

> In July of 1936, 1500 visitors were recorded, the largest daily attendance for the year. With the ever-increasing numbers came more large organized groups who desired facilities for picnicking, over-night camping, and sanitation. These groups are becoming difficult to care for. The location and construction of an organized group picnic and camping area, to be maintained for that purpose only, was discussed with Mr. Vint and met with his approval. Plans will be instigated for eighth-period approval (CCC 1936c).

Chapter Nine

BUFFALO PASTURE

Evidence in the archeological record dating between 5000 and 2500 B.C., and between 500 to 1300 A. D., shows a dearth of bison bones, which corresponds to pollen data indicating drought events during these same periods. After the end of the drought in the fourteenth century, a five-hundred-year cycle of cold, wet weather reigned, and there was a corresponding return of bison to the Southern Plains (Flores 1991:469).

There is a noted decline in the bison herds of Oklahoma in the late 1800s as identified in the book *The Chickasaw Rancher.* The author writes that the Arapaho and Cheyenne Indians reported to the Darlington Indian Agency that they had killed 7,000 buffalo and tanned 15,000 hides for traders in 1876; in 1877 they only killed 219 and tanned 640 for traders; and, in 1878 they reported no buffalo killed or tanned and the following year the buffalo were gone (Johnson 1961:34).

The American bison had vanished from the area by the time Theodore Roosevelt proclaimed the Wichita Mountains a game preserve in June 1905[21]. Roosevelt "was intensely interested in bringing back the buffalo to the Wichita." When Quannah Parker was told of the planned reintroduction by the New York Zoological Society, he replied, "Tell the President that the buffalo is my old friend, and it would make my heart glad to see a herd once more roaming about Mount Scott" (Hatley 1973; Eliot 1982:350).

And the bison were reintroduced soonafter. Fifteen bison from the New York Zoo were shipped to the reserve by train in October 1907.

> At Cache, a group of Indians camped out for days near holding pens, awaiting the return of the "Great Spirit's cattle" (Eliot 1982:350).

Today, the Wichita Mountains National Wildlife Refuge manages 570 bison. This is "the only large herd left on the Southern Plains" (Flores 1991:477). The bison are doing so well, that every year the refuge auctions a selection of surplus bison to bredders, representing different age categories. In 1999 they auctioned 170 bison, and donated 30 to the Intertribal Bison Association (Interview Bryant 1999).

Platt National Park was looking at the introduction of game animals in 1908:

> It would seem to be a wise provision for the success of the park to provide a game preserve therein, where antelope, deer, mountain sheep, and possibly buffalo, could be protected and propagated before these species of beautiful and majestic animals become extinct, or difficult to obtain. Offers of deer have been made as a donation to the park, but as no provision had been made for a zoological feature, although it was contemplated in the Act creating the park, they could not be accepted (Platt NP 1908).

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[21]Proclaimed Wichita Mountains National Wildlife Refuge April 1, 1935.

The issue of aquiring game animals was pursued in 1913 by Superintendent French who recommended building a fenced pasture of "approximately 52¼ acres in the south part of the park for the purpose of providing for the care and keep of some deer and antelope which should be furnished this park" (Platt NP 1913).

Then in 1919, Superintendent Ferris wrote a letter to Director Mather, stating:

> Some days ago I took up with Mr. Frank Rush of the Wichita Forest Reserve at Cache, Oklahoma [the] matter of furnishing me with three buffaloes for this park, and have been advised by him that he would be glad to let me have them, provided the Department is agreeable…. I am anxious to obtain as many features of interest to visitors as possible for this park, and will say that there is ample feed stuff raised on the park with which to feed these animals, if they can be gotten.
>
> Will also advise that the citizens of the town adjacent to the park are more than willing to pay all charges for bringing these animals to the park, so the lack of appropriations need have no weight (Platt NP 1919).

On the same day, Ferris also wrote to Horace Albright:

> I should like very much to provide every possible feature of interest to visitors to this park that is within my power to obtain, and if you can arrange to furnish these elk to this park, will ask that you kindly take the matter up with Mr. Mather, and advise me of your success (Platt NP 1919a).

Mather must have approved, as the Wichita District Forester reported on February 27, 1920:

> On February 16 we loaded and shipped 3 buffalo, a 2 year old bull, a 2 year old heifer, and a yearling heifer to the Platt National Park at Sulphur, Okla.…. I accompanied them to the park and helped liberate them in a 25 acre enclosure which had been fenced for that purpose. I think the buffalo will do well on the Platt National Park since they have open range with plenty of grass and water. [The park and the town] appreciate very much the effort of the Forest Service in establishing the buffalo herd in the Platt National Forest [sic] (Wichita Forest Reserve 1920).

In August 1919, Superintendent Ferris also requested that the Wichita Reserve provide Platt National Park with "some antelope" (Platt NP 1919c). They shipped three in December 1919, and one died. The chamber of commerce also paid for the shipment of the elk (Platt NP 1919d).

The superintendent thanked the forest supervisor:

> I particularly want to say that the buffalo are doing fine and seem to be enjoying the life here-they do not mind being looked at or seem to care, provided the people do not get close. I have let them in with the elk and they enjoy the change as do the elk and do not seem to notice each other at all. We are feeding them hay and as the alfalfa gets larger they will be in clover I think (Platt NP 1920).

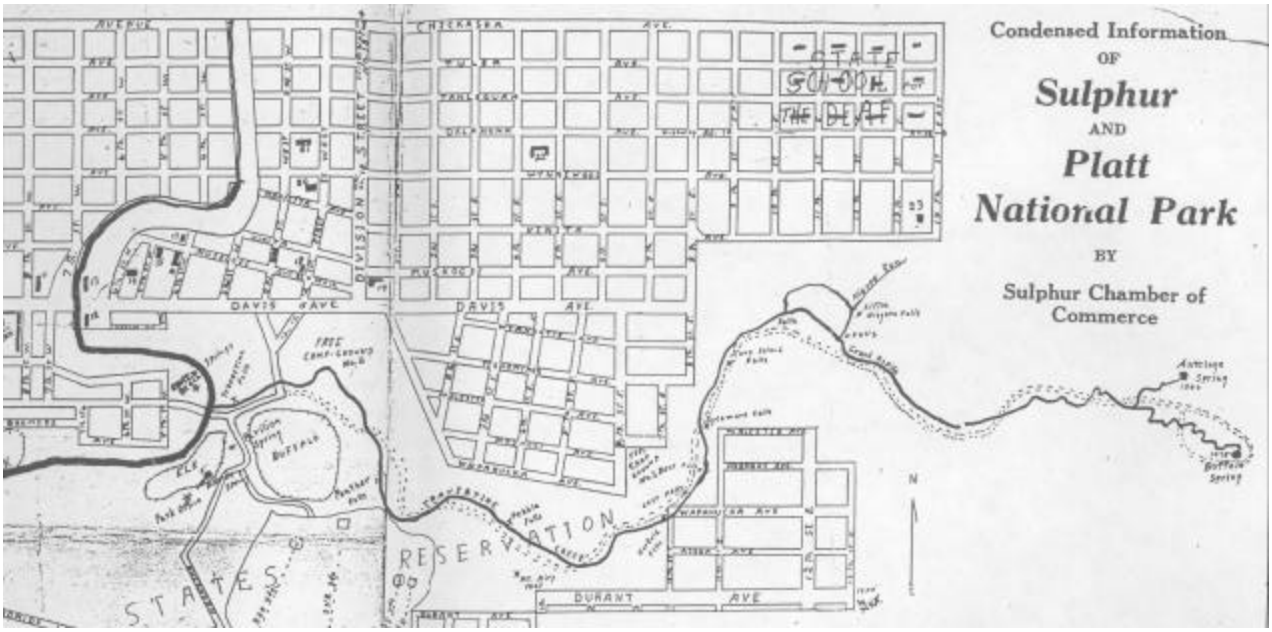
In February 1921, Superintendent Ferris requested elk to be shipped from Yellowstone; Horace Albright agreed that "Platt National Park ought to have

some more elk" (NPS 1921), and the park received one "fine bull calf elk" by early March (NPS 1922d).

The park superintendent reported in 1924:

> Our animals are a source of much enjoyment. The elk are very fond of being fed and will follow tourists around the fence in the hope of getting eats. The Deer also are very tame and will eat from your hand. The buffalo do not care for society but would rather be by themselves. This year we have another baby elk making four elk here now (DOI 1924).

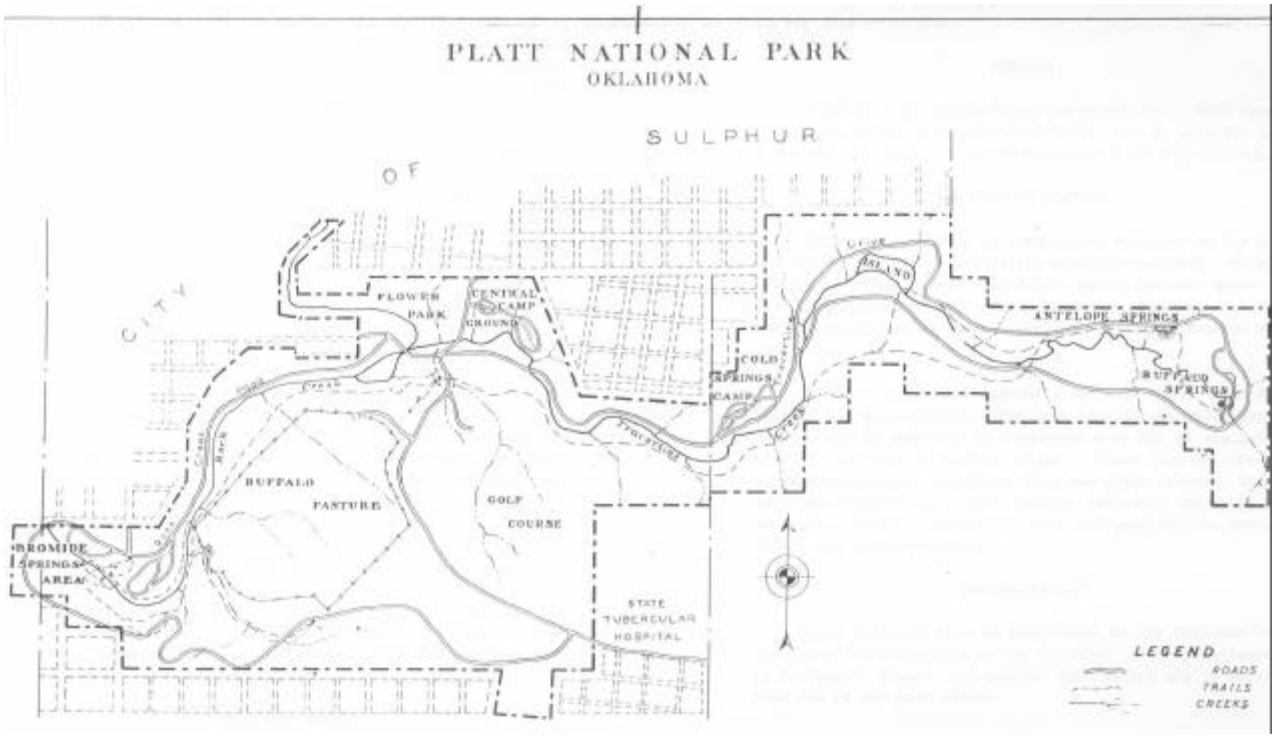
In 1925, two more "fine buffalo cows" were added to the park herd from the Witchita Forest reserve and the "Chamber of Commerce settled all expense" (Platt NP 1925).



OLD BUFFALO PASTURE AND ELK ENCLOSURE
(Sulphur Chamber of Commerce 1927)

When the CCC camp was established at Platt, one of two "major plans for the park design" was the "relocation of the area for the Buffalo and Elk" (Platt NP 1934a:16). The park's 1932 annual report states that the "most outstanding improvements of the year [was] the erection of the new paddock fences for the elk and buffalo pastures" (Branch 1932). This report also stated that a "heavy mesh wire fence was "erected on steel posts set in concrete" (Branch 1932). This seven-foot-high fence enclosed a 97-acre pasture. Superintendent Branch addressed the "Buffalo Paddock" in his annual report, stating:

> One of the most important changes from an administrative stand point was the removal of the elk and buffalo to a large new paddock covering an area not suitable for other purposes. For years the animals had occupied paddocks in the most desirable section of the park adjacent to the Flower park area and the central camp ground. The removal of the paddocks will permit of developments long needed and will greatly assist in lessening the crowded condition in the central part of the park (Branch 1934).



NEW BUFFALO PASTURE
(NPS n.d.:6-7)

In November 1933 an artificial dam 200-feet long, 70-feet wide at the base, and 20-feet high was built to provide water for the buffalo. The reservoir's water surface encompassed approximately three acres (Platt NP 1934a:21).

George Wright visited Platt National Park in July 1933, apparently to assess the health of the elk and bison. In his journal notes he reports:

> These have been two rainy days. Supt'd. William E. Branch, and Temp. Landscape architect Walter Popham went over the park and the problem with me.
>
> Elk. American wapiti number 12 including one calf of the year. They are as small as tule elk. Some have deformed antlers. Their condition is poor. Hides are mangy with large patches utterly devoid of hair. The animals are too thin for the time of year.
>
> Twelve or thirteen years ago a bull and 2 cows were brought from Yellowstone. The first year the bull and 1 cow died. A second bull was brought in. All the animals now here are descended from the original pair.
>
> Because wapiti are not known to be native, because they do not thrive here and because the present stock is too poor to merit continuation it is recommended that this exhibit be abolished. The animals are too poor to use alive elsewhere. They should be slaughtered and the meat given to the county. University of Oklahoma might want a skeleton.
>
> The old bull, a fine specimen died just last year. None of his descendants can compare with him.
>
> Bison. There are five bison in the pasture. One is a good bull. One is a young bull. There are two cows and a calf of last year. They are in excellent condition, a really fine exhibit. One old large bull recently died.
>
> These buffalo have been here since 1920. They all come from Fort Sill Reservation (For. Res) Wichita N. F. Cache Okl. Originally 1 bull and 2 cows. 4 cows since (Wright 1933).

In 1935 Superintendent Branch reported on the fine buffalo herd of 13, and hoped to increase it to 25 by the end of 1936 (Branch 1935) However, the next year he reported the herd at 16 (Branch 1936). The elk were maintained in the park within a fenced enclosure until January 1935. At that time the elk were eliminated from the park, probably following Wright's recommendation, given their poor condition and the fact they were not native to the area.

Superintendent Branch reported in 1937 of the park's "wildlife exhibit" that was "one of the finest and most accessible in the whole United States. It is also one of the few now existing in the natural habitat of the buffalo." Branch also reported "a very large number of visitors" inspecting the buffalo (Branch 1937).

By 1939 the buffalo herd had reached 21 head and Branch reported that the carrying capacity of the paddock could not support more than "8 or 10 head without feeding them year-round", so the herd would be reduced to eight (Branch 1939; 1940). Branch said that "efforts to rid the park of surplus buffalo by live-shipments to public institutions were only partially successful; the remaining surplus animals were slaughtered and distributed to Indian tribes in Oklahoma as follows: three to Shawnee Indian Agency; two to Kiowa Indian

Agency; two to Five-Civilized Tribes Agency in Durant; and, two to the Five-Civilized Tribes Agency in Muskogee" (Branch 1940).

Branch also comments on the "thousands of people [that] see the animals [in] their natural habitat that probably would not otherwise" (Branch 1939). The following year Branch reported:

> The continuation of the herd appeared obligatory upon the Service as this exhibit offers an opportunity for thousands of persons to see buffalo in their natural habitat in the southern portion of the original range of the great herds. It is the desire to present the exhibit in a natural and attractive manner (Branch 1940).

A 1942 park master plan also addresses the educational purposes of the herd and how popular the bison are (Platt NP 1942).

CCC enrollee Delbert Gilbert commented on how "a lot of people come to see the buffalo; they have been here a long time…." He then reminisced about the fun they had spoofing the new enrollees. "We used to tease the [CCC] rookies in camp there. We told them we milked those buffalo for their coffee. We'd send them over to milk the buffalo" (Interview Gilbert 1996:30).

The bison were tested for Bang's disease in 1942, and were reported to be one of the few herds in the country to be uncontaminated by the disease (Branch 1942).

A 1955 article in the *Anadarko Daily News* stated that the park was disposing of four bison. Soon after, the park received a letter from the Commanche War Dance Club, requesting buffalo meat for their powwow and war dance (Platt NP 1955). A few days later the park received a request for buffalo meat from the Caddo Veteran's Committee for their annual feast (Platt NP 1955a). Then, in 1959, the Pawnee Indian Veterans requested buffalo whenever there was a surplus for their July 4 powwow (Platt NP 1959), and the Shawnee area field representative wrote that back in February 1959, members of three tribes had picked up three buffalo for "ceremonial purposes and food" and that a forth buffalo was being saved for the Sac and Fox Tribe of Oklahoma. The representative for the field office was notifying the park that someone would be there to pick it up on July 13, and that the tribes that received the meat "enjoyed the preparation and eating of the buffaloes" (Platt NP 1959a).

A receipt for property dated July 14, 1959, lists one seven-year old bison "to be slaughtered for food for the Indians" as a reduction in the herd, which is "necessary to reduce the total count to the carrying capacity approved for the pasture at Platt National Park" (Platt NP 1959b).

In August 1959, the Iowa Tribe of Oklahoma requested two front quarters that Chief Ranger Lonnie Shaffer had notified them about. The park maintained a mailing list for buffalo applications. A receipt appears in the files that states the front quarters are "to be used for ceremonial purposes by the Iowa Indian Tribe of Oklahoma" (Platt NP 1959c).

In December 1959, after the July reduction, Superintendent Branch wrote to the Wichita Mountains Wildlife Refuge requesting a bull buffalo the next time "you find it necessary to pen up any buffalo" (Platt NP 1959d).

The Shawnee area field representative wrote again in April 1961, to inquire if there would be "any buffalo available this year for their use in Tribal ceremonial dances and meetings" (Platt NP 1961). Then on April 13, they wrote

back to the park, thanking the park for reserving two young buffalo bulls and making arrangements for the two tribes to pick them up (Platt NP 1961a).



BISON AT PARK



**"Orphan Buffalo Calf hand-raised by rangers," 1956,
by Paul F. Spangle and W.V. Appling
(Harpers Ferry WASO-D-804)**

The bison continue to be an important component of the park's resource education program, and people that visit the park today, remember the bison from their childhoods. "The buffalo were a big deal to us kids" (Ringer 1996).



VISITORS TODAY CONTINUE TO ENJOY THE BISON

Chapter Ten

SPEND THE DAYS

> *If the waters fail to repeat the wonders, there is the spirit of health and happiness in the forgetfulness of care that comes with an outing, a contact with nature and a physical reawakening* (Sulphur Chamber of Commerce n.d:7).

These eloquant expressions speak to the value the people of Sulphur place on the park.

Marian Corley commented, "We always loved the park." "I still have my mother's pot. It had a tripod and she took it to the park and cooked stews and stuff. That was fun." "She cut up the vegetables and everything there and cooked it over an open fire. We'd spend what we called ‘spend the days,’ and they cooked for hours. We kids would keep that fire going and play in the creek. We did this during the week in the summer. It was just my mother and her friends. The women cooked and the kids played in the creek. I think we always loved the park; Sulphur people always loved the park. Still do" (Interview Corley 1996).



"Picnicking in the Park"
(CHIC Archives 0143)

> *They go to the woods and have picnics and chicken fries, roasting the chicken on wire netting stretched over a bed of glowing coals* (Santa Fe n.d. [b]).

Jamie Pettiti recalled "When I was a little girl, one thing my mother and her friends did, they would go up on the creek and cook breakfast, and just sit back. Or they would go on picnics-just spend the day, the whole day-bring their lunch and sit and wade a little bit in the creek, and visit. People lived so much slower and leisurely" (Interview Pettiti 1996:2,41).

Lacy Brown's "parents came here in 1915 for the deaf school. We used to walk two miles to go swimming down in the park at Bear Falls" (Interview Brown, Lacy 1996).

Eula Brown "would take part of [his] lunch and make a fire if we needed to have a fire for something. This was in the 1920s. My dad's folks lived out west, so when they would come down from out west the first place they wanted to go would be the park, and we would fix dinner and we all would have dinner in the park" (Interview Brown, Lacy 1996).

Marian Corley said "we picnicked in the park, and we swam there, and often in the late evening we took a walk through the park. Mother, Papa and I and my brother. I thought Bromide Hill was as high as Pike's Peak, and sometimes, when I was a girl, we'd have summer breakfast-cook it up on top of that hill. And then we'd come back down and go swimming" (Interview Corley 1996).

Clifford Austell said "my fondest memory was when we entered the campground, it's just a different feeling when we drove in from Oklahoma City and entered the campground. A different feeling comes over you" (Interview Austell 1997).

Lonnie Shaffer says that "Bromide Hill is about the nearest thing to a mountain we have…. You get up on a high spot, why I don't know, but there, people are closer to their deity. They get up there and they are quiet and get to thinking. When they get through praying they get to singing. They end up hollering! But we don't mind anybody uttering a little prayer. That's fine. That's part of visitors enjoying themselves. But some of that singing-they just had to go back further in the boonies" (Interview Shaffer 1996:34).

Jamie Pettiti's recalled that her "Aunt Doll lived in the brown ranger house just across the road from the pavilion and the highlight of my visits with her would be the "sunrise breakfast" on top of Bromide Mountain. Climbing to the top of the mountain-which is really only a hill by all regular standards- in the early hours of dawn and watching the sunrise was about the greatest thrill in the world, but now that I think about it, I don’t remember ever eating any breakfast up there, for it seemed that the food was always secondary to reaching the top of the mountain before the sun came up" (Pettiti 10-18-84).

Gene Delay says that "when somebody comes to see me, the first thing I want to do is go to the park. We cook out, take the kids to the water and let them freeze to death over there. It's still a fun spot (Interview Delay 1996:9).

Marian Corley says she drives through the park almost every day, "and we wonder why anybody would live any place else. We've always felt fortunate to have this beautiful place" (Interview Corley 1996:4,8,16).

Brenda Ringer says that the "one thing I always valued the park for was that whenever you wanted to be alone… you could forget about being in a little town with glass walls… because everyone had their favorite place. The park was always a part of our family. We grew up appreciating the park a lot. In 1959 we moved to the east side of town. We would come down every summer. We would just spend our summers down there…. You know what the park did? It brought the world to us (Interview Ringer 1996).

Chapter Eleven

COMMUNITY AND PARK TODAY

The town of Sulphur is located in central Murray County, which encompasses 420 square miles of primarily agricultural land in southern Oklahoma. Sulphur is 60 miles south and slightly east of Norman, the closest large city, and about 100 miles south and east of Oklahoma City. In 1990 the town population was 4,824: 84.93% were white, 12.96% American Indian, 1.24% African-American, and 1.24% of other racial backgrounds (Oklahoma Department of Commerce 1998). Most African-American families today have moved to nearby Tatums, which is predominantly African-American, or to nearby Davis or Ardmore. There has also been a growing Hispanic population within the last 10 years, engendered mainly by employment at the Mayhard Farms near Nebo, as well as Billy Cook's Harness and Saddle Manufacturing Company. Overall the town's population has remained stable through time, as shown in population figures of 4,970 in 1941, 5,158 in 1970, 5,516 in 1980, and 4,794 in 2000 (Arbuckle Historical Society 1995; Oklahoma Department of Commerce 1998).

As of 1997, Sulphur's primary employers were the Oklahoma Veterans' Center, Oklahoma School for the Deaf, Sulphur Public Schools, Wal-Mart, Chickasaw Telephone Company, Arbuckle Memorial Hospital, Sooner Foods, US Silica, National Park Service, Chickasaw Motor Inn, city of Sulphur, Lifestyle Center of America, and Mayhard Egg Company. In descending order these employers provide from 168 to 30 jobs apiece (Sulphur Chamber of Commerce 1998; Oklahoma Department of Commerce 1998). As of 1999, the Sulphur Chamber of Commerce had 150 member businesses.

In terms of sharing facilities and participating in community projects, the main community partners are the Oklahoma School for the Deaf, the Sulphur Public School system, the Veteran's Center, Chickasaw National Recreation Area, the Sulphur Chamber of Commerce, and the relatively new Main Street Program.

Besides multiple employment sources, other community businesses, and partners, Sulphur has: fire and law enforcement departments, three utilities providers, a county hospital, a state veterans' hospital, three clinics, two nursing homes, 10 private doctors, four public schools, four banks, a newspaper, a radio station, a television station, two tennis courts and a golf course, two libraries, 23 churches, and more than 20 civic and fraternal organizations (Sulphur Chamber of Commerce 1998; Oklahoma Department of Commerce 1998).

Despite the availability of goods and services, however, many Sulphur residents lament the changes that have characterized the town since its heyday, and especially since World War II. The roots of some regional changes are due to the same economic and social factors that affect the nation as a whole. Fluctuating cycles of oil production have affected the availability of jobs; agriculture has shifted from family level to factory farm levels of production; and, changing modes of transportation and transportation corridors have eliminated the existence of whole towns and made others into regional economic centers.

Oil and gas exploration and production began in Murray County in 1914 and has gone through boom and bust cycles to the present day, affecting employment and population levels (Arbuckle Historical Society 1988:35; Jack and Jack 1988:38). After the end of World War II, family farms and ranches steadily decreased in number, but grew in size and value. Murray County had 885 farms averaging 254 acres in 1945 and 20 years later had half as many agri-businesses, each of which averaged twice the number of acres of the independent family farms. By 1966 there were 233,000 acres of agri-businesses in the county including livestock and feed

operations, 43 dairies, two egg producing plants, and a few other minor crops (Arbuckle Historical Society 1988:34). Today, agriculture occupies the lowest percentage of the city's labor workforce (Sulphur Chamber of Commerce 1998).

Train travel gave way to private automobiles after World War II, bringing with them the development of highways and blacktopped rural roads. Many small towns ceased to exist, leaving Sulphur, Davis, and Dougherty as the only towns in the county large enough to have post offices, and by 1972, there were only four schools. Today, 40% of the county's population resides in Sulphur (Oklahoma Department of Commerce 1998).

With the emphasis on Sulphur as one the few economic centers in the county, many of those who had sold out their family farms turned to wage work instead. The availability of wage jobs fluctuates, depending on the presence and stability of industrial employers such as the Haliburton plant, which provided employment to machinists and other oil industry specialists until it went out of business in about 1990. Exsil/MCS Inc. provided jobs in computer chip cleaning from 1996 until it left the area in 1999. As of 1999 Hannover provides employment in the manufacture of hydraulic pumps and gas compressors and currently has about 50 employees (Sulphur Chamber of Commerce 1999). The number of Dairies declined in recent years, but some employment is still offered by remaining dairies such as B&R Farms. A few chicken and other livestock operations, such as Chitwood Farm, provide some employment for both locals and outsiders.

Along with the changes in the regional economy, local changes affected Sulphur uniquely. After the elegant downtown Artesian hotel burned in 1962 and the McClellens and Richards dime stores went out of business in the mid 1970s, Sulphur's downtown changed significantly. Downtown Sulphur had been a thriving commercial center, housing the community's clothing stores, department stores, dime stores, drugstores and other businesses. One by one, the locally owned businesses closed down as their owners retired; since and no new owners bought the businesses, the buildings remained empty (Interview Darryl Carter 1996). The decline in locally owned businesses, coupled with the arrival of Wal-Mart on the west end of town in the early 1980s emptied Sulphur's downtown business district, leaving the appearance of poverty and abandonment and perpetuating the historical split between the town's west and east sides which also contributes to economic instability.

Although the area population has remained stable, residents believe that there is a high unemployment rate. According to city officials and residents interviewed for this project in 1996, the lack of employment has been a major factor in Sulphur's appearance of economic decline. Although Chamber of Commerce figures for 1998 indicate that only 247 members of the city's total labor force of 1,981 were unemployed, few young people can find work locally. For the most part, young people leave to find work elsewhere, or at the very least commute to larger cities such as Ardmore. Many more people would stay, residents say, if jobs were available. Eventually, many of those who do leave tend to return to the area to retire, making Sulphur and the surrounding area somewhat of a retirement community. The community has many senior citizens with low-to-moderate incomes. In 1997, for example, of the 12,200 people in Murray County 25.6% were under the age of 18 and 35.7% were over the age of 50. People in the prime of their working lives, between 18 and 34 years of age, comprised only 16.9% of the county population in 1997. Nearly 50% of the disposable annual income of Murray County households is under $20,000.

According to some residents, if it weren't for the park, the town would be dust. Others say it doesn't need to be that way. Some residents believe that the town doesn't necessarily need to grow, it just needs to employ the population that it has. They say that the potential to employ, develop businesses and prosper

already exists and is waiting to be taken advantage of. Many residents believe the solution is tourism, and tourism exists because of the park. In short, the park is the vehicle to gain economic success, and the key for starting it is the citizenry's own motivation.[22]

While Sulphur residents' stories and opinions are almost uniformly based on hope, optimism for the future, and faith in the city's potential to prosper again, at the same time they chide themselves for not taking advantage of the potential available to them. "People here are stagnant", one interviewee said. "They are only interested in what's in it for them, not what's good for the community." In general, people believe that Sulphur's prosperity is dependent on the tourism generated by the park, but that the city itself has not provided enough goods and services upon which visitors can spend their time and money.

While the community is economically dependent on the park, some feel there is also a tendency for the town to blame the park whenever there is an economic problem, rather than helping itself.

Remarks from many interviews in 1996 included the suggestions that:

> if the town was going to rely on tourism, it has to provide visitors with something to do and to spend money on. People here could easily renovate the downtown and promote the arts. Sulphur advertises itself as the city of springs but when people get here there are no springs. The private bathhouses and pools are gone. The city needs to revitalize some of the springs or at least develop a map to show where they were. But citizens also need to become involved.

The revitalization of Sulphur that people see as necessary is not just for visitors. They also want changes for the quality of life within their own community. Some people point out the irony of a city that doesn't even have its own municipal park, independent of the national park. While purchase of the former privately-owned Vendome pool site by the National Park Service is viewed favorably by most residents because it is well maintained and attractive, the purchase has also come to represent Sulphur's inability to maintain its own recreational facilities for its residents. Perhaps one of the biggest issues is the city's loss of its several swimming pools over the years. The loss of swimming pools is an issue that remains in the forefront of many residents' memories and represents concerns about the future of the community. The town could raise money to have their own swimming pools again, people say, which would be great for the community. Although people acknowledge that it would be expensive and there is a liability issue, they say that the many swimming pools used to bring visitors and community members together and now they are all gone.

Bringing visitors and community members together is a cornerstone of Sulphur residents' ideas about quality of life. People want to balance tourism with community needs. In Sulphur tourism and community are not mutually exclusive. "Sulphur is so friendly", one resident said, "because it is used to greeting strangers. It has always been a tourist town, so improving the quality of visitor services means improving the quality of life for residents. Similarly, making a nicer town for residents means a better town for tourists. Interviewees report that Sulphur is very proud of the park and its springs. And although economic development is desirable, it must be balanced with local use and therefore not

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[22] Many interviewees requested that their comments about current park/community relations remain anonymous; therefore, most quotes in this chapter are not attributed to individual interviewees, but paraphrased from similar comments made by multiple interviewees.

generic development, but development in a unique "Sulphur way." And the "Sulphur way," of course, reflects the inseparable relationship between the town and the park.

Residents generally believe that the park could play a significant role in continued development of the town, for example, private businesses could begin renting camping equipment again like they used to. Some people want development of a recreational vehicle park for additional economic development but others don't. Others hope for continued growth and development, but in a way that reflects the community's history and is compatible with the beauty of the park. Interest in the local history of Sulphur has increased within the last 20 years and continues to do so. One interviewee pointed out that local historian Opal Brown's newspaper column and her two books on Sulphur's history have raised the town's consciousness of its past.

The kind of development that many area residents see as necessary and compatible with the community is the kind that reflects the unique history and former elegance engendered by the presence of the park. Combined comments of many interviewees suggest that

> …maybe the important thing is getting the city to take advantage of what's already here. Sulphur is growing in its economic influence and development philosophy and trying to be in harmony with the park in terms of types of development. Industrial development has contributed to the decline of the town's elegance. Still, the community can support a broad economic spectrum at its base, from industrial to arts and crafts. We are now looking for a happy medium between high revenues and the old way. We want the word-of-mouth type businesses. Businesses such as the Olde Bathhouse can bring it back to the way it used to be. The future of Sulphur is wide open. The people can do what ever they want. They have the potential to make this a resort area again.

Residents generally want growth, but not necessarily population growth. They want better job opportunities, good housing, essential fire and law enforcement services, and water system improvements to go with it. They want to revitalize what is already here, make it grow and prosper, and retain its historic integrity. As of 1996 the growth philosophy was well underway. The Murray County Development Authority was formed a few years earlier, and Sulphur was on the verge of joining the national Main Street program. By March of 1997 Main Street certification was received by the city, and in June of 1999, 100% of the ground floors of the formerly inhabitable buildings in the Main Street district were rented to active businesses. The downtown and the local business outlook definitely began an upswing.

Main Street is a National Park Service program that is administered by individual states. It is intended to revitalize historic districts that have been pushed into decline by changing market conditions and demographics. The program provides special loan packages from banks to private business owners, to renovate, expand, or start their businesses. It also provides additional services such as architectural design and preservation training to local municipal Main Street organizations, in order to revitalize their downtown business districts.

According to Clayton Lodes, outgoing president of Sulphur's Main Street program, in June 1999 a few Sulphur business people spent much of 1996 in the arduous process of applying to become Main Street certified. After the certification was received in March 1997, a board of directors was formed and the Main Street Corporation was established. The remainder of the year was spent in educational activities and in starting up. Downtown was still essentially empty. By 1998,

downtown redevelopment was in full swing, with the organization engaging in many civic activities to refocus community attention on the downtown area. Planning and renovations began and four committees were established to oversee organization, design, economic restructuring, and promotions.

By June of 1999 the organization had a $27,000 budget with $10,000 of that coming from the city of Sulphur and the rest from private businesses and citizens. The Main Street program had more than 300 individual and business contributors. Many other contributors were simply people with an interest in revitalizing Sulphur's historic character. As of June 1999, eight downtown buildings had been sold; eight rehabilitated; two had facade renovations; 20 businesses opened, relocated or expanded; 22 jobs were gained; and, a total private sector reinvestment of $965,195 had been poured into downtown redevelopment. Two statewide awards had already been won. Sales taxes were on the increase, providing more revenue to put back into the city as a whole. The number of volunteer hours donated reduced the burden on city services downtown, and vandalism dropped markedly. In 2004 occupancy of downtown buildings still remains at about 90%. In addition, the Main Street program strengthened many community-wide partnerships.

One partnership award was won for the joint efforts between the Main Street businesses and the Sulphur Public Schools for an array of volunteer services provided by Sulphur High School clubs and organizations. Relationships among the City Council, the Chamber of Commerce, and the Main Street program were at an all time high, and the relationship between the Main Street program and Chickasaw National Recreation Area was not only strong but collaborative.

The Main Street district is directly north of the park, separated by Broadway, the main avenue running east and west through town. At the east end of the Main Street district where Broadway terminates is the Chickasaw Motor Inn, which occupies the site of the former Artesian Hotel and is the primary representation of the presence of the Chickasaw Nation in the city. These three physical districts represent the three governmental entities that make up the Sulphur community: the city, the federal government, and the Chickasaw Nation. Partnership efforts between the National Park Service and the Chickasaw Nation are developing rapidly and those between the Chickasaw Nation and the Main Street program are beginning, while the relationship between the Main Street Program and the park is now solidly in place.

The city and the park share sponsorship of the "1906 Christmas" celebrations, begun by the park in 1996, and tours now include downtown Sulphur, as well as the park itself. This celebration draws the attention of both residents and visitors to the downtown. As of 2004, the celebration became the "Candlelight Tour" and highlights the period between 1902 and 1940.

In 1996 the park and the Main Street program were discussing the possibility of locating some park offices outside the park boundaries and within the Main Street district. As of 2004, fifteen park staff occupy offices on the 2nd floor of a historic downtown building. Park staff, especially the park's landscape architect, has donated many hours of volunteer time in historic design services, and other members of the park staff have helped in other capacities. Programs are planned in common between the two entities, and one future plan includes the presence of a park visitor center in the Vendome area, along Broadway, which would tie the park even more closely to the Main Street district.

In recent years, the city and park collabored and received a TEA-21 (Transportation Enhancement Act)grant from the Oklahoma Department of Transportation for improvements between Rock Creek and the intersection of Highways 7 and 177. It will be used for pedestrian walkways, overhead lighting, underground utilities, and curbing in front of the proposed NPS visitor center.

In short, the Main Street program provided the vehicle many residents were seeking in 1996 when they expressed frustration at having no outlet for helping the community revitalize. With this mechanism in place, the people of Sulphur were quickly galvanized to restore their community's historic integrity, which is inextricable from the park.

Park Uses and User Groups

Chickasaw National Recreation Area is Sulphur's park. The Sulphur area residents consider local to be everything within a 30-mile radius of the town. Park visitors from beyond the local area are considered outsiders, or tourists. Residents and park employees say that the tourism area for the park is more-or-less from Dallas, Texas on the south to Oklahoma City, to the north. Official figures confirm these impressions.

Visitation to the park in 1996 was about 1.6 million. 15 million people visit Oklahoma each year and Murray County ranks 30th in visitation out of the 77 counties in Oklahoma and captures only 5% of all tourist dollars spent in the state. As of 2000, travel dollars[23] finance about 25% of Murray County's budget, including 130 jobs and more than $11 million in non-public payroll (Travel Industry Association of America 2001). These figures suggest that most of the visitation to the park is made up of the regional population base of 200,000 people who live within a 50-mile radius. Most of the 1.6 million visitors to Chickasaw NRA are repeat, local visitors, and their economic contribution to the area is significant.

A 1996 park-sponsored visitor survey asked how people found out about the park and 95 out of 129 people said they became acquainted with the park from previous visits or from friends and relatives. In a second question about where the visitor was from, 72 out of 97 people said that they were from Oklahoma or the immediate local area. Of the remaining respondents, 13 said they were from Texas, leaving only 12 visitors from other states.

In sum, Chickasaw National Recreation Area is a regional park. It is not a destination point visited primarily by tourists in the conventional national park sense. The park has one main user group-local residents-with some non-local and some specialized user groups as well.

The Local Community

Recreation

According to community representatives, the park has always had one main purpose: recreation. Since the construction of the Travertine Nature Center and concomitant development of park resource education programs, people increasingly see the educational purpose of the park. The purpose of the park that the community has a bit more trouble perceiving is that of preservation. "The park has always been for recreation", interviewees say. "This park was always a recreation area, not a place for preservation. The emphasis [of the park] has always been on recreation. The park is here for recreation and education."

[23] According to the Murray County Extension Service, travel dollars is money spent by people coming from 50 miles away or farther.

Traditional recreational uses of the park have been constant throughout the lifetime of the park and the community, especially walking, picnicking, camping, and family reunions. Generally, people say that the way they have used the park has been consistent over time, although the emphasis on use of certain places has changed in response to development of park facilities.

Individuals, families, and organizations from the surrounding region beyond Sulphur heavily use the Lake of the Arbuckles for boating, fishing, and recreational vehicle camping, while Sulphur residents engaged in traditional recreational activities generally use the Platt District. Many Sulphur residents say the Lake of the Arbuckles does not seem like part of the park at all, while many tourists who camp at the lake rarely go to the Platt District to visit the nature center, use the trails, and so forth.

Respondents to the park's 1996 visitor use survey ranked their uses of the park in descending order as camping, walking, boating, swimming, wildlife viewing, fishing, going to the nature center, participating in ranger guided activities, and biking. Some interviewees mentioned that the emphasis is now on exercise as opposed to leisurely recreation, but these uses are still considered recreational. Some of the comments regarding park use were:

Lots of friends walk in the park, starting at 6:00 am-mostly in Flower Park. People park by the exercise equipment in the morning and at noon hour to walk and jog.

There is a beautiful trail around Veterans Lake, but it is frequently too hot so folks tend to stick to the shady trails, like Buffalo Pasture.

The best thing about picnicking is that its right here and you don't have to plan ahead. Just pick up some KFC and you're there.

The group areas are pretty much in the places people traditionally like to use.

You get to see the same people here all the time and the same church groups meet here, and there are fish fry's at Travertine.

Nature Center and Environmental Education

According to interviewees, the community was very proud when the nature center was opened. Some people say it also changed the focus of the park by stressing the natural environment and bringing in schools for outdoor education experiences. Now, local people go there a lot, for example, the 4-H club comes in and asks about plants, which evidently never happened before. People are starting to slowly realize the educational opportunities at the park.

The influence of the nature center on environmental education has greatly increased the number and kind of park programs available to the community and the manner in which community members or community groups interact with the park.

Park Programs

Interviewees reiterated that the park provides good free programs and does a good job of community outreach. There seems to be more emphasis in recent years on providing educational opportunities and mixing with the public than there was in years past. Interviewees report that NPS interpreters have implemented several great activities in the community like Bald Eagle Day, when you bring a sack lunch and see movies or go watch real eagles. Not long ago a science instructor whose husband worked at the park teamed up with the nature center to provide a

four-week summer school enrichment program for students. Many other educational activities have recently involved the schools.

Besides school activities, in 1996 the park supported other activities that involve the community as a whole, such as Art in the Park, Sulphur Days (now called the Sulphur Water Festival), and the Candlelight Tours.

According to interviewees, there wasn't much park/community interaction until Art in the Park, Sulphur Days (Sulphur Water Festival), and the Christmas open houses at the park administration building began. Although it has not taken place since 2000, as of 1996 people felt that the Art in the Park program and the Sulphur Water Festival helped the community a lot because all the civic clubs participate. People say that the park has done a lot to promote these programs and they demonstrate wonderful cooperation between the park and the town. Through sponsorship of these and similar community oriented activities, residents say, the park will play a role in the town's revival. In fact, it used to be that the park and the city had separate planning processes, but now, according to interviewees, they plan jointly for things like Art in the Park and the Sulphur Water Festival. The Sulphur Water Festival is seen as a critical event for economic prosperity because businesses pay dues all year to the chamber of commerce which in turn sponsors the event. Since about 2000 the event has taken place in the downtown historic district. Similarly, local sentiment in 1996 was that the newly established 1906 Christmas Program (Candlelight Tour) at the park was great for the community. If the park continues to encourage community participation, people say, the program will continue to be very successful. Additionally, booths at the State Fair began again in 1996, which was also seen as a very good thing to do.

Some residents perceive the community oriented programs as especially important so that people begin to understand how the park works. As one interviewee noted “what the public sees they understand. What they don't see they don't understand.” Although it is sometimes difficult to get citizens involved in park programs, according to some people, the park should keep trying. “The park needs to find the balance between soliciting the publics’ ideas for programs they would like to see and maintaining control over the types of programs the NPS sponsors.” Highlighting community history is one area some people suggest as a way to really get citizens involved in the park, potentially through the Historical Society. Other ideas mentioned are programs that invite people to talk about where they are from, or a good will ambassador to welcome visitors and invite them to churches.

Specialized User Groups

Special Activity Permits issued by the park for fiscal years 1995 and 1996 illustrate a general pattern. Of the 24 permits issued in fiscal year 1995, eight were for Sulphur organizations, including the high school track team, the Kiwanis Club, and the chamber of commerce, for events such as track meets, Art in the Park, bike tours, employee appreciation days, and walk-a-thons. With one exception, all permits issued to Sulphur organizations were for areas within the park other than the Lake of the Arbuckles. The remaining 16 permits were for groups based outside of Sulphur but all within Oklahoma. With two exceptions, all these special activity permits were for bass or other fishing tournaments, or events on Lake of the Arbuckles. The last two permits were for trail rides.

Fiscal year 1996 permits followed the same pattern, with 11 permits issued to Sulphur organizations, and the remaining fifteen to organizations outside Sulphur-but all from within Oklahoma. Of the latter, 12 special activity permits were for fishing events on Lake of the Arbuckles. Of the 11 permits issued to Sulphur-based groups, only three were for the Lake of the Arbuckles, and only one

of those was for a fishing event (the others were for an Easter egg hunt and a baptism). The remaining Sulphur permits were for events held in park areas other than the lake.

In fiscal years 2002 and 2003 the park issued 30 special use permits each year for special events such as weddings, 20 and 24 permits respectively for fishing tournaments, and 95 and 81 permits respectively for pavilion reservations at Buckhorn and Veterans Lake.

Local town events held in the park are a continuation of the traditional community gatherings for which the park has always been used: church events, fun runs, bike tours, and other things that are by, and for, the community.

In general, the boating, fishing and other activities that take place on Lake of the Arbuckles are mainly by and for non-Sulphur groups and families that come in recreational vehicles to take advantage of the nice camping and RV facilities at the lake. One exception to this generalization is the Goddard Youth Camp, which has a small portion of the lake dedicated for its use by park special use permit.

Goddard Youth Camp

Goddard Youth Camp is a privately funded facility that provides low-cost, high-quality camping experiences for non-profit youth organizations. The program began as a pilot project based on a model established at Fire Island, New York. The Goddard family had ranching operations south of the park and when the camp began in 1965, the Goddard family looked for a suitable place to locate it. The creation of Lake of the Arbuckles provided the perfect impetus for the camp's current location, as well as the National Park Service jurisdiction. Goddard Youth Camp opened in 1967, the same year that the lake filled. The camp received a special use permit from the NPS to use 250 acres and exclusive use of Cedar Canyon within Lake of the Arbuckles.

In 1969 the NPS was involved in the N.E.E.D. (National Environmental Education Development) program, and the town of Ada agreed to provide a group of fifth grade children to try out the program. Although the program was very successful, the NPS turned its attention to other things and dropped out after a few years. The Goddard Youth Camp stayed, however, and began publishing its own environmental education literature. As of 1996 the camp served 27 school systems from within a 150-mile radius, including Lubbock, Dallas, and Oklahoma City. Goddard Youth Camp hosts over 5,000 fifth and sixth graders each year who participate in its program.

Throughout the intervening 30 or more years since its inception, the camp's relationship with NPS has fluctuated, but has always been excellent overall. The camp recently invested 2 million dollars in building a children's museum dedicated to the ecology of the Arbuckle Mountains. Paramount to the organization's decision to invest in such elaborate facilities was the fact that the camp is within the park, which the Goddard organization considers to be well managed and stable, with high quality services and experiences available to its youth. The park and the camp are able to share programs and trade collections, and the park serves both recreational and educational functions. The park nature center fulfills educational functions for the camp through its interpretive programs, and the education emphasis is always growing.

Goddard Youth Camp feels very protective of the continued NPS management of the park, as their investments in the camp's facilities were made with the intention that the camp will have a long partnership with the NPS. This relationship provides a consistent approach to resource stewardship.

Local Schools

Related to, but independent of the camp, the local schools are an important stakeholder in the park. Interviewees pointed out that the school board is an integral component of the community, and because the schools are involved with Goddard Youth Camp they are also involved with the park. Both Goddard and the park serve necessary functions for the schools and school-age children. Some interviewees suggested that there was little for kids to do in Sulphur. People felt that because kids are not busy on farms anymore and there are not enough sports activities, kids need other places to go. Interviewees also pointed out that there are no longer any movie theaters or swimming pools in Sulphur, and that skating is only good to about 7th grade. In the summer, particularly, the park serves an important role, as do the community churches that provide youth programs and a social role as well.

The First Baptist Church has the largest membership and sponsors the Oasis program for 7th to 12th grades. Kids can eat dinner there and play basketball and pool. Up to 200 kids participate every Wednesday night, making it the thing to do, for kids. For parents who hope to involve their children, church programs, the community education program, the Goddard Youth Camp, school sports, soccer, baseball, softball and basketball leagues, FFA/4-H, the Key Club (a branch of the Kiwanis), a local children's gymnastics business and a dance studio are the only activities available. Interviewees claim that children and youth, whose parents are not involved with them, are the ones who ultimately hang out and tear things up at the park. Some people feel that the families in which all members are still involved in farming are the most stable families, those whose kids are not at loose ends. With unemployment high, there are many welfare dependent families with children who need to be targeted for programs geared toward children and youth.

The need for these kinds of programs is where the park can play an especially important role, in the opinion of some community members. Interviewees state that the park could provide summertime activities. One suggestion is that it would be better to have something with limited enrollment, charging a small fee, and advertise in the paper and at the schools. Such classes could include geology, aquatic life, exercise training, heart rate monitoring, mountaineering, camping skills, and so forth. For example, there was once a gun and boat safety class and it was very successful. They charged a small fee for ammunition and had a big enrollment. Similar courses could be sponsored by the park. The park also participates in career day at the schools and sponsors the DARE program for Sulphur and Davis 5th grades which are good programs in the public perception.

Chickasaw Nation

As with the Goddard Youth Camp, the Chickasaw Nation is an especially important stakeholder in the park, reflected in no small part by the fact that the park was renamed in 1976 to honor the tribe's history and significance. The park's name change, some town residents recalled, was confusing because many people thought the Chickasaw Nation had assumed ownership of the new recreation area. Many interviewees expressed that people in general do not understand what the Chickasaw Nation, in terms of a tribal government, really is. Many people relayed that they are proud to have Native American ancestors somewhere in their own lineages. At the same time, they do not understand why Indian tribal governments have a "special status" (sovereignty) and what it really means, for example, in terms of applicability of taxes and so forth.

Some interviewees felt that the Chickasaw Nation is not an active participant in the development of the community, but one individual pointed out the "Chickasaw Nation first wanted to put their headquarters here, but the town said 'no' so they put it in Ada." Some people say, nonetheless, that the tribe should become an active participant in community development and a contributor to the economic base. Other residents say that "the tribe is damned if they do and damned if they don't, people like to go play bingo but at the same time they resent the tribe's special status."

As of 1999, the tribe was working with the park on the development of a Chickasaw Cultural Center within the park boundaries. While some interviewees felt that it would be a fine addition, others were suspicious about changes in the purpose and character of the park. Some of the residents were concerned about the tribe operating in the park and wanted the NPS to retain jurisdiction. The smoke shops were the biggest issue of concern. Others felt that tribal development in the park should not be a major issue:

> If the tribe builds a visitor center, some people will mind, some won't. It shouldn't be a big deal if people treat each other respectfully. Some people are upset about Wal-Mart, but a lot of people get employment from it. The same thing will happen with a new visitor's center (Anonymous interviewee).

Since the completion of the fieldwork a new collaboration has occurred. The Chickasaw Nation has become a primary stakeholder within Chickasaw National Recreation Area. The National Park Service will trade 29-acres west of Rock Creek for 39-acres of city of Sulphur land. The city will then give the 29-acre parcel to the Chickasaw Nation for trails, ceremonial events, and Mississippian style buildings. An adjacent parcel owned by the Chickasaw Nation will be used for a cultural center and associated exhibit hall, Omni theatre, amphitheater, restaurant, genealogy library, parking area, cabins and an outdoor sculpture garden. The Chickasaw Nation is hoping to begin construction in fall of 2004.

PARK AND COMMUNITY RELATIONSHIPS AND ROLES

The city and the park have been inseparable since the town site and the park were both established a century ago. The relationship between the two entities has fluctuated from time to time but has always been mutually dependent and almost always good.

This relationship was acknowledged as early as 1903 in a statement by a federal inspector that he considered it "highly important that the town site and the reservation should be considered as to the relation that one bears to the other; in fact as much depends on this as the economical and utilitarian features of the park" (DOI 1903f).

These sentiments have carried forward through time, as reflected in a February 27, 1913, issue of the Sulphur Times Democrat:

> Our Park is Saved
>
> The flurry over the fear of the loss of Platt National Park caused by the paragraph that passed the House providing that the United States cede the park to the state of Oklahoma is now a thing of the past. When the bill reached the Senate Tuesday, Senator Owen raised a point of order, which was suspended, knocking out the clause thus saving the park. Senator Owen is

> considered a hero in the Senate by the citizens of Sulphur and his popularity is greater today than ever before (Sulphur Times-Democrat 1913).

Attempts to undermine the national park status at various times since then have raised the same level of community defense as recalled by one 1996 interviewee who stated that:

> People love the park in the community. The reason why I say that is because we had one superintendent come here and he tried everything to get the federal government to give the park to the state. And he wanted to get rid of the buffalo and different things, and the people showed how they felt about the park—all these people got together and they started raising sand, I want you to know. They went to their congressman (Ervin 1996:16).

Congressional investigation of park management was again sought by the cities of Sulphur and Davis and the Murray County Commissioners in 1993. The communities passed resolutions complaining about campground closures, management of the park's budget, hiring practices, road construction and maintenance, and harassment by park rangers. The complaints stemmed from the closure of two campgrounds in May 1993 due to budget shortfalls. The community criticized the decision and by early July the allegations of park mismanagement had escalated to include an array of issues and a request for congressional investigation.

As a result of the congressional inquiry and the local media attention on the park issues, a National Park Service panel developed a set of recommendations for implementation by the park superintendent, focusing heavily on community relations. Among the recommendations, the superintendent was asked to:

- Conduct an "Economic Impact Analysis" of the role the park plays in the local economy
- Develop a full-scale public information initiative covering local news media, chambers of commerce, state, county and local officials, local organizations, etc.
- Develop news releases explaining the next fiscal year's funding appropriation and its implication for park operations
- Develop a plan for briefing the community in the event of future budget-induced cutbacks in services
- Develop a public relations strategy for ranger activities that target "special emphasis constituencies"
- Implement special emphasis training for rangers "that address the sensitivities unique to Chickasaw user constituencies"
- Review staff needs, training, promotions, and hiring practices

The recommendations reflect the community's level of awareness of and involvement in park operations and management and the importance of maintaining communication among the various entities. The relationships among Sulphur, the surrounding communities and the park are fundamental to the life and identity of each one individually.

Since the last low period of 1993-1994, the community opinion of the park has been favorable. According to community residents interviewed in 1996, the relationship between the park and the community is very good right now, as it has been for the most part for the last one hundred years. The best thing the park can do to maintain the positive relationship, according to some people, is to remain consistent.

The century of interdependence between the park and the town has created a community identity that values historical continuity, integrity, and respect. The park's federal status and physical relationship adjoining one side of the city makes it distinct and separate from the town, yet at the same time, it is seen as the town's own park. It is at one time a federal space—with the advantages and disadvantages that come with that status—as well as, according to one person, like a city park on the edge of town. At the same time, according to another resident, there is a physical separation between the town and the park, even with no boundary fence. It is reported to be a physical difference in feeling that is noticeable immediately upon entering the park, and one that has never changed.

This sense of separation also creates some conflict in the way people perceive the role of the federal government as an integral part of the community in which their history and identity is rooted. On the one hand, people place extremely high value on the park's integrity. They see the park as beautiful and having stayed pretty much the same over the years. They view the park as being managed consistently and believe it will remain so into the future. People are proud of the fact that the park is clean, well cared for, safe, and presents a high quality image to visitors. From Memorial Day on there are a lot of visitors, but according to residents, it is "high quality" visitation, not trashy, and without a lot of crime. The park offers a good image, good upkeep, and good services. While Oklahoma has many places to go for water recreation, this is the only one that's federal, and, according to interviewees, that makes a big difference. The park is safe, there is a lot of law enforcement, it's not rowdy, and as a result, the park has a devoted following.

At the same time, the federal requirements necessary to ensure these standards are sometimes seen as controlling, heavy handed, and decisions can be made independently by the NPS that will affect the town. A sampling of comments reveals that

> …there is some tension between businesses and the park when business owners can't put signs, stores, and so forth right next to the lake because of federal restrictions. This is the only federally administered lake in Oklahoma and people expect to see the same facilities as at others in state. State lakes, even Army Corps [of Engineers] lakes allow gas stations on the lake, but NPS doesn't allow commercial development. People don't understand environmental protection. Sometimes federal guidelines are too strict.

But, some people note, if use of the park goes unregulated then it destroys the resource people came to enjoy. On the other hand, if the government regulates too much, then it affects the traditional use and potentially the town's economy. There is a desire for the park to strike that perfect balance between benefit to the community and preservation of resources, symbolically characterized by one interviewee in the suggestion that the park needs more RV set-ups and camp hookups, but without detracting from nature.

A similar example pointed out by residents is when the NPS acquired management of the lake and built new camping facilities there, the lake eventually drew visitors away from town, where the local businesses had always provided services to tourists. On the other hand, "…the city wasn't able to manage the lake and now because of NPS management it is well cared for and people will keep coming back…. The city didn't have the resources to manage it and wouldn't today either. The NPS has taken good care of it," but NPS management shouldn't detract from

bringing people to town either. A sampling of comments indicates common opinions about the necessity of drawing visitors to town.

> Visitation hasn't declined as much as shifted emphasis away from Platt and to the lake. If going to the lake, then the visitors are not in town. Visitors now camp in the park, which makes them separate from the town. It used to be people in town would rent rooms to visitors. The town is dependent on the park. The park drew the tourists and the town provided them the services. Townspeople loved the tourists.
>
> The park was more integrated with the town. Now everyone has their own cars and stay to themselves, which makes the park seem more isolated from the community. When people came in by train, they went to the town first, now they just drive straight to the park. The NPS needs to find ways to bring the visitors into the town. Maybe town meetings to bring campers in or have townspeople meet with campers.

This sense of “meeting half-way”, as implied in the last statement, is consistently repeated in peoples’ comments about the necessary give-and-take between the community and the park. For example, one person pointed out that when the state agriculture conference was held in town the park allowed them to have catering trucks in the park. Although it might have been outside NPS’s normal rules, the interviewee pointed out, such compromises end up being mutually beneficial, as the park and the city share resources for law enforcement, fire fighting, surplus equipment, and so forth.

This give-and-take is perhaps most strongly expressed in terms of the use of the Vendome area, which is the most visible point of contact or overlap between the park and the town. As of 1999, according to interviewees, there is now more use of Vendome area than ever before-it is used, as one person said, “to the max.” But there are restrictions that come along with the use, such as restrictions on the amount of commercial activity that can go on there and the necessity for permits for activities that are allowed. Some people feel that the Vendome area is important joint space and if the city still owned it, there would be fewer restrictions on its use.

People don’t like, according to some, having some activities on the park side of the road and food booths on the town side of the road due to NPS restrictions on concessions, because it creates traffic and safety problems with people going back and forth across the road. But, people say, these matters are easy to resolve, especially when park employees are actively involved in municipal activities. In 1999 these efforts were especially visible in joint efforts between the chamber of commerce and the park, and the park’s assistance to the city in development of designs and plans for adjacent visitor center and chamber facilities in the joint space between the park and the town. As of 2004, these plans were somewhat modified and the Sulphur Chamber of Commerce has built a new welcome center across Rock Creek from a proposed NPS visitor center.

Perhaps the most notable example of the effort to protect the community’s interests within the context of federal regulations was during the “government shutdown” in 1995. Due to the inability of the U.S. Congress and the President to agree on a budget, all but essential government services were shut down for a period of several weeks, including closing most national parks. But because of the magnitude of the impact it would have had on Sulphur, the Superintendent at Chickasaw NRA determined to keep the park open throughout the shutdown. The respect for the well being of the community demonstrated by the Superintendent’s decision earned him as much in return and spoke to a value that people in Sulphur hold closely.

Respect is a strong theme in interviewees' comments. Older residents especially talk about the way people, both local and visitors, used to respect the park, particularly the park rangers. Some people recall that park rangers were revered, that they had a special status and were looked up to. Similarly, the park itself was almost like sacred space, almost "scary" according to one person. Park visitors and employees all kept the park clean, campers left camp sites cleaner than they found them, no one would think to litter and there was little crime. Some people believe that societal changes in the value of respect are reflected in attitudes towards park resources and park employees. Some of these changes, interviewees point out, are inevitable with greater numbers of people, visitors staying in their own recreational vehicles at the lake, lack of attachment to community or place, and a general dislike for the federal government. People in town have a history of accommodating visitors and enjoy being hosts, but resent it when visitors demonstrate a lack of respect for the park or park employees.

In general, the park employees are seen very favorably by the residents. Park employees are generally considered to be part of community "…especially the maintenance folks who have been here for a long time. Others need to get out in the community and join the churches and civic organizations. The non-local park employees sometimes don't do enough of that." "The good thing is park employees who stay for a long time at the park share the city's vision and participate." Some residents recognize that the park tries to hire locally. At one time, some interviewees observed "…almost all the women in administration were local, and the maintenance workers. But the ones people see are the rangers. Most of them are not local and it gives people the impression that the park is now run by non-locals."

As with all its other kinds of regulations, people recognize that it is difficult to be flexible in the application of personnel rules, but point out that it is very important in a community like Sulphur to be flexible and try to hire locally. People like having NPS employees represented by locals. But if employees can not be from the local area, interviewees point out, it is especially important for park people, particularly the Superintendent, to be involved in civic and church activities. At the same time, non-locals shouldn't be too outspoken, as one resident said, they should strive to be friendly and "just live with the people and be one of them."

After a century of thoroughly intertwined histories, Chickasaw National Recreation Area and the Town of Sulphur seem, in the community's perception, to "just live with each other and be part of one another" very well, with no expectations for anything other than positive changes in the future.

Chapter twelve

RECOMMENDATIONS

This project has brought to light the incredible history contained within Chickasaw National Recreation Area, and will contribute to the park's resource education programs, as well as providing an administrative record for future park managers.

There is a wealth of future study that could branch off from this report. The park's history is tied to the Great Depression as people survived by living in the park and finding viable work still available in the community, while others survived by working for the CCC at the park. For example, Frank Beaver stated that during the depression, the town was helped considerably by the ice cream factory and the cheese plant (Interview Beaver 1996:4). Since the park is tied so closely to this era, with its migrant camps, and people on their way out of the dust bowl, the Carl Albert Center Congressional Archives could be researched for the era 1929-1941, to present the depression and New Deal as it related to Platt National Park. Topics such as drought relief, farm security, Civilian Conservation Corps, Works Progress Administration dams, "The Grapes of Wrath," oil tariffs, prohibition, and relief programs can be found in these archives.

In addition to historical research, this project also affirms the importance of documenting contemporary perceptions, attitudes, and values that speak to the relationship between parks and the communities that have deep cultural and historical associations with them. Interviewees for this project recommended a number of actions the park could take to address community connections to the park.

The CCC men interviewed said they would like to see some type of monument at the CCC camp area, perhaps with a diagram of the camp, and text that might capture what it was like there. Since the completion of the fieldwork for this report, the NPS installed a wayside exhibit at the CCC campsite including a photo and information about the CCC camp.

Many people agreed with the words of one interviewee: "The two best changes the park could make is to get the Bromide spring running again and open the road back up to Antelope and Buffalo Springs. The old folks would like to see wells and springs back."

Similarly, in her interviewees with Chickasaw Tribal members, Clara Sue Kidwell reported that Chickasaw people "…hope that that steps can be taken to restore the flow of springs to previous levels, i.e., to make the park more as they remember it in the past" (Appendix F).

Other recommendations made by members of the Chickasaw Nation include:

- Continuing maintenance of facilities
- Increase possible job opportunities for tribal members, especially in interpretation
- Keeping access to the park free for everyone
- Keeping the English/Chickasaw language signage
- Waiving boat docking fees for Indian people.

Other recommendations made by Sulphur residents include:

- Maintaining uses of the Vendome area that are compatible between the city and the park
- Bring campers to town meetings or have townspeople come to visit campers as “community ambassadors”
- Increase and improve signs to the park and increase advertising, especially in major metropolitan areas like Dallas
- Highlight community history in park programs and get the community involved, such as a photo exhibit of historical scenes from the community and have people come in and identify them or have the community members bring in the photos
- Have programs that invite campers to meet with community members and tell about the places they are from; have community members invite campers to things in town, such as churches
- Provide summertime classes such as physical training, heart rate monitoring, mountaineering, aquatic life, camping skills and so forth.
- Keep working with the town on joint programs such as Art in the Park, Sulphur Water Festival, Candlelight Tours, and other mutually beneficial joint programs
- Update this study periodically.

The park and the community are dependent upon the continuity of this lifelong relationship. The authors look forward to a day when they can again spend time at this incredible park, as it evokes something of the past-value placed on community that feels peaceful and serene, just like its waters.

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APPENDIX A

PLACES, PLACE NAMES, AND RESOURCES

WATER RESOURCES

Antelope Springs
Frank Miles, an Indian born in this locality, told Architect Albert Winter that Miles' father, in commenting on the ways of the white man, had said that Antelope Spring was known as Buffalo Spring. Miles showed Winter a striking likeness from a certain point of view of a buffalo with its calf running at its side, formed by a rock in the center of the spring. He further stated that what is now Buffalo Springs, which is on level ground, in a grove of trees, with a thick growth of moss, watercress, and underbrush, was at one time frequented by antelope (DOI 1916a). The suggestion is that the two names had been switched later.

There was a small dairy owned by a man named Cunningham at Antelope Springs before 1900 (Brown and Garrity 1981; Sallee 1996a:22)

The two non-mineral springs, Antelope and Buffalo, named after the early herds that watered there, flow at a rate of 5 million gallons daily and are the main source of water for Travertine Creek (Brown 1952:2). "The condition of Antelope and Buffalo springs is not unique to this drought period. The undersigned has seen them dry a number of times during the past 10 years and park employees who have been here 20 years or more report many dry periods" (Platt NP 1939). The periods of dryness of Buffalo and Antelope springs have become more frequent "during the past few years." NPS geologists believe this condition has been brought about very largely by the "continued and unrestricted flow of water from the numerous artesian wells in the city of Sulphur" (Platt NP 1939).

The name "Antelope Springs" long antedates the park’s establishment. The Indians had probably named it after the animal that had inhabited the park area before the white man’s arrival (Platt NP 1935).

Beach Springs
This area has been used for sunbathing, wading, swimming, and picnicking. One consultant said people used to take the sand for personal use and it naturally replenished itself (Interview Shaffer 1996). These springs were continually overflowing from Rock Creek, and in 1929 a large drum was sunk around the spring and cemented at an elevation where it was impossible for it to be polluted from the creek water. The spring water was then piped and carried to a suitable place, from which it was taken to the new cement pavilion fountain (DOI 1929). A hydraulic ram was installed to accomplish this a few years later (DOI 1932).



CHILD WADING AT BEACH SPRINGS

Bear Falls
Located between Sycamore and Lost falls.

This name has no specific significance. Arbitrarily chosen by the topographer of a 1908 map to designate it as one of the more definite and interesting of the 75 falls within the park (Platt NP 1935). Bear Falls Recreational Dam, E.C.W. project-fifth period, May 1935.

Black Sulphur Springs
These springs are referred to as Black Sulphur Springs because of the black deposits that accumulate from the sulphur water. In a 1923 annual report, the superintendent states that after Bromide Springs, these are probably the second most valuable. There are three springs here and they are often called the Beach Springs because of the sandy beach nearby. The waters are fast becoming famous as a blood purifier, especially beneficial in all kinds of skin diseases such as chronic sores, eczema, and some blood diseases. A 1924 report states that people also use the mud to take baths and claim many wonderful cures from its use and that the waters from the Black Sulphur Springs are fine for many diseases (DOI 1924:2).

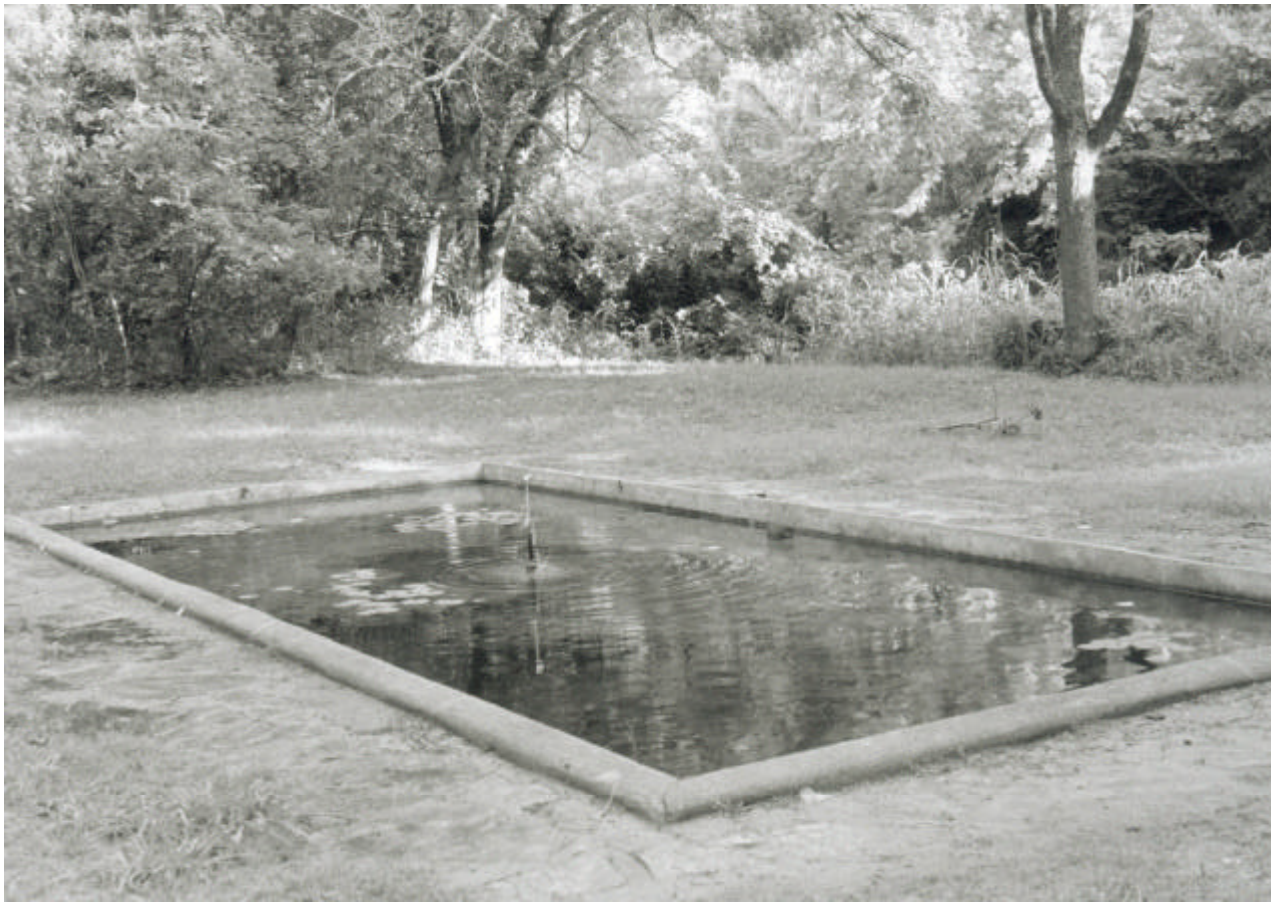
The water used to come out of an old stump here (Interview Beaver 1996:14).

In 1937 the Master Plan was corrected to relocate the Black Sulphur Spring Pavilion. "It is proposed that the Black Sulphur Spring Pavilion be moved to the south of the Park drive opposite the present location. The old structure will be torn down and the parking area and walks obliterated. Relocation is possible because the spring flow is now equipped with a hydraulic ram and the water can be forced to any nearby location. This change seems desirable due to the non-conformity of the present structure [with] all other developed park architecture. The present structure is conspicuous and the site is necessarily restricted. It is planned that the new structure be set into the hillside south of the park road with amble space around it for proper use and with adequate planting and screening for proper subordination of the structure. Parking facilities are now available" (CCC 1937f).

Bromide Spring
The name existed long before the park's establishment and originates from the bromide content which characterizes the water. This spring was originally called salt spring, because of its salty flavor. Bromide is considered a cure for stomach trouble, nervousness, and rheumatism. People came from all over to drink bromide water at the park. They came on stretchers and walked away when they left. Numerous testimonials that extol the waters healing powers can be found in historic brochures from the era.

The house currently located at Bromide Springs was built circa 1907-1908 to house the custodian of the springs.

The Bromide Pavilion lily pond held gold fish.



LILY POND

The CCC laid the piping in the sand across the creek from Bromide Spring to the pavilion location.

Bromide Spring No. 2
Formerly known as Chloride Spring; located in the center of Rock Creek. The concrete box around the spring and over it divides the flow of water in the creek during the low-water and during high water the box is completely covered with water. Bromide Spring No. 2 was a health concern, as it became contaminated in high water and Superintendent Branch discontinued the use of the water from this spring (DOI 1933a).

Buffalo Spring
A spring in the extreme northeastern part of Platt National Park, in the NE quarter of Sec. 1, T1S, R3E, Indian Meridian. It is about one sixth of a mile southeast of Antelope Spring (See Antelope Spring).

Cave Island Falls
A small niche or cave under several huge conglomerate rocks on the left bank of Travertine Creek. A small island in the creek near this niche suggested the name "Cave Island Falls," where there is now a series of beautiful falls.

Central Campground Recreational Dam
Planned May 1935. Approved E.C.W. project-fifth period.

Cliff Bromide Spring
Name antedates establishment of park; obviously derived from name of the cliff where the bromide spring issues.

Cold Spring
In 1912, a small cold spring just above the edge of Travertine Creek at the first crossing east of Pebble Falls was confined by sinking a 15-inch tile into it. One spring that has never been previously confined was enclosed by sinking an 18-inch tile pipe around its outlet, onto which a small iron pipe was cemented for an outlet. A board platform about five feet square was then built around the spring, because of the fact that it is located low on the bank and the flood waters of the creek would make the spring inaccessible. The water obtained from this spring is clear and cold, and apparently devoid of mineral qualities, hence it has been named "Cold Spring" (Platt NP 1912:7). During Fiscal Year ending June 30, 1913, the Cold Spring "had been developed and confined" (Platt NP 1915). When Travertine Drive was built, this spring was almost destroyed-and there are plans to investigate the possibility of restoring it to its former status (Platt NP 1935a). Note: the name is singular.



COLD SPRING

Coney Island Ford
The junction of Rock Creek and Travertine Creek (Platt NP 1935).

Ellen Wilson Spring
Located 90 feet northwest of Bromide Springs.

Analysis composition similar to Bromide contained in folder by Atchison, Topeka, and Santa Fe, except that Ellen Wilson Spring contains iron and 7.2 mil per liter of hydrogen Sulfide (DOI 1917). Analysis of water at recently impounded mineral spring in the bed of Rock Creek. Mineral content is not materially different from Bromide Spring. Authorize $100 to pipe water to Bromide Pavilion. "These enclosures show the spring to have been named Ellen Wilson Spring, can you advise?" (DOI 1917a).

Sneed named the spring after President Wilson's deceased wife, but since the analysis I desire to add the name and call it "Ellen Wilson Sodium Chloride Spring" (DOI 1917b).

Garfield Falls
About 250 feet southwest of Lost Falls.

Named in honor of former President James A. Garfield. "In compliance with the recommendation contained in your letter of the 24th, you are authorized to name one of the cascades on Travertine or Sulphur Creek Garfield Falls. You will cause the same to be indicated on an appropriate sign" (DOI 1908a).

Recreational Dam Plan shows two dams to be constructed here. May 1935, approved E.C.W. project-Fifth period. Note: The lower dam flood gate creates a space where you can crawl in and watch the water cascade over you.



GARFIELD FALLS

Grand Rapids
Between Little Niagara and Lake Placid.

Name due to rapids, which at time of designation were more developed here than elsewhere on Travertine Creek. Since their designation, position of rapids has slightly changed and their intensity diminished. See flooding story relative to Little Niagara. Original Little Niagara was located north of the current falls, near the junction of Limestone and Travertine creeks. Original Little Niagara was 16 feet high with a jutting rock separating its flow (Platt NP 1908a).



LAKE PLACID

Hillside Springs
This is a name of long standing derived from the fact that this spring flows from a hillside located about 500 feet southwest of Pavilion Springs. It was formerly known as Beauty Spring. The Hillside Spring was renovated and a ditch dug to carry away all surface water from the spring in 1929 (DOI 1929). The CCC tore down the old pavilion there and built the new hillside retaining wall, fountain, and 2 drinking fountains in June of 1935.

Lake Placid
A pool just above Grand Rapids.

In contrast with the rapids and falls which characterize much of Travertine Creek, a stretch of the creek for several hundred yards just above what is now called Little Niagara Falls is unusually calm and placid. Hence the name "Lake Placid" was the designation for this part of the creek before the park's establishment (Platt NP 1935).

Little Niagara Falls
¼ mile northeast of Cave Island Falls.

Supt. Greene reported that during 1905-according to photographs and statements-Little Niagara Falls was 16 feet high and was separated at the brink by a jutting rock into two divisions, "hence the resemblance of its great namesake, and the adoption of the diminutive designation of 'Little Niagara.' "When I came here a year and a half ago, the height had diminished to less than 12 feet, and the feature of the separation of the waters into two falls, was noticeable only when the stream was swollen by heavy rains. The floods of last season have reduced the height of the main fall to less than 8 feet, with a cascade of some 4 feet above this where the work of erosion is rapidly progressing" (Platt NP 1908a).

The fall was originally formed by "a drift of logs, some of which may be seen protruding through the face of the fall. These are liable to catch floating logs at the time of the next freshet and tear loose other masses of the fall, to its complete destruction." Greene goes on to recommend construction of concrete dam and the wing wall at the end to prevent cutting the bank (Platt NP 1908a).

The pool, called Little Niagara today, is depicted as Grand Rapids on a circa 1913 photo, and on a map accompanying a 1908 report.

Proposed Recreational Dam, May 1935. Approved E.C.W. project-5th period.

Lost Falls
Between Bear Falls and Garfield Falls.

Because of its wilderness environment one of the park falls which supposedly had remained undiscovered by the white man until found was named "Lost Falls" (Platt NP 1935).

Medicine Spring
The Medicine Spring near Bromide Mountain was discovered by William J. French in 1911 and the water pumped to Bromide Pavilion where it was under the care and distribution of watchman George Clark. This spring was developed and improved, and placed in commission at an expense of $140 (Platt NP 1911:4).

In 1929 the Medicine Spring container was made higher and cemented, and the bed of the creek was lowered and a cement walk made with waterways under the walk to keep the creek from the spring. An electric pump was installed to pump the water from the spring to its container in the Bromide Pavilion. The sodium chloride spring in the center of the creek was repaired and water pipes laid to the pavilion (DOI 1929). The CCC took a team of mules and cut a ditch to reroute the creek so they could build up the spring. They put a pipe down and cemented and tarred around it.

Medicine Creek
This creek "is located with[in] a few feet of the water in Rock Creek and is housed with a circular brick and concrete enclosure that extends above high water. Occasionally samples of water from this Spring has shown contamination. The basin which holds the water from the Spring is excavated out of rock and the inflow is over natural rock sloping toward the west. The housing over the spring and around it is not water tight at the bottom and the contamination occasionally found in samples is no doubt due to a small amount of River water filtering through to the Spring. There is very definite evidence that the original outlet of the spring is higher up on the bank and at an elevation that will preclude infiltration of River Water. It was recommended that an

excavation be made in the rock above the Spring and at a place where Travertine Rock indicated the original outlet was" (DOI 1933a).

The spring was found to be contaminated around 1934 and a new location was drilled into solid rock. Superintendent Branch reports that they are awaiting final analysis of the water to determine if the spring will be used or not (Branch 1935). In April 1935, the sanitary engineer approved a test to develop the spring by tapping the Medicine Spring at a higher level in order to eliminate creek seepage, as the present spring container was below creek level. This was one of the parks most popular springs and unfortunately became infected with bacteria. Sewage was being discharged into the creek a few hundred yards below the spring that led to the recommendation of developing this new outlet. Rather than continue to use it as it was set up, park management decided to close the spring (CCC 1935g; Hommon 1935).

In Superintendent Branch's 1936 report he states that "fortunately the same stream of water was encountered in solid rock at the base of the Bromide Bluff at considerable distance from the creek" (Branch 1936).

Merry Widow Spring
This spring can be found northwest from Big Tom (Platt NP 1912).

Panther Falls
A quarter-mile northwest of Pebble Falls. (See Sylvan Cove)

The name has no known special significance. It was apparently arbitrarily chosen by the topographer in 1908 to designate one of the more definite and interesting of the 75 falls within the park (Platt NP 1935).

There was a footbridge near Panther Falls where church groups used to go to hold their baptisms (Interview Jennings 1969). The road formerly crossed the bridge just above Panther Falls.

Pavilion Springs
Diamond Z Ranch was established here by Noah Lael in 1878 (Sallee 1996:18). Lael sold the improvements to Perry Froman, who sold it to the Sulphur Springs Development Company (Sallee 1996:22). This site was the former center of the original Sulphur Springs town site. The name comes from the pavilion that was built over the springs before 1900. This site was owned by Clay Webster before the park’s establishment and was formerly called Big Tom and Buffalo Suck (Platt NP 1935).

Pebble Falls
The falls are about one third of a mile west of Garfield Falls (Platt NP 1935)

Rock Creek
Name of a creek over which park has no jurisdiction since both head and outlet of creek are outside of the reservation. Name "rock" is obviously derived from the very rocky country through which the creek flows and its designation was well fixed, long before the park was established (Platt NP 1935).

Sulphur Bromide Spring
This name is to be abandoned. Not to be used any longer (Platt NP 1935).

Sulphur Springs
(Located in NE¼ of the NW¼ and the SW¼ of the SE¼ Sec. 3). The former name Black Sulphur Spring to be abandoned. The name is already used elsewhere (Platt NP 1935).

Sycamore Falls
Between Cave Island Falls and Bear Falls.

Because of several large and picturesque sycamores around whose roots a deposit of travertine had created a breast for a falls, the falls long ago were appropriately designated "Sycamore Falls" (Platt NP 1935).

Sylvan Cove
Superintendent Richard Alexander Sneed, who wanted desperately to build a swimming pool in the park near Hillside Spring, built a pool at Panther Falls. This simple dam held back the clear, fresh water of the two big springs. For dressing rooms, park employees stretched canvas around several poles set in the ground. So many swimmers immediately invaded the area that Sneed asked Washington for funds with which to add a second pool for the 1918 season (Boeger 1987:99). This probably occurred in 1918 as the annual report states that a pool was enlarged (DOI 1918).

Travertine Creek
The "falls of Sulphur Creek are in many cases formed by concretions of lime carried in solution in the waters of this stream, which might very properly be called by the more euphonious name of Travertine Creek. Any obstruction of the waters, such as a drift of logs or accumulation of leaves soon becomes a means of forming one of the falls which are the chief attraction of this stream. The process is inconceivably rapid and the twigs and branches of a fallen tree, lying for a few months in the water, become encrusted until their original character is completely lost in what would appear to be a coralline formation, or fragile stone in most fantastic designs. The falls thus made are subject to frequent changes, and easy injury" (Platt NP 1908a).

This creek, formed by Buffalo and Antelope springs was originally called Sulphur Creek until 1907. Recommended to be changed by Supt. Greene in 1908 (DOI 1908b). "There are approximately 75 falls on the creek caused by formations of travertine rock across the channel of the stream, which are its chief attractions. This formation is peculiar to this creek. None is found elsewhere in the vicinity." Name change approved December 2, 1908 (DOI 1937).

The creek was historically called Sulphur Creek. In his 1906 report to DOI geologist Charles N. Gould noted the name Travertine is more suggestive of the character of the stream than the word Sulphur. The creek was renamed in 1908 as requested by Greene (Sallee 1996a:75).

Travertine Falls
500 feet north of Pavilion Springs.

Although the deposit of travertine is a common characteristic throughout Travertine Creek, its presence at this particular falls was specially pronounced at the time of the falls' designation, otherwise "Travertine Falls" has no special significance (Platt NP 1935).

The Vendome Plunge/Well
According to early day brochures this "Largest Flowing Mineral Well in the World" flowed 3,500 gallons of water per minute-or 210,000 gallons of water an hour-or over 5 million gallons of water a day! (Sulphur Times-Democrat 1981).

The Vendome Plunge was constructed around 1926 and was named after a famous spa in Europe. The trains came within less than 5 minutes walking distance to the Vendome. The water ran through the middle of the restaurant. Above it was a dance hall. In the summer there were nightly pavilion dances and in the winter local organizations gave parties and balls. There was a honkey tonk there where

famous artists, including Bob Wills played. The CCC boys went to dances there and some met their future spouses. Boys came from Oklahoma City and all over. Velma Ratliff, who was born in 1903, said that they had big time bands there and on Wednesdays and Saturdays and the women wore long dresses. On the Fourth of July there was a band at each end (Interview Ratliff 1996:8).



VELMA RATLIFF

The Townsley's bought the White Sulphur Inn that stood on the hill east of Pavilion Springs (Seven Sisters) and moved the hotel to Sulphur number 3. It became the Park Hotel on Broadway across the street from the Sulphur library. They drilled a well and used it to supply a swimming pool across the road in about 1906. They operated the hotel until 1925 when it was razed (Sulphur Times-Democrat 1999d). The pool must have been removed earlier, because in a 1913 superintendent's report, it states "the old Vendome building has been torn away and the bathing pool there destroyed" (Platt NP 1913).

Frank Louis Payne and two other Indian men were hired by Mr. John Townsley in 1922 to locate water and dig a well to furnish water for a hotel located across the street from the Vendome. Mr. Payne's mother was Choctaw and he had learned to witch wells from his Indian relatives. He had to use a certain type of wood from a secret type of tree for it to work. Mr. Townsley needed a good, deep well to furnish plenty of water for the hotel guests. He owned the property where the Vendome is located and told Mr. Payne to try to find water there. Mr. Payne said the witching stick kept moving down at the same spot, and they dug until they reached 100 feet, yet found no water. Mr. Townsley said to abandon the spot and try someplace else. Suddenly they heard loud roaring like running water. The water was uncontrollable-issuing 3500 gallons per minute. In about 1926 the well was cased and the flow regulated to about 10-15 feet high. The well is now (1982) about 3-4 feet. Mr. Townsley and his brother-in-law, Frank Lewis, built the Vendome Plunge, restaurant, and dance pavilion to utilize all the water. The pool was used until the pavilion burned in the 1960s. The pool was closed and filled in. The NPS purchased the land in 1979 and the well was reconstructed in 1980. Mr. Payne said the Vendome well was the main underground stream, like a huge river (Interview Bridges 1982). John Townsley's brother was a ranger at Yosemite in 1932 (DOI 1933).

There was a big restaurant underneath, and a dance pavilion on top. That parking lot was built by the park. So the parking lot was there when the Vendome Plunge was there. I think that was an example of cooperation, because they didn't have to build that big parking lot for the dance pavilion. There was a cotton gin years ago, a feed store, a little filling station, a skating rink, and the NPS bought all that. It was sort of run down. They bought it all and returned it to a natural state during the 70s. The Vendome pool was filled prior to the NPS acquiring it. They sold it to the park in 63 or 64 (Interview Pettiti 1996:33).

G. Dixie Colbert used to own the Vendome. The guy that owned the skating rink owned it all, and then it sold and my friend bought it, and he finally sold it to his friend, borrowed money from him until he owned it, his name was G. Dixie Colbert. Colbert just bought it to get his money out of it, because of my friend that couldn’t pay for it, but he actually bought it for $50,000.00 (Interview Pinkston 1996:21;23). It was closed down when he got it. Probably 67 or 68 (Interview Colbert 1996:17).

The waters of the plunge were not chlorinated. The constant flow through the pool kept them clean, and the water was drained at the end of each day and the pool was swept out.

There was a carnival there with Ferris wheels and all kinds of rides, as well as the skating rink. When Delbert Gilbert’s parents came into town from Nebo to shop, he and his brothers would sneak off and swim at the Vendome for 25 cents. The artesian well squirted up about 18 feet in the air (Interview Gilbert 1996:8,12,14). Harold Long remembers that Gene Autry wanted to buy it (Interview Long 1996:23-24).

According to some folks who remember the Vendome fondly, the Vendome bathhouses were comparable to Hot Springs, Arkansas and people flocked there.

When the Vendome Well was added to the park (NRA) it wasn't long before the well was completely renovated and restored. However, you couldn't fill your jug with sulphur water. A drinking fountain and a pipe where you can fill your jug have recently been added to the Vendome Well (Sulphur Times-Democrat 1981).



FRANK AND VINITA BEAVER AT VENDOME WELL

Wading Pools
Mud baths were taken along the creek flowing out from the Vendome. The Flower Park area was thoroughly reorganized by the CCC in 1934. The work was based on the sidewalk rearrangement and the realignment of the stream, which crossed the area. The sulphur-water ditch from Vendome Well was relocated to give it a more natural appearance (Platt NP 1934b). The stream was realigned to create an attractive waterfall into Travertine Creek, which was visible from Lincoln Bridge and the Buckhorn Road. Two large wading pools were constructed for children and places were provided for those who used the water for medicinal purposes such as foot ailments. On almost any summer day there were numerous people sitting with their feet in this stream and they claim beneficial results (CCC 1934b).

"Finish work on the wading pools and stream is now in progress" (CCC 1935e). The stream out of the Vendome Well emerges spring-like beyond the area at the beginning of the first wading pool in the stream course across Flower Park (CCC 1935c).

The completion of the two wading pools provided a collection site for sulphur mud which people would rub over themselves and then bake in the sun. The mud baths cured chronic sores, eczema, and arthritis. If you had chiggers on you and rub yourself with mud, "you wouldn’t have no chiggers when you come out." People would come there with sores, and after they took the mud baths the sores would heal (Interview Gilbert 1996:9,22).

The sulphur water got a black sticky scum on it, and they mixed that with mud, and plastered it all over, even under bathing suits, and they walked around with it all over them (Interview Jennings 1969).

"They’d be sitting up and down there all along painted up just as black as old coal" (Interview Gilbert 1996:30).

> This was a place where people came and took the sulphur baths and got the sulphur mud. You could see them across the bridge, and they'd be all up and down in that area. The pond was originally quite a bit larger and more or less free form. It was quite beautiful. There was a superintendent that caused such an uprising from the town…. Just filled it in! It was a lazy little pond and they made it so the water would run right through it for reasons unknown. Ecologically it was a disaster. It was destroying so many of our species that bred there and lived there that were rather rare. And they were bulldozing it in! His reason behind it was that people from up above there with cups and papers and things that would blow in there, and it was too wide for maintenance men to keep it cleaned out. So he made it narrow so water just flowed right through (Interview Pettiti 1996:31-32).

Wilson Spring
Named after Virgil R. Wilson, the man who owned and settled the property south of Bromide Hill Drive before the property was included within the reservation (Platt NP 1935). The USGS recommended that the name "Sulphur Asphalt Spring" suggested by Mr. Branch be adopted. This was done on January 18, 1937 by the board of names. It was so named because "there are asphalt deposits in the vicinity of the spring and the mineral contents of the spring water appear to be more or less sulphur and asphalt compounds" (Platt NP 1935).

PLACES AND PLACE NAMES

Administration Building
Erected in 1894 by Graves Leeper, who came to Sulphur from Oklahoma City for his health. It was used as his family residence while he managed the adjoining lumber yard. It was later used for federal court commission meetings. Numerous Indian Land claims were settled here and it was also used as a schoolhouse, a community center, a court, and a church. It was the location where the payment for lot improvements of the old town site was made. In 1904 it became the office of the park superintendent.

In December of 1934 the CCC received specifications for an addition and alteration which required local native stone obtained from quarries within the park or picked up loose within park areas (CCC 1934c). After the CCC remodel it contained an office for the superintendent, a room for the clerk, a public room for visitors, and a large porch across the eastern side. The public room had an attractive fireplace, a file room, and a natural history museum. The old superintendents' office was made into the file room.

Anvil Rock
The park contains numerous free swimming pools; those at Sylvan Cove, Bear Falls and Anvil Rock being the best known (Sulphur Chamber of Commerce 1930:12)

Bromide Camp
First camping permitted in the park here around 1920 according to Superintendent Branch (Branch 1935). Public Camp located near Bromide Spring. Bromide Camp area popular prior to WWII (Platt NP 1935).

Bromide Hill
This is a hill located on the extreme southwestern part of Platt National Park in SW4, Sec 3, T1S, R3E. 162 feet high (Platt NP 1935). (See Robber's Roost).

Brookside Trail
Meanders along Sulphur Creek (Travertine) to its source (Platt NP 1908).

Buckhorn Road
Also known as State Highway #18. This is a road over which the park has no jurisdiction. Buckhorn name derived many years ago from community named Buckhorn, about 6 miles south of park. Buckhorn Road named by Supt. Greene. "The principal one of these roads leads from Second Street in the City of Sulphur by the most practicable route, to the south-eastern corner of the park. This is the great thoroughfare between Scullin and Sulphur and also accommodates a large farming community along Buckhorn and Oil Creeks. I have named this Buckhorn Road" (Platt NP 1909a).

Buffalo Pasture
During the winter of 1920 two elk and three bison from the Wichita Forest Reserve were released in the park into separate paddocks. Later, in 1932 the CCC built a 97-acre pasture in the existing location.

Cat's Eye
A spot in Rock Creek, near the north end of Rock Creek campground (Platt NP 1935).

Central Camp
An area used for public camping and known for years as "Central Camp" because of its central location. East Central Park, locally known as the Assembly Ground, comprises approximately 6 acres. Located on the north side of Sulphur

Creek and immediately east of an extension of First Street East, coming from the City of Sulphur. Large gatherings were restricted to these assembly grounds in 1908. The eastern section became a colored campground after 1937 (Platt NP 1935).

Chigger Hill - Gobbler's Knob
The top of the hill in Rock Creek campground. Reservation system was created for the weekend crowd. Those that came on weekdays got stuck on Chigger hill (Interview Shaffer 1996:23).

Cliffside Trail
Cliffside Trail is an abandoned name that was never really used. Sulphur Springs objective of trail (Platt NP 1935). "During the year a foot trail was constructed from Sulphur-Bromide spring along the meanders of spring Run to near its confluence with Rock Creek and thence down the face of Bromide Cliff to Bromide Springs. This trail is approximately ¾ of a mile in length and is one of the most frequented places in the Park. The scenery is romantic and in places approaches grandeur. It is called Cliffside Trail" (Platt NP 1909a).

Cold Springs Camp
Area used for public camp known as Cold Springs Camp by reason of many cold springs along creek in vicinity (Platt NP 1935).

Easter Pageant
Mules carry three crosses to top of hill the night before Easter. Different churches and thousands of people from all over participate. People carry small crosses up to the three crosses; the sun rises behind the crosses. The Easter pageant officially opened town for season, but was discontinued before World War II.

End of the World
Travertine Island and the area just west, which was named by Marian Corley's mother.

Flower Park
Known as Flower Park for years by reason of cultivated flowering plants formerly grown in the area. Most used area in the park has suffered a great deal of abuse in the past. All old concrete walks have been removed and replaced with informal gravel paths. Eroded and scarred banks have been regraded and planted. Old roads have been removed and obliterated. Uneven surfaces have been smoothed out and in many cases sodded with Bermuda grass (Platt NP 1934b:7).

Guy Sandy
William Malcom Guy, former Chickasaw Governor, took an allotment along a stream that ran from Sulphur Springs to Davis. The stream became known as Guy Sandy Creek. Today it is one of the main streams flowing into Lake of the Arbuckles. Guy established the Guy National (Chickasaw Indian) School about 1900 and was its trustee. In 1906 the Guy Institute was closed (Sulphur Times-Democrat 1996).

Mather Memorial Tree
"There is herewith a picture of Mather Memorial Tree planted in Platt NP." White or American elm (Ulmus americana L.); this species of elm is a hearty tree with strong and very durable wood and is a fitting memorial to the late Honorable Stephen T. Mather. The tree is planted on the bank of Travertine Creek as it flows from Antelope Spring (DOI 1930a).

In the book Stephen Mather of the National Parks, it states that after Mather's death "there was launched a Mather memorial tree-planting" (Shankland 1951:288).

Monkey Tree
Delbert Gilbert remembers the Monkey Tree when he was about 15 (circa 1935). "I guess kids were called monkeys in them days. You could hardly get room up in that monkey tree for the kids in it" (Interview Gilbert 1996:11).

The tennis court used to be right there, almost up to it. And those little monkeys climbing on it is what caused it to look that way (Interview Shaffer 1996:43).

It was probably 20-25 years ago that that came about as a favorite place for kids to climb on (Interview Pettiti 1996:35).

Mount Airy
Because of its high elevation in relation to its immediate surroundings and its bleakness and exposure on all sides to the wind, the airish condition of the hill so impressed the original topographer of the park that he named the hill "Mount Airy". Elevation 1047 feet (Platt NP 1935).

Nigger[24] Run
Before the park was established, a black family lived near a small creek then known as a "run". This was Eugene Cade's grandmother's place (Interview Cade 1996:1). In 1937 a request to withdraw that name and substitute "Limestone Creek" was submitted. Branch suggested the name Limestone Creek. The original name had been given prior to creation of the park because a colored family lived on the stream. The name was used for 50 years or more. "No one with whom I have talked, liked the designation" (Platt NP 1937; Platt NP 1937a; DOI 1937c). Sallee says this name was protested in 1937 by the Chicago Branch of the National Association for the Advancement of Colored People. Correspondence from George Martin July 20, 1937 (Sallee 1996a:73).

Order of the Arrow
An area where the boy scouts had a secret ritual, called the Order of the Arrow. They had a small campground here, where they could build a fire and "do their thing for their scouting" (Interview Stockton 1996:5). This location is on the south side of the road, where the back road to the nature center meets the main loop road.

Riverside Trail
Trail from Pavilion Springs west follows Sulphur Run to its mouth and along Rock Creek to the junction with the Cliffside Trail a short distance south of Spring Run. This trail is one of the most romantic in the park and affords the shortest route from north Sulphur to Bromide Springs for pedestrians (Platt NP 1935).

Robber’s Roost
Summit 1072 feet, on the south slope of Bromide Hill, on the southwestern boundary of Platt NP. SW4 Sec 3 T1S R3E.

The peak of Bromide Hill was known to the Indians as "Council Rock" (WPA 1986:367). In later years it became locally known as Robber’s Roost, as there was a tradition that in territorial days robbers and bandits frequented near the summit of Bromide Hill. From there they could survey the surrounding

[24] While this terminology is considered to be offensive, it should be understood in its historical context as common vernacular.

country to prepare to hide, kill, or steal as the situation demanded. One can view the country for many miles in every direction. The principle mineral springs of the park issue from the base of this hill (Platt NP 1935).

Robert's Trail
A gravel walk or trail was constructed from the end of Second Street across the West Central Park to Lincoln Bridge. This is the greatest thoroughfare for persons on foot in the park. The entire population of North Sulphur and visitors at the principal hotels use this trail in reaching West Central Park and Pavilion Springs. It was named Robert's Trail in honor of Miss Una Roberts, the park clerk who projected it (Platt NP 1909a:5-6). Ms. Roberts was acting superintendent around 1905 (Sulphur Times-Democrat 1999e).

Rock Creek Drive
Proposed name by reason of drive being along bank of Rock Creek (Platt NP 1935).

Squatter's Camp
"When I was a little bitty girl there was a squatter's camp on Rock Creek. That was during the depression. We drove up there one day and it depressed me greatly. I was about four, five or six-when people were living in big old cardboard boxes, like you see these pictures of people living in some of the disaster areas. I would say there were 40, 50, 60 people at least in that area. That was in the 1930s" (Interview Pettiti 1996:38).

In 1933 Superintendent Branch reports "the unsatisfactory conditions beyond Bromide Hill outside the park's jurisdiction and the town [continues]. This area is peopled by wandering people who for years were permitted to live on the park. It is hoped by next winter the property owners will close the area to camping and thus complete the cleanup of the vicinity of the park of problems of this nature" (Branch 1934). This camp was abandoned by fiscal year 1935 (Branch 1935).

Suspension Foot Bridge
At Bromide and Medicine Springs. With a coat of paint, can be put in very good condition, excepting the floor, which will require to be replaced during the coming year. The bridge is in continual use as will be shown by the number of visitors to those springs, all of whom pass over the bridge (Platt NP 1911).

Travertine Drive
This is a drive along Travertine Creek (Platt NP 1935).

Travertine Island
This was originally called Wildcat Bend. Notes indicate new channels were cut by 1908 floods (Platt NP 1935)

Travertine Trail
Trail along Travertine Creek called Brookside Trail in 1908 (Platt NP 1935).

Veterans Lake
Veteran's Dam is an earth fill embankment located on Wilson Creek, a tributary of Rock Creek. Constructed from 1933-1936 by the WPA as a memorial to the Veterans of World War I. It was intended for recreational use. In a 7th period CCC report it said that "in all probability lake development will be presented to the park at a future time" (CCC 1936c). Private enterprise was taking advantage of the narrow strip of land between the lake and the park, which would make condemnation within the area difficult.

Surface area of 67 acres, has a normal capacity of 600 acre-feet. Maximum capacity is approximately 1,200 acre-feet. Maximum reservoir depth of 43 feet.

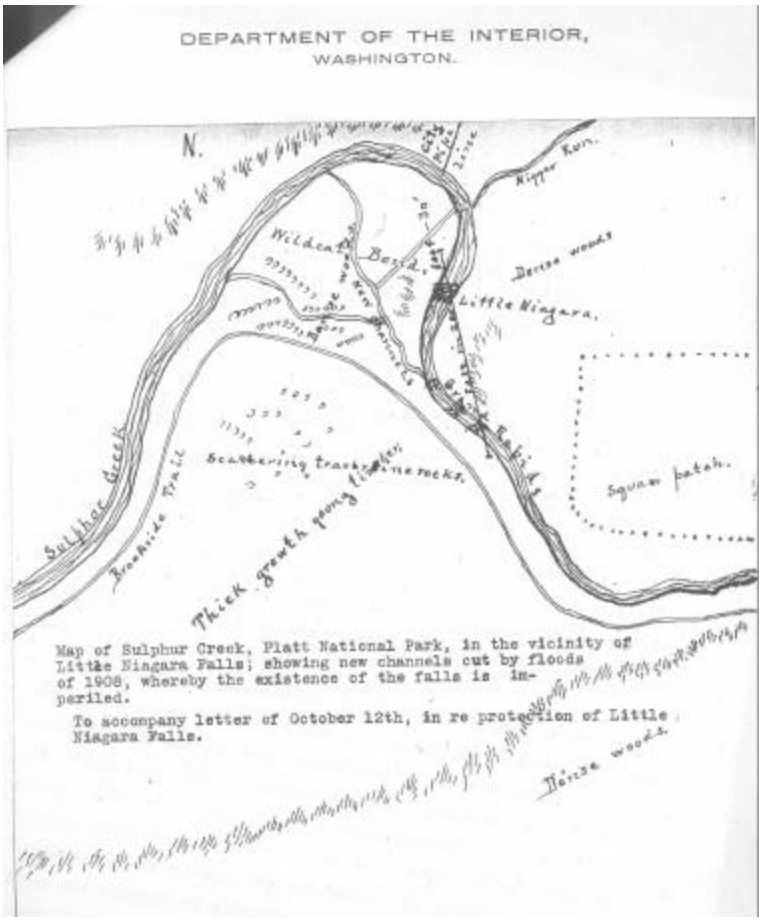
Veteran's Trail
The Veteran's Trail follows what used to be the road to the Veteran's Hospital.

Walnut Grove
Between Black Sulphur and Travertine Ranger Station near Monkey Tree. There are black walnut trees here. Former site of CCC Camp and tennis courts.

Washington Bridge
This bridge crosses over Rock Creek on Davis Ave. Steel structure on abutments, with concrete floor reinforced, the… [Missing pages] (Platt NP 1911). This bridge was moved to Wynewood Street, two blocks north, when the current bridge was constructed. In June 2004 the Washington Bridge was cut up and removed from Wynewood Street. Ken Ruhnke measured the largest span and it is a match to the remaining stone abutments (one full height, the other razed to 3 feet of riverbed) located under the Hwy 7/Rock Creek Bridge. The plaque that was removed shows that it was constructed by Midland Bridge Co. in 1909.

Watercress
Buffalo Spring is well known by locals for its good watercress (Interview Stockton 1996).

Wildcat Bend
See Travertine Island



WILDCAT BEND (DOI 1908d)

APPENDIX B

PLANTINGS BY THE CCC COMPLETED BY MARCH 1934
(CCC 1934a)

A. Small Trees and Shrubs

Kind	Size	Where Planted	# Planted	Obtained
Red Cedar	2 1/2 - 11'	Along eastern and northern boundaries. At supt. house along Okl. #18 Hwy – Black Sulphur Spring - CCC Camp - southern park entrance.	489	7 miles south of park
Red Cedar	Seedling	In denuded areas	2,000	Nursery
Privet Hedge	18-24"	Along N. boundary CCC Camp	2,200	Nursery
Sumac	2-4'	Along park boundaries – Buffalo Spring	15,000	In park
Chickasaw Plum	2-4'	Along park boundaries – Buffalo Spring - Island picnic grounds	7,500	In park
Elm	1-2" diameter	Along park boundaries – Buffalo Spring - Bromide Camp- Central Camp	2,000	In park
Oak	1-2" diameter	Along park boundaries – Buffalo Spring	1,000	In park
Hackberry	1-2" diameter	Along park boundaries – Bromide Camp	200	In park
Dogwood	2-4'	Buffalo Spring - Along park boundaries - supt. House - Island picnic grounds	11,000	In park
Buckbrush	2'	Buffalo Spring - Island picnic grounds - along park boundaries	9,500	In park
Flowering Dogwood	1-2" diameter	Buffalo Spring - Flower Park - Travertine Creek	230	27 miles S of park
Lemonade Sumac	3'	Along park boundaries	1,500	In park
Redbud	4-8'	Supt. House - along park boundaries - Buffalo Spring - Island picnic grounds	700	In park
Flowering Crab	3-4'	Supt. House - Flower Park - Bromide Camp	10	Nursery
Euonymus	2-4'	Buffalo Spring	75	In park
Red Haw	2-6"	Supt. House - Flower Park - Bromide Entrance – Buffalo Spring	200	In park
Magnolia	5'	Supt. House - Flower Park - Bromide Entrance – Buffalo Spring	10	Nursery
Austrian Pine	3' seedlings	On denuded slopes throughout park - Supt. House – Flower Park - Bromide Camp	1 ,050	Nursery
Shortleaf Pine	Seedlings	On denuded slopes	1,000	Nursery
Chaparral	2-4'	Buffalo Spring - Along park boundaries	500	In park
Holly	5'	Supt. House - Flower Park - Bromide Entrance – Buffalo Spring	31	Nursery
Blue Cedar	5'	Supt. House - Bromide Entrance	5	Nursery
Prostrate Junipers	Small	Supt. House - Black Sulphur Spring - Buffalo Spring	40	Nursery

B. Large Deciduous Trees

Kind	Size	Where Planted	# Planted	Obtained
Elm	4-11"	Supt. House – CCC Camp - Buffalo Spring – City School – Bromide Camp – Black Sulphur Spring	18	In park
Oak	3-4"	Supt. House – CCC Camp	2	In park
Flowering Dogwood	3-5"	Buffalo Spring – Main Entrance	4	27 miles S. of park
Hackberry	4" diameter	Buffalo Spring	1	In park
Redbud	8" diameter	Black Sulphur Spring	1	In park
Red Haw	5" diameter	Buffalo Spring – Main Entrance	2	In park
Black Walnut	4" diameter	Supt. House	1	In park
Sycamore	6" diameter	Cold Springs	1	In park

C. Trees and Shrubs in Park Nursery.

Kind	# Planted	Size	Location Obtained
Red Oak	561	Seedlings	In the park
Crae tegus Paracanthous	5	3-5 ' high	Outside nursery
Hackberry	10	3-5' high	In the park
Red Haw	10	2' high	In the park
Holly	5	5' high	Outside nursery
Euonymus	5	1-3" high	In the park
Privet	102	Cuttings	Outside nursery
Red Oak	100	1-2" diameter	In the park
Sycamore	50	Seedlings	In the park
Sycamore	9	1-2" diameter	In the park
Elm	100	1-2" diameter	In the park
Buckbrush	35	1-2" high	In the park
Red Cedar	262	Seedlings	In the park
Burr Oak	451	Acorns	In the park
Black Walnut	120	Nuts	In the park
Redbud	13	3-5' high	In the park
Austrian Pine	200	Seedlings	Outside nursery
Austrian Pine	8	3' high	Outside nursery
Andena	12	2' high	Outside nursery
Short-leaf Pine	200	Seedlings	Outside nursery

APPENDIX C

VISITATION

1907
25,000 visitors came to the park
3,000 campers came by wagon

1908
Approx. 25,000 people by rail
1000 by wagon
106,332 at Bromide Springs
Many of these from Sulphur and vicinity

1909 Annual Report
25,000 visited the park during the fiscal year July 1, 1908, to June 30, 1909.
1000 came by wagon and camped for a period of three days or more. The others came by rail.
141,179 Bromide Spring attendance during the year. Many returnees.

1911
877 campers by wagon
124,956 Bromide Springs
4,594 head of cattle driven through the park.

1912 Annual Report
30,000 people
754 camped for three days or more, the others coming by rail and stopping in the city. Falling off of campers, last year 768. Attributed to the excessive drought which prevailed over this section of the country during the past year, and the financial stress caused by the failure of crops.
89,365 Bromide Springs attendance
MISSING PAGES

Report of 1912
734 campers, camped more than three days
89,371 people visited Bromide
Actual no. of visitors about 31,000
2,000 head of cattle

1913
35,000 visitors
481 camped for three days or more, decrease of 253
Greater number of persons came by rail and stopped in hotels and boarding houses in Sulphur.

1914
112,667 Bromide Springs

1915
Estimate that about 18,000 to 20,000 visitors came last year
Fewest visitors yet no appropriation and European War
113,563 Bromide Springs visitors, exceeding last year by 896.

1916 At least 30,000 visitors
547 camped three or more days
100,337 Bromide Spring
Since the 1st of July this summer the campground has been crowded, and there have been more of them who came in their own cars, and who have the appearance of being a more prosperous class of people than at any other year previous during the history of the park.

1918
Campers 1,265

1919
107,976

1920 Annual Report
October 1, 1920, to September 30, 1921
The park has never been traveled by so many cars of all kinds and makes
Visitors 107,918
Hot Springs had 150,000
Campers 689

1920
Visitors 173,318
90% visitors
10% home people
Campers 2,981

1921
Visitors 216,022
Campers 10,526

1922 Visitation Bromide Springs October 1, 1922 to September 30, 1923
Visitors 470,841
Campers 74,589
Automobiles used by campers 18,840
Automobiles used by visitors 50,000 approx.
Visitors 246,998, Campers 23,170

1923 July 4th 18,617 people visited Bromide Springs. The park is becoming very popular as a health and pleasure resort.
Visitors 470,841
Campers 74,589

1924 Annual Report
Opening day at Platt was May 23, 1924
Year round park, but thousands of visitors come to enjoy the opening of the busy season. July 4, over 20,000 visitors at Bromide that drank the water. We feel 550,000 people will visit Platt this year.
Visitors 539,495
Campers 95,272

1925
Visitors 573,522
Campers 43,823

1926
Visitors 248,569
Campers 45,798

1927
Visitors 294,954
Campers 51,584

1928
Visitors 280,638
Campers 54,314

1929
Visitors 204,598
Campers 60,985

1930
Visitors 178,188
Campers 64,057

1931
Visitors 325,000
Campers 68,140

1932
200,471 Visitors
21,148 Cars

1933
220,606 Visitors
27,894 Cars

1934
233,855 Visitors

1935
235,831 Visitors

1936
235,945 Visitors

1937
284,144 Visitors

1938
286,488 Visitors

1939
Visitors 358,240
Cars 36,092

1940
Visitors 309,749
Cars 37,979

APPENDIX D

PARK SUPERINTENDENTS

Frank C. Churchill	Indian Service Inspector
Joseph F. Swords	1903-1907 Relative of Platt
Albert R. Greene	1907-1909
William J. French	1909-1913 9/11/09
R. A. Sneed	1914-1919 2/14/14 - 6/30/19
Thomas Ferris	1919-1923 7/16/19 – from Supt. Pawnee Indian School
Robert G. Morris	1923-1925
Forest L. Carter	1925
William E. Branch	1925-1926
King Crippen	1926-1930 10/1/26
William E. Branch	1930-1944
Thomas Cal Miller	1944-1951
Perry E. Brown	1951-1954
William Supernaugh	1954-1956
William E. Branch	1956-1960
Johnwill Faris	1961-1963
Paul M. Steel	1963-1964
Donald M. Spalding	1964-1967
Jack E. Stark	1967-1971
John Higgins	1971-1979
Paul V. Wykart	1979-1981
John D. Linahan	1981-1988
Robert W. Peters	1988-1994
Pat McCrary	1994-1995
John Welch	1995-1997
Gerard Baker	1998-2001
Rick Shireman	2001-2003
Connie Rudd	2003-present

APPENDIX E

LIST OF INTERVIEWEES

Ashton Family Reunion
1996 Interview by Jacilee Wray and Alexa Roberts on September 15.

Austell, Clifford and Isabell and Ruth DeGroat
1997 Interview by Jacilee Wray and Alexa Roberts on March 27.

Beaver, Frank and Vinita
1996 Interview conducted by Jacilee Wray on October 1 and by Jacilee Wray and Ken Ruhnke on October 16.

Brandon, Lonnie
1996 Interview by Jacilee Wray on September 23.

Bridges, Doris Payne
1982 Interview by Jamie Pettiti on September 17, 1982.

Brown, Lacy and Eula
1996 Interview conducted by Jacilee Wray on October 18.

Brown, Melvin and Inez
1996 Interview conducted by Jacilee Wray, with sign language translation by their daughter Melba Davis, on October 18.

Brown, Opal
1996 Interview by Jacilee Wray and Alexa Roberts on September 18.

Bryant, Ralph [Wichita Mountains NWR]
1999 Telephone interview by Jacilee Wray on July 28.

Cade, Eugene
1996 Interview by Jacilee Wray on October 15.

Carter, Darryl
1996 Interview by Alexa Roberts on October 3.

Carter, Wesley
1996 Interview by Alexa Roberts on October 19.

Cobb, Truman
1996 Interview by Jacilee Wray on September 19.

Colbert, Scott
1996 Interview by Jacilee Wray on October 16.

Condriff, Retha
1996 Interview by Jacilee Wray on October 11.

Corley, Marian
1996 Interview by Jacilee Wray on October 16.

Delay, Gene
1996 Interview by Jacilee Wray on October 11.

Drury, Gerald and Joy
1996 Interview by Jacilee Wray on October 15.

Edgar, Wayne
1996 Interview by Alexa Roberts on October 3.

Ervin, Cleve
1996 Interview by Jacilee Wray on October 3.

Fields, Virginia
1996 Interview by Jacilee Wray on October 15.

Gilbert, Delbert
1996 Interview by Jacilee Wray on September 27.

Hicks, Bill
1996 Interview by Jacilee Wray on September 19.

Hill, Allen "Butch"
1996 Interview by Jacilee Wray and Alexa Roberts on September 20.

Hood, Gene
1996 Interview by Jacilee Wray and Alexa Roberts on October 11.

Jennings, Harry
1969 Interview by Palmer Boeger on October 11.

John, Harold Eugene
1999 Interview by Judy Kahlor on March 23.

Kahlor, Joyce
1996 Interview by Jacilee Wray on September 20.

Kennedy, Fuzz
1996 Interview by Jacilee Wray on October 18.

Lansford, Joe and Maud
1996 Interview by Jacilee Wray and Alexa Roberts [Never transcribed].

Laxton, Kathy
1996 Interview by Jacilee Wray and Alexa Roberts on September 14.

Little, Ina
1996 Interview by Jacilee Wray and Alexa Roberts on September 26.

Long, Harold
1996 Interview by Jacilee Wray on September 23 and October 1.

Paul, John
1996 Interview by Alexa Roberts and Jacilee Wray on September 26.

Pettiti, Jamie
1996 Interview by Alexa Roberts and Jacilee Wray on October 8.

Pinkston, Jay
1996 Interview by Jacilee Wray on September 10.

Pollard, Earl
1996 Interview by Jacilee Wray on October 16.

Ratliff, Velma Parker
1996 Interview by Jacilee Wray on October 3.

Ringer, Brenda
1996 Interview by Jacilee Wray and Alexa Roberts on September 27.

Rutledge, Joe Deveraux
1997 Interview by Judy Kahlor on May 16.

Shaffer, Lonnie and Frieda.
1996 Interview by Jacilee Wray on September 27.

Shatley, Ruth
1996 Telephone Interview by Alexa Roberts, September 26.

Sterling, Odessa
1996 Interview by Alexa Roberts and Jacilee Wray on October 14.

Stockton, King and Julia
1996 Interview by Jacilee Wray and Alexa Roberts on September 17.

Stromme, Phyliss
1996 Interview by Alexa Roberts and Jacilee Wray on October 11.

Underwood, Jerry
1996 Interview by Alexa Roberts on September 27.

Vanderburg, Gene
1996 Phone interview by Jacilee Wray on September 26.

Wilkins, Max [Wilkins Interview #1]
1999 Interview on June 26.

Wilkins, Tanya (Weavel) [Wilkin's Interview #2]
1999 Interview on June 26.

Wilkins, Ron [Wilkin's Interview #3]
1999 Interview on June 26.

Wilkins, Terry (Gibson) [Wilkin's Interview #4]
1999 Interview on June 27.

Wilkins, Joe [Wilkin's Interview #5]
1999 Interview on June 27.

Wilkins, Rona [Wilkin's Interview #6]
1999 Interview on June 27.

ETHNOGRAPHIC OVERVIEW

AMERICAN INDIAN OCCUPATION AND USE OF THE CHICKASAW NATIONAL RECREATION AREA

BY

CLARA SUE KIDWELL

ACKNOWLEDGEMENTS

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ABSTRACT

This study examines the protohistoric and historic evidence of the use of the cold springs that constitute the heart of the Chickasaw National Recreation Area. The archaeology of the region indicates that it sits in an area of physiological diversity that has been visited by Native people since the seventeenth century A. D. Its mineral springs constitute a distinct part of the environment. Early European explorers encountered a number of Caddoan speaking peoples, ancestors of the contemporary Wichita and Caddo tribes, along the Red River, the Sabine, and the Brazos River of the southern plains and the Arkansas, Cimarron, and Canadian rivers further to the north. A number of tribes currently located in Oklahoma have had some historical association with the south-central part of the state in which the recreation area is located. The United States government acquired this territory as part of the Louisiana Purchase in 1803 and resettled tribes from east of the Mississippi River after 1830. The Choctaw and Chickasaw tribes were moved into the area of the cold springs. The federal government's policy of allotment led to dissolution of tribal governments and distribution of tribal lands. The Chickasaw tribal government ceded a tract of 640 acres around the springs to keep them accessible to the public. The contemporary tribes of Oklahoma, especially the Chickasaw within whose territory the springs lay, have no long standing traditions of use of the springs. Tribes that arrived in the area in the 19th century brought other traditions. Tribes that lived in the area before European contact have experienced such significant cultural change that cultural meanings associated with the springs are very different from those of the early inhabitants of the region.

MANAGEMENT SUMMARY

The archaeological record for the area of the Chickasaw National Recreation Area shows evidence of camp sites dating from about 1600 A. D., but there is no evidence of permanent habitation by native people. The Area is located in the Cross Timbers region, the mix of prairie and forest that was historically recognized as a barrier to travel from east to west. It served as a hunting

ground for bands of Caddoan speaking people who are ancestors of the Wichita and Caddo Tribes. The Caddoan linguistic group today comprises the Wichita, Pawnee, Arikara, and Caddo languages. Kitsai is an extinct language of this group, and Waco, Tawakoni and Wichita proper have been recognized as separate dialects in the past.

The Cross Timbers supported small game and small herds of elk, bison, and horses, and it served to separate the Wichita people on the western side from the Caddo people on the eastern side. Although it was good hunting territory, both the Wichita and Caddo lived in settled villages on major rivers and relied on agriculture for their primary subsistence.

Although the contemporary Wichita and Caddo Tribes are recognized as separate political entities, when they were first encountered by European explorers they were dispersed groups. The Hasinai, Kadoacho, and Natichitoches constituted major divisions of the Caddo people, while the Wichita, Waco, Towakoni, and Kichai were closely allied peoples. Ancestral groups of the Caddo lived along the Red River near the intersection of the present boundaries of Oklahoma, Texas and Arkansas. Wichita and related groups lived primarily along the Arkansas, Cimarron, Canadian and Washita rivers, while the linguistically related Pawnee lived farther north along the Loup, Platte and Republic rivers in Nebraska.

First encounters with ancestral Wichita groups were those of Francisco Coronado (1540-41) and Juan Oñate (1601) who reached the Arkansas River in their search for the fabled Quivira. Bénard de la Harpe, a French explorer, encountered Caddo villages along the Red River in 1719. These early contacts led to trade, to the spread of infectious diseases, and to movements of native peoples. The Osage, who in about 1700 were located on the upper Osage River and south bank of the Missouri, obtained guns and began to extend their hunting range southward into the upper Cross Timbers region, where they encountered Wichita hunters and generally outfought them with superior weaponry.

The Wichita, harassed by Osages and plagued with disease, moved westward, and by the 1750s were living primarily along the Brazos River in Texas and on the western edge of the Cross Timbers region. This move brought them into contact with the Comanche to the West.

By the time of formation of the United States, there had been significant shifts in location for the Wichita, the Osage, and the Comanche as groups sought to establish trade relations with Spanish and French traders in the Mississippi Valley and along the Red and Arkansas rivers. The Louisiana Purchase in 1803 brought their territory under the control of the United States, and in Thomas Jefferson's mind it also raised the prospect that all Indian tribes living east of the Mississippi River in American Territory could be moved west of the river to these new lands.

Origin traditions of the Choctaw and Chickasaw tribes indicated that these people had originally lived west of the Mississippi River and that they had migrated to their eastern homelands, led by a sacred pole that leaned toward the southeast. Hernando de Soto encountered Muskogeean speaking peoples identified as the ancestors of the Choctaw and Chickasaw in his entrada through the southeast in 1541-43, but historical accounts by European explorers also identify Choctaw and Chickasaw west of the Mississippi in the 18th century and Choctaw and Chickasaw traditions tell of warfare with the Osage.

The United States government sought to clear Indian rights of occupancy of land through treaties, and in 1818 the area encompassing the cold springs that are now the heart of the Chickasaw National Recreation Area was ceded to the United

States government by the Quapaw Tribe. The western extent of that cession was defined by the meeting of the Arkansas and Red rivers, an area not yet explored and one that included the traditional range of the Wichita and related peoples. In 1820 the Choctaw Tribe signed the Treaty of Doaks Stand agreeing to exchange much of their homeland in central Mississippi for land which the federal government now felt it owned because of the Quapaw treaty. Although some Choctaw moved west, the majority of the tribe remained in Mississippi.

In 1830 the Indian Removal Act was passed by the United States Congress, and the state of Mississippi extended its laws over the Choctaw and Chickasaw nations, effectively outlawing their national governments. The Choctaw were the first major southeastern tribe to sign a removal treaty. By the terms of the Treaty of Dancing Creek the Choctaw agreed to leave their homeland and move west. In 1832 the Chickasaw signed the Treaty of Pontotoc, agreeing to removal when they found a suitable territory. In 1837 the Choctaw and Chickasaw signed a treaty with the United States government by which the Chickasaw could settle in the western part of the Choctaw territory as a district of the Choctaw government. In 1855 another treaty allowed the Chickasaw to establish an autonomous tribal government, although the land remained held in common. The treaty of 1855 also allowed railroad right of way through Indian country and provided for the lease of Choctaw and Chickasaw lands west of the 98th meridian for the government's use in settling western tribes and those in Texas.

In 1859 the commissioner of Indian affairs ordered the removal of the Wichita and related tribes and the Caddo from two reservations in Texas and relocation to the Leased District. Raids by Comanche and Texans had led to considerable suffering for these tribes. The Treaty of Medicine Lodge in 1867 led to the settlement of the Kiowa, Comanche, and Apache in the Leased District. These treaties thus created more settled communities in proximity to the current Chickasaw National Recreation Area, although still at some distance from it.

The Civil War proved disastrous for the tribes of Indian Territory. The Five Civilized Tribes, the Choctaw, Chickasaw, Cherokee, Creek, and Seminole, signed treaties with the Confederate government, and although some tribal members fled north to fight for the Union, most tried to remain out of the fighting. The defeat of the Confederacy led to the signing of treaties with the Choctaw and Chickasaw that forced the complete cession of the Leased District to the federal government, reiterated the right of way for railroads, required tribal enrollment for black freedmen, and subjected tribal members to federal courts for some offenses.

The passage of the Dawes Act, also known as the General Allotment Act, in 1887 marked the full implementation of the federal policy of allotting Indian land in an attempt to assimilate Indians into American society as individual landholders rather than as tribal members. It was perceived that the breakup of communal land holdings would destroy tribal identity. The Dawes Act specifically exempted the Choctaw, Chickasaw, Cherokee, Seminole and Creek, the Five Civilized Tribes, whose treaties had given them title to the land. Lands in the Leased District, however, were subject to the Dawes Act, and a special commission headed by David Jerome negotiated allotment agreements with the Kiowa, Comanche and Apache in 1891. The influx of white settlers into these areas because of the sale of surplus land put more pressure on the five tribes to agree to allotment.

In 1893 Congress authorized the Dawes Commission to begin negotiations with the Five Civilized Tribes to get them to agree to allotment. In 1895 a law allowed the Choctaw and Chickasaw to initiate a suit against the Wichita and Affiliated Tribes to recover the money paid for the sale of surplus lands in the Leased District. The Wichita replied with a claim to original title to the lands,

denying that the Quapaw had any right to cede the land to the federal government in the first place. The original suit was decided in favor of the Choctaw in the U.S. Court of Claims, but the decision was overturned by the Supreme Court. The Wichita then filed a suit against the United States claiming right of original title, but that suit was rejected by the U.S. Court of Claims in 1939 because issues of original title were outside its jurisdiction.

The dispute over title did not deter the Dawes Commission from negotiating the Atoka Agreement with the Choctaw and Chickasaw in April of 1897. The agreement provided for allotment of lands, establishment of town sites, and protection of coal and sulphur as resources for tribal members. It also called for the establishment of tribal rolls and dissolution of tribal governments in 1906, thus paving the way for Indian Territory to become part of a new state, Oklahoma.

The Chickasaw had reason to support the idea of allotment. If they owned their land individually they could use it as they pleased, but they rejected the Atoka Agreement when it was put to a vote of the tribal membership. They were violently opposed to the provisions for enrollment of black freedmen and to the granting of land to railroads. They were also, however, a small minority of some 5,000 Indians in a population of about 150,000 whites who had moved into their territory.

When the Atoka Agreement was rejected, the U.S. Congress passed the Curtis Act (1898), which encompassed the Atoka Agreement and other agreements with tribes and mandated that they be put to the vote again. Tribal members voted in favor of the agreements, and the Curtis Act formally imposed allotment on the tribes. The Dawes Commission established citizenship courts to determine tribal membership. The slowness of the process of enrollment, however, led the Choctaw and Chickasaw to sign a supplementary agreement with the government, one provision of which was the ceding of a tract of 640 acres along the banks of Sulphur Creek to protect the mineral springs from exploitation by white entrepreneurs who were turning the area into a major health spa and tourist attraction.

The development of railroads played an important role in this tourist enterprise, and a spur of the Saint Louis, Oklahoma and Southern Railroad was brought into Sulphur. The Chickasaw saw the area not as a sacred site but as a source of impetus for economic development by whites in their territory. With their ability to maintain their land and self-government slipping away from them, they saw the area of the springs as worth saving from commercial development and keeping available to the public.

After the initial Chickasaw cession to set aside the Sulphur Springs Reservation in 1902, about two hundred additional acres were acquired by the government in 1904. The reservation became Platt National Park in 1906, a part of the National Park Service. The area was named Platt National Park in honor of Orville Platt, Senator from Connecticut who was a member of the Committee on Indian Affairs.

Although the governments of the Five Civilized Tribes were ostensibly to be dissolved with the admission of Oklahoma to the Union in 1907, the work of allotment continued, and it was necessary to maintain some semblance of tribal government to oversee the distribution of land and to collect funds due to tribes. After 1906 the five tribes continued to have official leaders appointed by the Bureau of Indian Affairs to sign necessary documents. These pseudo-governments existed throughout the twentieth century until, under the impetus of a growing civil rights movement that sought rights for minority groups,

Richard Nixon, president of the United States in 1971, declared that tribes could elect their own leaders.

The contemporary tribes in the state of Oklahoma have used governmental powers to establish businesses and operate social service programs for their members. With regard to the Chickasaw National Recreation Area, the following findings are most pertinent.

- The Choctaw and Chickasaw were moved into Indian Territory from other homelands, in which they had already had significant contact with European influences and been subject to policies of the American government, including Christian missionaries. Their feelings of association with the Chickasaw National Recreation Area are that they used it for family events in ways similar to other citizens of the state. Although some people assert a general Indian sense of respect for nature, there are no special spiritual associations with the places in the recreation area.

- The Wichita Tribe maintain a cultural affiliation claim to the territory encompassing the Chickasaw National Recreation Area pursuant to NAGPRA. That claim is based on historical records and archaeological findings. Archaeological evidence to support direct association between protohistoric Wichita and the contemporary tribe has been disputed in scholarly literature.

- The Wichita moved to the west of the current recreation area in the late eighteenth century, and they have no cultural associations with the park lands based on current memory.

- Caddo people have no cultural traditions specifically related to features of the Chickasaw National Recreation Area.

- Choctaw people, like the Chickasaw, have no associations with the area as a sacred site. Their associations are primarily ones that are similar to those of non-Indians. Because they moved into the area from another place their association is historic rather than part of their original culture.

- Interviews with tribal members indicate no special spiritual significance of the mineral springs or the surrounding area. If such significance existed for the Caddoan speaking people who inhabited regions in proximity to the contemporary Chickasaw National Recreation Area, it was lost when the historic tribes moved into Texas.

RESEARCH DESIGN

OBJECTIVES OF THE STUDY

The objective of this ethnographic overview is to review literature about historical and contemporary relationships between American Indian tribes and the land and resources included within the Chickasaw National Recreation Area. The results of this research will contribute to a comprehensive ethnographic overview based on Phases I and II of the project, in addition to this are in-depth interviews with knowledgeable representatives of park-associated tribes. The study will provide park managers with comprehensive baseline data upon which to base informed decisions about resource management, planning, and interpretation.

METHODS

The research was carried out using both published and archival historical and ethnographic sources and interviews and consultation with members of American Indian tribes. The attached bibliography lists sources consulted. The Oklahoma Historical Society holdings of Chickasaw Nation records and Department of the Interior typescripts were consulted. A survey was made of holdings at the Fort Worth branch of the National Archives and Records Administration. Other useful sources were the published records of the U.S. Court of Claims available through the Lexis-Nexus search service at the University’s law library. The study focused on those tribes identified in historical sources as the earliest inhabitants of the region between the Arkansas and Red rivers and south of the Red River. These groups were Caddoan speaking peoples ancestral to the contemporary Caddo and Wichita tribes. The second focus was on the Choctaw and Chickasaw nations as inhabitants of the area of Indian Territory encompassing the Chickasaw National Recreation Area’s extent. Other tribes identified by National Park Service personnel as utilizing areas in Oklahoma that might have been associated with the area included Kiowa, Comanche, Apache, Delaware, Kickapoo, and Shawnee. The Kiowa and Comanche occupied lands to the west of the general region, and the Apache, Delaware, Kickapoo, and Shawnee tribes were relative latecomers to the state during the late nineteenth century. Given that there are thirty-nine federally recognized tribes in the state of Oklahoma, and representatives of sixty-seven tribes living in the state, research was limited to those most likely to have utilized the mineral springs that constitute the heart of the Chickasaw National Recreational Area.

A series of interviews was conducted with knowledgeable individuals from the Choctaw and Chickasaw nations during the summer of 1998. Subsequent telephone interviews with representatives of the Caddo, Wichita, and Kiowa tribes were carried out over the fall and winter. The summer interviews were conducted by a graduate student researcher according to a protocol approved by the University’s Institutional Review Board, which oversees implementation of Department of Health and Human Services regulations concerning protection of human subjects. Consent forms were obtained. The individuals interviewed were identified through the Chickasaw Nation Community Center, which has a program of meals for senior citizens, and through the office of the Chickasaw Cultural Center in the tribal complex in Ada. Questions were designed to elicit information about community use of the springs and any cultural associations' people had with the area.

Phone interviews and other personal contacts were made with tribal officials of the Caddo and Wichita tribes and a member of the Kiowa tribe and dealt with specific inquiries about their knowledge of the springs and possible cultural associations with them.

Interviews with tribal members knowledgeable about the history and culture of the Choctaw and Chickasaw tribes were carried out, and members of the Caddo and Wichita tribes were consulted for their input. Tribal chairmen and cultural resources officers of all tribes mentioned above were informed of the study, and chairs of the Choctaw, Chickasaw, Wichita, and Caddo tribes were asked to review preliminary draft reports.

Chapter One

INTRODUCTION

The Chickasaw National Recreation Area is the result of a unique combination of geography and historical circumstances. Tremendous physical forces within the earth's crust folded rock formations from the bottom of an ancient inland sea. The resulting uplift of land contained layers of rock through which both the receding sea and falling rain could percolate to produce waters rich in minerals. The folds produced downward flow and pockets which trapped water. Pressure then forced the water upward through vents where it emerged as artesian wells. The cold mineral springs of the Chickasaw National Recreational Area had distinctive tastes and smells that became associated with medicinal properties for the area's historic Chickasaw Indian inhabitants and white settlers. This unique environment of the springs produced an oasis that attracted game animals. Its name in historical records, the Buffalo Suck, indicates its importance as a watering hole (Brown n.d.:9). Evidence indicates that various Indian groups camped in the region of the springs well before European contact.

The area around the springs is one of significant physiographic diversity, and it is an area that served as a crossroads for native people and European explorers. Although it was a hunting ground for native people, it did not support either agriculture or permanent habitation. Archeological evidence of temporary camps around the area supports its use for hunting. Ancestors of the contemporary Wichita tribe are generally accepted to be the people who hunted in the area.

Historical records indicate the presence of many different groups of people in what is now Oklahoma. Osage, Wichita, Caddo, Pawnee, Kiowa, Kickapoo, Apache, Delaware, and Comanche are reported, and before the tribes were confined to reservations their members might have visited the area of the springs. The lack of historical records of the movements of the groups must make any attempt to place them at the springs conjectural.

The history of the creation of the Chickasaw National Recreation Area involves the removal of the Chickasaw and others of the Five Civilized Tribes (the Choctaw, Cherokee, Creek, and Seminole) from aboriginal homelands east of the Mississippi River in the 1830s to Indian Territory, what is now the state of Oklahoma, the reestablishment of their tribal governments, and the dissolution of those governments in 1907 when Oklahoma Territory became the state of Oklahoma. In the course of a little more than a century, Indian tribes went from being recognized by the United States as autonomous governments to seeing their governments destroyed by actions of the U.S. Congress.

The legal area that constitutes the origin of the park is 640 acres. The Chickasaw Nation ceded this land to the United States government in 1902, as part of the dissolution of the Chickasaw government and the allotment of the land base under the Atoka Agreement of 1897. The act took place in a time of extraordinary political stress for the Nation, and it resulted in the creation of an area that became part of the public domain and that has been enjoyed by members of the American public and Indian nations since the creation of Platt National Park in 1906.

The geographic and historic area within which the park resides is much broader, and the contemporary Choctaw and Chickasaw residents of the area around the park remember past associations with it. Historical and ethnographic data thus

provide the ethnographic context for interpreting the cultural significance of the park from the viewpoint of Indian people.

Chapter Two

THE ARCHAEOLOGY OF THE AREA

The most distinctive archaeological site in the Chickasaw National Recreation Area is associated with Indians of the southern Plains who were the ancestors of contemporary plains tribes. Generally designated as Wichita and Caddo, these peoples lived in widely scattered villages and hunted over an even wider range. The terms as used in anthropological literature can refer to either language groups, as the Wichita are speakers of a particular Caddoan language or as a collective of subgroups sharing similar languages. Vehik associates the sociopolitical group known today as the Wichita with several distinct early Historic and Late Prehistoric cultures representing the Tawakoni, Wichita, Iscani/Waco, and Taovaya/Tawehash (Vehik 1992:311).

Called the Lowrance Site after the original owner of the property, the area has yielded stone tools, pottery sherds, bone beads, postholes, and animal bones. Wyckoff notes that "… the site was inhabited more than once and by groups with diverse cultural backgrounds." Both Caddoan and Wheeler focus materials were found at the site. The Wheeler complex, a group of sites in western and central Oklahoma, dates to about A. D. 1650-1725 and reflects the activities of Wichita or Caddoan peoples (Wyckoff 1973:144-45; Drass and Baugh 1997:183-84) [See Map 1].

The location of the Lowrance site is in an area of geological and geographical diversity. Within 20 miles of the site are five major physiographical zones--the Arbuckle Mountains, the Arbuckle Plain, the Ardmore Basin, the Redbud Plains, and the Gulf Coastal Plains. It is also located in the Cross Timbers transition zone between the Temperate Grasslands to the west and the Temperate Deciduous Forest to the east (Wyckoff 1973:5; Shelford 1965:Fig. 1-9). Such zones contribute to a diversity of flora and fauna in the park area.

The area in which the springs are located, west of the Ouachita Mountains and north of the Red River, was historically Indian hunting territory, populated primarily by bison and antelope. The degree, however, to which this 18th century utilization reflects prehistoric Caddoan-Wichita patterns of usage is uncertain (Wyckoff 1973:145).

Chapter Three

THE ETHNOHISTORY OF THE AREA

The wider area of the southern plains within which the springs are located was inhabited by a number of people by the time of European contact. Although the archaeological record does not support the idea that the springs were a site of large scale settlement during the period before European contact, it does support the possibility that ancestors of present day Caddo and Wichita used the area on an occasional basis. Given the widespread extent of villages associated with Wichita and Caddo cultural elements and the difficulties of interpreting early historical records of exploration of the southern plains, it is very difficult to draw lines of direct, lineal descent between prehistoric peoples and current tribes.

In the period from about A. D. 1400-1450 to about 1700, prehistoric Caddoan villages were located along the Arkansas, Ouachita, and Red River valleys (Smith 1995:7). When first encountered by European explorers, these early Caddoan villages depended upon intensive agriculture for their major food supplies. They had a hierarchical system of government (Swanton 1996; Pertula 1992). They believed in a great creator, the caddi ayo, whose name meant "great captain above." Their social structure paralleled this belief in a creator. Each village had a hierarchical system of governance. Each village had a leader called a xinesì. Fire was a central element of life, and a ceremonial fire was kept burning in a special house. A pipe decorated with feathers was kept in the house (Swanton 1996:210-17).

The Caddo villages designated each other as techi or friends. The main centers of Caddoan population were the Hainai, concentrated along the Neches and Angelina rivers in west Texas, and the Kadohadacho along the bend of the Red River near the present border of Texas, Oklahoma, and Louisiana (Swanton 1996; Swanton 1942:4-5).

Spanish interest in the reports of a fabulously wealthy province named Quivira led exploring parties onto the southern plains. Francisco Coronado's expedition (1540-41) crossed parts of what is now Oklahoma, and Juan Oñate (1601) possibly followed a similar route, crossing the Canadian River (Weber 1992:1-78). Hernando de Soto's entrada (1540-43) through the southeast brought him into contact with ancestors of the Choctaw and Chickasaw tribes. After de Soto's death, Luis de Moscosco assumed leadership of the entrada and led it across the Mississippi River and into Caddo territory in an attempt to find an overland route back to Mexico. In the provinces of Amaye and Naguatex (the native names), in what is now Texas, they found Caddoan living in scattered villages (Smith 1995:3). Historically, the main villages of the Kadohadacho branch of the Caddo were located along the Red River (Smith 1995:6).

Neither the Caddo nor the Wichita were a single unified group of people. Rather they formed loose confederations of linguistically related groups living in scattered bands. There were two main Caddo bands, the Hasinai and the Kadohadacho. The center of Kadohadacho settlement was on the Red River in southwestern Arkansas and northeastern Texas, while the Hasinai lived near the Brazos River, but their hunting range might have included the area of the springs (Swanton 1996:7).

Accounts of the cultures of these groups when they lived in their aboriginal homelands come from early historic sources. European explorers found settled villages whose subsistence base of farming and hunting supported stable and

complex societies. The early Wichita occupied large, grass thatched dwellings that resembled bee hives in shape. Their leaders were men who established reputations for generosity and bravery in war. When an individual died, the grief of the relatives was assuaged by the scalp of an enemy taken in battle. Warfare was an essential element of Wichita life. Tribal ceremonies included the deer dance, which was performed until 1871. Participants were men who had visionary power, and they ingested mescal beans that induced vomiting. The Calumet ceremony involved the use of feathered pipes. Rain bundle ceremonies assured the growth of crops and the abundance of buffalo. The "Surround Fire" ceremony and the "Small Robes" ceremony allowed men to obtain power from stars and animals (Dorsey 1995:7-16).

Extensive Caddoan villages were noted by the French explorer Bénard de La Harpe in 1719-20 [See map 2]. The explorations of Coronado and Oñate during the mid- to late-1500s had established Spanish influence in the pueblos of the Southwest, while the French, who dominated the Mississippi River drainage were eager to establish alliances with Wichita peoples along the Arkansas River and Caddoan groups along the Red and Brazos rivers (Schroeder 1962:2-23; Vehik 1986:13-33; John 1975:337). La Harpe's route and camps brought him into contact with Caddoan groups and into the vicinity of the springs but not directly to them (Carter 1995:144-45) [See Map 3].

During this time period the Wichita and the closely associated Pawnee were located primarily along the Arkansas River basin in northeastern Oklahoma and into Kansas (Vehik 1992:311-32) [See Map 4]. By the 1720s Wichita villagers to the west and Caddoan villagers to the east hunted bison and antelope west of the Ouachita Mountains and north and south of the Red River, but their primary subsistence base was agriculture (Schroeder 1962; Swanton 1942:50-60).

The oral traditions of the Wichita collected by George A. Dorsey mention buffalo prominently, but there are no references to features that would indicate special significance of the springs (Dorsey 1965). The Caddoan and Wichita tribal groups lived and hunted throughout the southeastern and northwestern areas of the Indian Territory throughout the early eighteenth century with relatively little interference from Europeans. By the 1740s, however, the Wichita began a migration south from the Arkansas River Valley to Texas. Disease and wars with the Osage caused a precipitous decline in their population, and their settlements along the Brazos River were relatively small (Smith 1996:8-16).

Chapter Four

HISTORICAL OCCUPANCY OF THE PARK

The Louisiana Purchase in 1803 brought the majority of the Plains under the control of the American government. Thomas Jefferson's rationale for the Louisiana Purchase included the idea that this vast western area would provide a home for Indian groups who wished to keep their traditional hunting way of life. Jefferson distinguished between those Indians who were willing to adapt to American culture, which he considered civilized, and those who would remain hunters (Sheehan 1973).

In the new American territory, Zebulon Pike explored the southwest and central plains region in 1806 while Meriwether Lewis and William Clark explored the Missouri River region from 1804 to 1806. Pike's explorations laid the path for the Santa Fe Trail. He also recorded vast numbers of buffalo on the Plains in what is now Kansas. The historical designation of the area around the springs as the "Buffalo Suck" suggests that this could have been an important area for prehistoric Indian hunters, but archaeological and historical evidence of Indian occupation of the area in the immediate vicinity of the springs is very sketchy (Pike 1966:342-43).

After 1830 the area became part of the new homeland of the Choctaw and Chickasaw Indians. The pressure of an expanding white population in the United States led to governmental efforts to clear Indians from lands east of the Mississippi River. The Choctaw signed the Treaty of Doak's Stand in 1820, in which they agreed to exchange their homeland in central Mississippi for a tract of land bounded on the west by the Canadian River from its headwaters to its confluence with the Red River and on the east by the Arkansas River. In order to clear this land for the use of the Choctaw, the government had negotiated a treaty with the Quapaw in 1818 (Kappler 1972:160-61,192) [See Map 5].

Although a vanguard of Choctaw moved west, the vast majority remained in central Mississippi. In 1830, President Andrew Jackson brought Jefferson's idea of removal to fruition by pushing the Indian Removal Act through Congress. The Act provided that the government would allow the Indian tribes east of the Mississippi River to exchange their lands for tracts west of the river where they would move so they could preserve their tribal identities and ways of life. The government continued to press for a final and complete removal, which it achieved under the Treaty of Dancing Rabbit Creek, signed on September 27, 1830 (Kappler 1972:310-19).

The pressure on the Chickasaw, i.e., the extension of the laws of the state of Mississippi over Chickasaw territory in 1830, led their leaders to sign the Treaty of Pontotoc in 1832. The treaty provided that the Chickasaw were willing to move when they could find suitable territory. Until that time, the lands of the nation would be held as individual homesteads, but upon removal they were to be sold for the benefit of the nation (Kappler 1972:356-57). As the Choctaw began their removal to the Indian Territory, they invited Chickasaw representatives to go with them and to share their land, but the Chickasaw were determined to find land that they could own, and the Choctaw were reluctant to sell. Finally, in 1837, after an unsuccessful search for other lands, the Chickasaw made an agreement with the Choctaw to buy a section of the central and western part of the Choctaw domain for $530,000. The Choctaw agreed that the Chickasaw Nation would be integrated as a separate district into the government of the Choctaw Nation, a situation that provided identity but not autonomy to the Chickasaw (Gibson 1971:175-78) [See Map 6].

As the Choctaw and Chickasaw moved into the Indian Territory, the Caddo were pushed to the west. They signed a treaty on July 1, 1835, ceding all their lands within the limits of the United States, and they moved to Texas (Swanton 1996:93-95). [See area 202 on Map 5].

The Sulphur Springs were encompassed in Choctaw lands in the southeastern part of Indian Territory. The Choctaw were farmers and husbandmen, a subsistence pattern they brought from the southeast (Cushman 1962) and whatever buffalo still remained in the area were probably relatively safe from hunters. Although the springs were a distinctive geographical feature, they had no place in the origin traditions of the tribe and may have attracted attention only because of their unusual properties.

Finally, in 1855, the Choctaw and Chickasaw signed a treaty with the United States government that gave the Chickasaw their own territory and government. The Choctaw ceded all claims to territory west of the 100th Meridian, thus giving up the large western tract defined by the headwaters of the Canadian River that they had been granted by the Treaty of Dancing Rabbit Creek, and they and the Chickasaw agreed to lease to the Wichita and affiliated tribes the district between the 98th and 100th meridians. The Chickasaw district was defined as a discrete entity, and the Chickasaw were now owners of their own territory with rights of self government, although ownership of the land was still jointly held with the Choctaw (Kappler 1972:706).

The springs now fell within the bounds of the territory newly guaranteed to the Chickasaw. The treaty was signed as a condition of the Choctaw's initiative (primarily inspired by Peter Pitchlynn) to recover the money netted by the sale of the Choctaw lands in Mississippi that had been ceded to the government by the Treaty of Dancing Rabbit Creek (Kappler 1972:706-14; Gibson 1971:217). [Map 6]. The now independent Chickasaw proceeded to establish their own government, based on a constitution calling for male suffrage and a tripartite structure of an executive branch, an elective bicameral legislature, and a judiciary (Gibson 1971:255-58).

CHOCTAW AND CHICKASAW HISTORY AND CULTURE

The historic Chickasaw homeland was in the southeast of what is now northern Mississippi and parts of Tennessee, and the Choctaw occupied the central part of Mississippi. The presence of both tribes, however, was evident in the area west of the Mississippi River in the 1700s. They readily crossed the river to make war on western tribes. La Harpe heard reports of "cruel wars" waged by the "Chicachas [Chickasaws]," Osage, and other tribes against the Caddoan tribes. The Chickasaw had destroyed a village of "Yatasas" on the Red River (Smith 1959:251,254). A few Choctaw villages west of the Mississippi were reported by government agents in 1801 (American State Papers "Sibley to Dearborn"1805:725).

The origin stories of both the Choctaw and the Chickasaw placed them originally west of the Mississippi. The account given by Cyrus Harris, governor of the Chickasaw Nation in the Indian Territory, in 1881 derived from his grandmother, Molly Gunn.

> The Chickasaws started east carrying with them a long pole, and at night the pole was stuck in the ground, erect. Next morning the pole would be found leaning towards the east, which they considered their guide, and would, from day to day, follow, or travel in the direction that the pole leant. Each morning this was continued until they reached the place that is known as the 'Chickasaw Old

> Fields;'…. When they reached that place, at night, as usual, the pole was stuck in the ground as erect as they could possibly put it. On the following morning the leader of the party rose early as usual…. On examining the pole he found it standing in the exact position that it was left the night before. He proclaimed to the party that they had reached their future home, and the party settled down and made that place their home" (Warren 1904:547).

The origin story recounted by H. B. Cushman in the late 1800s told of two brothers, Chahta and Chikasah, who led a migration, guided by a sacred pole that leaned. They crossed a mighty river, and finally separated (Cushman 1962:358; Swanton 1931:24).

The Choctaw considered the sun a deity, and fire the sun's representative on earth. They used several terms for the sacred, those things that were unexplainable. Men carried "totems," or medicine bundles that contained the protective ingredients and powers that gave them the ability to deal with powerful forces in the world around them. They had a strong sense of the spirituality of all natural things. Their primary deity was the Sun, and they believed that their souls (the shilombish, or shadow, and the shilup, or ghost) persisted after death, but there seems to be no strong agreement as to what happened to them (Swanton 1931:216). Their main public ceremonies were elaborate rituals around death. The body of the deceased was placed on a scaffold to decay, and the bones were then cleaned and placed in a charnel house. A great feast followed (Swanton 1931:12-20). By the early 1800s the custom of exposing the body had been given up for burial, but an elaborate period of mourning lasted for a year after the death.

A Chickasaw warrior named Paustoobee told John Wesley some of the basic tenets of belief. "We believe there are four beloved things above: The clouds, the sun, the clear sky, and He that lives in the clear sky." He made the Chickasaw out of earth, and the beloved things protected them in battle. The souls of the dead "walk up and down, near the place where they died, or where their bodies lie; for we have often heard cries and noises near the place where any prisoners had been burned" (Malone 1922:215-18).

Rush Nutt, a traveler in the Chickasaw country in Mississippi, noted that

> This people use no religious ceremonies, but believe there is a first cause to nature, & a state of futurity; of which they have various ideas difficult to collect from them.--They abound in superstitions, rely much in dreams, omens, diviners, & in those who pretend to possess a magic art. Few believing that a person ever died a natural death, but are killed by the magicians…. They have the most implicit faith [in] their doctors, who treat all complaints in one way which is by singing magical songs over their patients…. They have a belief that there is a hereafter & that all those that are good who do not kill, steal, lye &c. will go where they will be happy & have plenty--but those who are otherwise will go to a place of poverty & scarcity. Their mode of worship if it may be called so consists in crying over the dead &c (Jennings 1947:47-49).

Nutt also described a dance in which the men wore bells on their legs and the women wore five turtle shell rattles fastened to each leg (Jennings 1947:48). The description is obviously of the stomp dance, which is still practiced in Cherokee and Creek communities.

Chapter Five

HISTORICAL CIRCUMSTANCES SURROUNDING THE AREA

The Chickasaw established their reputation as intrepid warriors during a series of wars against the Choctaw in the southeast. After Robert de la Salle explored the lower Mississippi in 1682, the French established colonies at New Orleans and Biloxi and established trade relations with the Choctaw in central Mississippi. English traders operating out of Charles Town began trading with the Chickasaw, and the two Indian nations were drawn into the colonial struggle between the French and the English for dominance in the southeast. During the 1730s French and English troops with their Chickasaw and Choctaw allies fought a series of battles, culminating in the pivotal Battle of Akia (1736), in which the French forces were routed (Gibson 1971:52).

As a result of the French and Indian War, the French were forced to cede their colonial holdings to the English, and after the Revolutionary War the new American government established relationships with Indian nations through formal treaties. The Chickasaw signed a treaty at Hopewell in 1786, acknowledging American "protection," defining their boundaries "within the limits of the United States of America," excluding American citizens from Chickasaw territory, and providing that any Indian committing crimes against American citizens would be given up to the United States for punishment (Kappler 1972:14-15). In 1801, in "a treaty, of reciprocal advantages and mutual convenience," the Chickasaw agreed to allow the United States to lay out a wagon road through their territory (Kappler 1972:55).

This and similar treaties with other tribes acknowledged the status of tribes as sovereign nations within the boundaries of the United States, but they also began to define limits of that sovereignty. Particularly in the matter of rights of the United States government to access routes through Indian lands, the treaties presaged events of the 1860s that would erode Indian tribal sovereignty.

Even as treaties were guaranteeing the integrity of Indian lands and the protection of the Unites States government afforded to Indian nations, historical exploration of the southern plains in the early 19th century was primarily aimed at promoting white settlement of the region. Thomas Nuttall, an Englishman with an intense interest in botany and biology, explored the Arkansas territory in 1819 and described a territory "mild as the south of Europe, and a soil equal to that of Kentucky" where wheat would grow "as luxuriant as possible" and there was an "unequivocal appearance of health and plenty" (Nuttall 1980:21,36-39,84-85,89,103). Such rhetoric helped to fuel the growing desire of American citizens for lands even west of the Mississippi.

The Civil War was a crucial event for all the five southeastern tribes who had been relocated to the Indian Territory. They had learned and adopted the practice of slavery from their white neighbors. They had no particular allegiance toward the United States, although they had signed treaties putting themselves under U.S. protection. Primarily because of their geographical position on the middle border and the status of many of their leaders as slave owners, they signed treaties with the Confederacy, and groups of their warriors fought against the Union (Perdue 1979; Abel 1992[1915]; DeRosier, Jr. 1959:174-89).

As a result of the Confederate defeat, however, the tribes were treated as defeated enemies and forced to sign treaties with the United States ceding parts of their territory to the United States government. In 1866 the Choctaw and Chickasaw were forced to cede significant amounts of territory. They gave up all their claims to the leased district between the 98th and 100th meridians [See Map 7]. They also agreed to grant rights of way to railroads through their territory, (an interesting resonance with the 1801 treaty allowing a roadway through Chickasaw territory). They abolished slavery, and were compelled to devise laws and regulations to admit freed slaves as citizens of their nations (Kappler 1972:918-31).

The western territory that the Choctaw and Chickasaw ceded in 1855 became known as the Leased District. The government paid $300,000 for the land, the sum to be divided between the Choctaw and Chickasaw, and used it as a new home for a number of western tribes who were coming into conflict with white settlers. In Texas, economic necessity and general hostility caused the Wichita to start raiding the farms of their Texas neighbors. The Treaty of Council Springs in 1846 was supposed to alleviate these raids by putting the Wichita and their neighbors, the Caddo and Delaware, under the protection of the United States. However, the state of Texas did not authorize land for a Wichita reservation until 1853, settling the groups on the Brazos Reserve. Afterwards, the Texan government did not prevent Texas settlers and other Indian groups from intruding on Wichita land. Texans and Comanche harried the groups and prevented a peaceful coexistence. Texan and Comanche hostility forced the United States to move the Wichita, Caddo and Delaware from the Brazos Reserve to the Leased District of the Indian Territory in 1859 (Smith 1996:19-69). Declaring that the Indians of Texas must be moved "where they can be protected from lawless violence, and effective measures adopted for their domestication and improvement" the commissioner of Indian affairs ordered their removal to the Leased District (Annual Report of the Commissioner of Indian Affairs 1859:263-64). In 1859 the Caddo signed a treaty with the United States government and were moved from Texas into the district (Carter 1995:342-49).

In 1872 the government persuaded the Pawnee to move from Kansas to a reservation in the northern part of Indian Territory, adjacent to the Cherokee Nation (“Pawnee Indians,” 44 Cong., Sess. 1, H.R.241:28-29).

Railroads and cattle drives brought increasing numbers of white men into Chickasaw country, and with them came a new economic system for the Nation. Railroads had a particularly severe effect on the sovereignty of the Indian nations in Indian Territory. Federal policy also brought pressures for change as the government attempted to assimilate American Indians into white society. Individual land ownership was its model to change Indians from hunters into farmers, and the General Allotment Act of 1887, also known as the Dawes Act, was signed by President Grover Cleveland on February 8, 1887 (Priest 1942:186). It imposed a system of individual land ownership upon Indians through the allotment of reservation lands so that Indians would become self-sufficient farmers. The act did not, however, apply to the Cherokee, Choctaw, Chickasaw, Creek, and Seminole in Indian Territory because of the treaty provisions in 1866 that provided for railroad rights of way (Otis 1973:22-30; Priest 1942:237).

The general idea of the allotment act ignored the fact that many tribes had long practiced agriculture, and that some, including the Choctaw and Chickasaw, had taken up cattle raising in the late 1700s when intermarried citizens brought livestock into their territory. The Choctaw and Chickasaw had brought their aboriginal farming practices and their livestock with them into their new

country west of the Mississippi, and in many ways their lifestyles were similar to those of their non-Indian neighbors.

The influx of white settlers into the Chickasaw Nation was significant. The 1890 census showed about 300,000 whites in Indian Territory, 150,000 of whom were in the Chickasaw Nation (Annual Report 1900:223-26,245). The nation's government regulated admission of whites to land and membership through a series of laws (Laws of the Chickasaw Nation 1975:5,25-28). The Chickasaw regulated white settlers by charging for a permit to reside in the nation and by levying a tax on all goods offered for sale by whites.

Economic development in the nation probably led to much of the influx of non-Indian settlers. Oil was discovered and exploited by the Chickasaw Oil Company, established in 1872, and rich coal deposits were discovered near McAlester in the Choctaw Nation. Cattle men from Texas drove their herds across the Chickasaw Nation on the Chisholm Trail and other major routes. Many Chickasaw took up cattle ranching and became wealthy. The nation developed an elaborate code to regulate the ranching industry (Laws of the Chickasaw Nation 1975).

The incursion of railroads into Indian Territory was a major factor in undermining the status of tribal governments. The treaties of 1855 and 1866 compelled the tribes to provide rights of way through Indian Territory for one north-south route and one east-west route along the 35th parallel (Kappler 1972:918-31). Railroads applied for land grants, and in 1870 the Choctaw council, in an attempt to thwart outside railway corporations, passed an act granting alternate sections of land for the 35th parallel route. The Chickasaw refused to assent, thus nullifying the act, but they and the Choctaw finally agreed to grant a right-of-way to the MK&T (Missouri, Kansas and Texas, previously the Union Pacific Southern Branch), the first rail line to cross Indian Territory. The strip of land was, however, only 100 feet wide, far less than the railroad expected (Gibson 1971:286,290-91).

Although the treaty provided for only one north-south and one east-west line, other railroads saw the economic potential in offering service from Texas to Kansas, and the Congress of the United States responded with bills that allowed the San Francisco and St. Louis Railroad the right of way for another east-west route across the Indian Territory. In the rhetoric of the law, Indians were seen as an obstruction to the progress of the United States, and their rights to land must be abrogated in order to allow the development of rail lines [See Map 8].

As Miner concludes:

> The year 1882 represented a climax in the struggle for Indian sovereignty against railroad intrusion. The congressional decision of that year to grant the Frisco railroad a right of way through the Choctaw Nation on a route not specifically stipulated in a treaty was one of the most significant watersheds in the post-Civil War history of Indian policy. The precedent was thereby set that Congress might authorize corporations to exercise privileges upon Indian lands without consulting the tribes. A thing more damaging to the national hopes of the Indians could hardly be imagined (Miner 1976:101).

The tribes had no recourse in their own courts to action against outside corporations (Miner 1976:103). The erosion of tribal sovereignty in the face of federal legislation authorizing railroad expansion led to increasing demands

for the opening of Indian Territory, the allotment of land to individual Indians, and the dissolution of the tribes.

The Chickasaw favored allotment of their land because they were reluctant to be forced to make tribal grants to railroads and black freedmen. If they took individual allotments they would have individual control over land that was jeopardized by federal pressures to make freedmen tribal citizens and to grant alternate sections for railroad rights of way. In 1871-72, government surveyors marked land for allotment, but the refusal of the Choctaw to agree doomed the Chickasaw effort to failure (Gibson 1971:297).

The influx of non-Indians and the presence of freed black slaves in Indian Territory created a crisis for the administration of justice. Federal legislative acts in 1889 and 1890 dissolved tribal courts, and extended the jurisdiction of U.S. courts over all citizens of the Indian Territory. Federal courts in Fort Smith, Arkansas and Paris, Texas had exercised jurisdiction over U.S. citizens in the Territory. After 1890 tribal court jurisdiction was very limited (Burton 1995:109,127)[See Map 9].

The allotment of Indian lands in the Leased District was carried out under the auspices of the Jerome Commission, which negotiated agreements with the Kiowa, Comanche, Cheyenne, Arapahoe, Wichita, Caddo, and Delaware in 1891 (Smith 1996:146-47). The opening of these lands to white settlement put pressure on the Five Civilized Tribes to submit to allotment. In 1893 Congress passed legislation authorizing The Dawes Commission to negotiate with the Five Civilized Tribes, who had been exempted from the Dawes Act, to accept allotment of their lands. The commission was led by Henry Dawes, senator from Massachusetts who had sponsored the General Allotment Act in Congress.

In 1895 a second act authorized the settlement of outstanding land claims as a step toward allotment. This act allowed the Choctaw and Chickasaw to file suit in the U.S. Court of Claims for the sale of lands in the Leased District. The Wichita argued that the United States had not had the right to give the land in Indian Territory to the Choctaw and Chickasaw in the first place because the Quapaw did not have the right to cede the land to the government in 1818. They were signatory to the treaty only because their villages were near the mouth of the Arkansas River. They did not occupy the extent of the territory to its junction with the Canadian River, and indeed much of the territory was not explored at the time of the treaty. The Wichita declared original title to the land and claimed all the proceeds of the sale of surplus land after allotment (In the Court of Claims…[1895]:1-9). Although the Court of Claims affirmed the Choctaw and Chickasaw claims to the Leased District, the Supreme Court overturned its decision in 1900 (Debo 1934:202). This action opened the way for on-going Wichita claims to original title to their lands.

The pressure for allotment led to the erosion of the sovereignty of the Choctaw and Chickasaw. A major issue for sovereignty was that of citizenship. The Five Civilized Tribes all had passed laws governing who could be citizens of their nations. The Dawes Commission, however, in 1896 was given the judicial power to determine citizenship and compile rolls of tribal members (Burton 1995:180-224). Another major issue was the power of tribal courts. In 1897 the Congress of the United States effectively replaced tribal courts with federal jurisdiction under the terms of the Atoka Agreement (Burton 1995:202).

The Choctaw and Chickasaw Nations finally negotiated and approved the Atoka Agreement with the Dawes Commission on April 23, 1897. It provided the effective plan for allotment of lands, reserved coal and asphalt resources as communal, tribal resources, set up procedures for establishing town sites, and agreed to termination of the tribal governments on March 4, 1906. The Chickasaw

reserved the right to submit the agreement to a national referendum, where tribal members rejected it. Congress then proceeded to pass the Curtis Act (June 28, 1898), which subsumed the Atoka Agreement and required that it be resubmitted to voters in both the Choctaw and Chickasaw nations (Gibson 1971:304; Commission to the Five Civilized Tribes 1906:16). The Agreement was approved, and the dissolution of the tribal territories of the Choctaw and Chickasaw opened the area around the springs to settlement.

THE PRESERVATION OF THE SPRINGS

The settlement of the area around the springs began with the development of a freight and mail line that ran from Boggy Depot to Caddo to Ft. Sill during 1871-72. Sulphur Springs was one of the stops on the line. Although it lay between the Texas and Chisholm Trails, the main routes for cattle drives across the Southern Plains, the town attracted men from the drives (Brown and Garrity n.d.:7). Noah Lael, a mail carrier on the route between Gainesville, Texas and Fort Arbuckle, got a contract from the El Paso Overland Stage Company to shoe horses. Lael stopped riding and settled at the Stage Company office at Mill Creek, where the company kept an office at the home of Cyrus Harris, governor of the Chickasaw Nation. In 1878 he married Lucy Harris, the governor's daughter. His home place was adjacent to the springs. In 1882 Lael and his wife sold their land for $350 to Perry Froman, a white rancher who married the widow Lovinia Colbert Pitchlynn, a member of the politically prominent Colbert family. Froman claimed about 4 sections, including almost all the area later reserved as the park. He ran about 15,000 head of cattle on the range around his home (Conlan 1926:11-13).

The passage of the Curtis Act implied that the process of enrolling the citizens of the nations and allotting land to them would proceed rapidly. The work of the citizenship courts established under the Curtis Act proceeded very slowly, however, as large numbers of claimants came forward. On March 21, 1902, representatives of the Choctaw and Chickasaw met with the commission to the Five Civilized Tribes to sign what was known as the Supplementary Agreement, which modified certain provisions of the Atoka Agreement, primarily those controlling the final date and decisions concerning enrollment on the tribal rolls. As part of the agreement, the last major section, in fact, the tribes also conveyed to the United States "a tract or tracts of land at and in the vicinity of the village of Sulphur… not exceeding six hundred and forty acres… to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks…." The tribes would be paid $20 an acre for the land (34 Stat. 641, 57th Congress, Session I, July 1, 1902:655)[See map 10].

Why did the Chickasaw agree to this cession? The springs had become a major tourist attraction in the area, and the town of Sulphur Springs had grown up around them beginning probably in 1885 or 1886. The inhabitants were primarily white. In 1895 or 1896, a wooden pavilion had been built over the Seven Springs. It became a gathering place for residents of the growing town. Sometime around 1891 or 1892, Colonel R. A. Sneed, a Confederate war veteran, chartered the Sulphur Springs Indian Territory Resort under the laws of Texas, 1891-1892, with the intent of promoting a grand health resort at the springs. Sneed and his investors in the company bought about 550 acres of land from Perry Froman for $2,500, land which encompassed virtually the entire existing town (Boeger 1987:39-40; Brown and Garrity n.d.:9; Daily Oklahoman 1919; Daily Oklahoman 1921; Daily Oklahoman 1926). The development of a railway spur from the Oklahoma and Southern Railroad was intended to bring tourists to the area.

From the Chickasaw perspective, allotment was perceived as a way of heading off assignment of Indian land to freedmen and railroads, but it also opened land to white settlements. Initially, the tribe could control settlement because its government had to charter business ventures. In 1895 Governor Palmer Mosely refused a charter to Sneed's Sulphur Springs Improvement Company on the grounds that the company wanted to fence the springs and restrict access (Boeger 1987:45).

The Atoka Agreement laid out the procedures for developing townsites. A town site commission for each tribe was formed, with one member appointed by the chief of the tribe, one appointed by the Secretary of the Interior, and one by the residents of the town. In 1900, however, the law was changed to allow the Secretary of the Interior greater latitude in deciding the locations and limits of townsites. The chiefs of the Choctaw and Chickasaw protested this diminishment of tribal power and withdrew the Indian members of town site commissions (Boeger 1987:45-46) [See Map 11].

By the fall of 1901 the matter of the springs had been taken up by citizens of the town, and a proposal was being made to reserve lands to protect them from development. Eugene E. White and T. R. Cook, President of the Dennis Flynn Republican Club, residents of Sulphur, had informed J. G. Wright, U. S. Indian Inspector for Indian Territory, that such a proposal had been presented to the Chickasaw National Legislature, and Cook had also written that D. J. Kendall, mayor of Sulphur, and Joseph F. Swords, an appraiser, had been appointed to confer with tribal authorities (Letters Received, Secretary of the Interior, Wright to Secretary of Interior 1901).

Thomas Ryan, acting Secretary of the Interior, concurred with Wright's opinion that White and Cook should deal with tribal officials and get a provision in the supplementary agreement that would be negotiated (Ryan to United States Indian Inspector 1901). Part of the impetus for the reserve may have been certain actions by Colonel Sneed (or Snead) that Joseph Swords reported to Wright, the Indian inspector. When a reservation of the Sulphur Springs was proposed, Snead came forward to represent that the Sulphur Springs Improvement Company had rights to the land, and he demanded payment from the occupants. Swords reported that some had actually paid Snead "simply for the purpose of buying peace," and others could not afford litigation and were "exercised" over Snead's demands. Ryan instructed the Inspector to give public notice that Snead's claims were not valid (Letters Received, Secretary of the Interior, Ryan to United States Indian Inspector 1902).

Given the major issues facing the Chickasaw Nation, particularly the issue of enrollment of citizens in the nation, it is understandable that the cession of 640 acres of land around the springs did not draw more attention from the Chickasaw government. The records of its meetings make no mention of the reserve. Eugene White informed Inspector Wright that he had taken the matter up with the Chickasaw commissioners appointed to negotiate the Supplementary Agreement with the Dawes Commission, and that they felt the initiative should come from the Dawes Commission. They were interested in matters of national importance, primarily citizenship, and considered the reserve only as a possible point of compromise in order to secure their desires on the larger issues (Letters Received, Secretary of the Interior, White to Wright N1901). According to the Atoka Citizen newspaper on November 28, 1901, the Choctaw-Chickasaw Conference put a 'quietus' to the proposal to cede 640 acres around the spring to the government (Brown and Garrity n.d.:11).

Although White submitted a proposal to the Dawes Commission, it was misplaced, and he had to recreate it from memory (Letters Received, Secretary of the

Interior, White to Wright D1901). The final proposal for the reserve thus originated with citizens of Sulphur, probably to protect public access to the springs, was put to the Chickasaw by the Dawes Commission at Eugene White's instance, and was accepted by the Chickasaw as part of their negotiating strategy around the citizenship issue.

The Chickasaw land grant caused consternation among the settlers in the incipient town of Sulphur because the spring ran through the town, and the surveying of the new federal reserve meant that the inhabitants of the town would have to be displaced. The structures around the springs had to be abandoned. The town of Sulphur Springs was moved to its present location (Boeger 1987:53-59).

The dissolution of the tribal governments of the Choctaw, Chickasaw, Creek, Cherokee, and Seminole nations on March 4, 1906, left the tribes with no political power. The continuance of tribal governments beyond that date was simply to expedite the continuing process of allotment and disposition of tribal resources.

The Chickasaw people, like the members of the other nations in Indian Territory, made the transition to statehood when Indian Territory and Oklahoma Territory became a state on November 16, 1907. Developments in the new town of Sulphur continued to capitalize on the medicinal properties of the springs, and the town sustained its reputation as a health spa. The Chickasaw still shared the springs with their non-Indian neighbors. The development of health spas in the town of Sulphur continued, and the hotels in the new town continued to draw tourists to take the healthful waters of the springs (Boeger 1987:62-66).

Chapter Six

CONTEMPORARY ETHNOGRAPHIC IMPORTANCE OF THE SPRINGS

The Kiowa had a ceremony called Zodaltone which was held at a Sulphur Spring in the southern part of the state. Some Kiowa visitors to the park's springs noted their similarly to the spring of Zodaltone, but they did consider it a sacred site. The more obvious association was with the curing properties of the springs. The waters were perceived to cure a variety of ailments - arthritis, fevers and rashes. Kiowa also bottled the water and applied it to sores and, according to Helen Blackbear, to feet to cure "toe jam" (Doris Duke Oral History Collections).

The springs in the Chickasaw National Recreation Area still have importance for members of the Chickasaw and Choctaw Nations. The cultural connection of the contemporary Chickasaw tribal members to the Chickasaw National Recreation Area is in a general feeling that Indian people have a special connection to the environment.

During the summer of 1998, a series of interviews were conducted with members of the Chickasaw and Choctaw Nations living in the towns of Sulphur and Ada. They were identified in consultation with Mr. Jefferson Keel, cultural affairs officer for the Chickasaw Nation. Mr. Charley Jones, a member of the Choctaw Tribal Council and a spokesperson on cultural issues, was also consulted but did not suggest any names or provide any specific cultural information about traditional Choctaw affiliation with the area.

Interviewees shared family memories and information about the uses of the park area. "So Chickasaw people still come there, they go there for water, they go there for the recreation, for the springs, they go for the sandy beach on one side and medicinal water on the other side, but we still have as many Chickasaw families going today as well, before it was ever thought of as being a park.

Some Chickasaw took advantage of the interest in the therapeutic value of the springs by putting up little buildings where people could take treatment. Now, the Chickasaw Nation has a motor lodge in the town of Sulphur which allows people to have access to the springs. "Chickasaws enjoy staying at the lodge so they can visit the park" (Galvan Interview 1998).

The park has family significance for some contemporary Chickasaw. The grandparents of one woman moved from Texas to the Sulphur area so the grandmother could take advantage of the springs. The family visited the area regularly, spending days during which they cooked meals, swam, and enjoyed the area (J. Lunsford Interview 1998).

Family memories from the grandparents included the pavilion originally built over the springs by white settlers (J. Lunsford Interview 1998). Families today still remember family outings and the curative powers of the springs for insect bites (Imotachy Interview 1998). People also remember fright at the sight of mud covered people at the springs (Woods Interview 1998; J. Lunsford Interview 1998). Family outings in the park were a regular part of life for some families. Breakfasts cooked over an open fire were particularly memorable experiences (J. Lunsford Interview 1998).

One man remembered being very familiar with all the trails in the park: "… when I was growing up I ran through all the trails. I mean we knew every trail in the park and we used every trail in the park." This man and his wife still walk park trails regularly, and their concern is that the trails be maintained. Some, he said, have been washed out or are dangerous because they are not maintained. He also suggested that an informational map at the south entrance to the park, where people enter when coming from Ardmore, would orient people. He said that people entering the park have to drive all the way to the nature center or park headquarters to get information and some simply leave because they can't find information (Wallace Interview 1998).

Although the Chickasaw's original homeland was in the southeastern part of the United States, in northern Mississippi, some tribal members adapted their knowledge of herbal medicines to the Indian Territory vegetation and continued to use them to cure ailments. The park area has certain plants identified by one Chickasaw woman as having medicinal value. Although these plants are still used by some tribal people, they do not grow near the trails in park, and access is officially restricted by park regulations that people stay on marked trails (Galvan Interview 1998). One woman ended her interview by telling a story. "One time I was down there at the park and I found these beautiful plums. I make plum jelly, and I sure did want to take some of those plums home and make some jelly out of them. Well, I asked this man, he must have been a lawyer or ranger for them, if I could take some of these plums home so I could make my jelly. He said no. He told me I could eat as many as I liked inside the park, but I couldn't take any out. I sure did want to take those home" (Imotachy Interview 1998).

The springs also were important for Christian baptisms, a sign of the impact of missionary activity on Chickasaw adaptation to non-Indian influence. A woman described her experience of being baptized in the "Black Sulphur" stream in the park, and the willingness of the swimmers around the stream to leave so that the baptism could take place (J. Lunsford Interview 1998).

The main concern expressed by interviewees was that the park reflect the special history of the Chickasaw. One person spoke of the feeling of pride she felt when the name of the park was changed to Chickasaw National Recreation Area (K. Lunsford Interview 1998). Governor Overton James lobbied Congress for the name change, and Congress acted in 1976 to expand the park and change the name.

The interviewees expressed a strong interest in having the park inform people about the history of the tribe. Exhibits at the nature center were thought to be an important way of telling this history. The sense of pride in being Chickasaw included the knowledge that the nation had reestablished a government, schools, and churches in the Indian Territory after they moved from Mississippi (J. Lunsford Interview 1998).

The responses of Chickasaw elders who chose not to give formal interviews indicated primarily a concern with the functioning and accessibility of park facilities. Several wanted to see the springs restored to their former flows and the facilities such as toilets upgraded. All wanted to see the park remain free to the public. The park is unique among National Park Service facilities in not charging a fee for entrance, although boat docking fees on the lake are charged to defray maintenance costs. People also thought that tribal members' serving as interpreters or general employees of the park would be good for educating the public about Chickasaw culture.

The revival of a ceremony at Kulahoma in the fall of 1998, after a hiatus of some 60 years, indicates the vitality of Chickasaw culture. The Choctaw Nation has also begun a celebration of traditional culture at Fort Towson.

PREHISTORIC INDIAN AFFILIATIONS WITH THE AREA

The prehistoric inhabitants of the southern plains encompassed historically in the area that became Indian Territory were probably antecedent to the Wichita and Caddo confederacies identified by early Spanish and French explorers. The passage of the Native American Graves Protection and Repatriation Act (P.L.101-601)in 1990 has provided a legal framework for the determination of affiliation of contemporary tribes with prehistoric ancestors and archaeological sites that contain human remains and certain classes of material. The inventory for the Chickasaw National Recreation Area includes two human skull fragments, one recovered from the Brady site in Pontotoc County, 9 miles west of Ada, by H. R. Antle, and one from the bed of Buckhorn Creek by O. K. Lowrance. The first was donated in 1949, and the second in 1958. Park officials consulted with representatives of the Choctaw and Chickasaw Nations, who agreed that the remains were not affiliated with either tribe because they predated the presence of the tribes in the state. The Caddo, Wichita, and Pawnee tribes can claim affiliation based on the location of the remains, but the evidence will not support any single tribe's primary claim.

There is no evidence from ethnographic studies of the Caddo and Wichita that would associate the springs with aboriginal use. We can infer that the springs as a watering hole that would attract buffalo would create an important hunting site for the early residents of the area, but there are no oral traditions in the written literature that associate the springs with contemporary tribes (Dorsey 1995; Swanton 1931).

The contemporary Caddo Tribe, like the Wichita, has its headquarters in the western part of the state, and consultation with members of the tribe has not shown any current sense of cultural affiliation with the springs (Scholes Interview 1997; Hunter Interview 1998). The contemporary Wichita Tribe has established its claims to human remains from the archaeologically determined Wheeler Phase sites under the Native American Graves Protection and Repatriation Act. Consultation with representatives of the Wichita Tribe indicates that after the Chickasaw and Choctaw were moved into the area, the Wichita were pushed into the western part of the present state of Oklahoma and did not visit the springs on a regular basis (Swift Interview 1998; Baugh Interview 1998).

Chapter Seven

CONCLUSIONS

The mineral springs that are the heart of the Chickasaw National Recreation Area have cultural and historical significance to contemporary members of the Chickasaw and Choctaw Nations because they have grown up near them. Current tribal members assert a sense of connectedness to the springs as a result of very general statements about the relationship of Indian people to nature, and because of specific association of family usage of the springs for events like marriages and baptisms. The cultural significance derives for some from a sense that Indian people have a special spiritual sense of relationship with the natural world. Some members of the tribe who still practice the use of herbal medicines rely on the types of plants found in the park.

The historical importance of the park lies in the fact that it was created out of the circumstances surrounding the dissolution of the tribal government of the Chickasaw Nation, a time of turmoil in which the overriding concerns of the nation were political rather than cultural. The park is viewed, however, as a vehicle for telling the story of the Chickasaw Nation that will reinforce a sense of pride in the history and achievements of Chickasaw people in the past and the role they have played in the history of the state of Oklahoma.

Contemporary concerns about the management of the park revolve around the maintenance of the facilities, the possible job opportunities for tribal members to be involved in interpretive programs and other kinds of positions, and the importance of keeping access to the springs free for all Americans. The general tenor of the comments is that the present National Park Service management of the spring's area is very good, and that the personnel have been very willing to reach out to Indian people and listen to their concerns. People appreciate the fact that signage in the park is in English and Chickasaw. They hope that steps can be taken to restore the flow of springs to previous levels, i.e., to make the park more as they remember it in the past. Several also feel that because the park area was originally created out of land given by the Chickasaw Nation, the boat docking fees at the lake should be waived for Indian people.

The Chickasaw National Recreation Area has significant potential to affirm the cultural and historical legacy of Indian tribes in the state of Oklahoma. The National Park Service should continue to seek active consultation with tribal members in developing future displays and interpretive programs.

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Imotachy Interview
1998 Interview with Rosalie Imotachy, Choctaw. At her home near Sulphur, Oklahoma. July 28, 1998.

J. Lunsford Interview
1998 Interview with Jeannie Lunsford, Chickasaw Cultural Resource Office. Ada, Oklahoma. July 21, 1998.

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1998 Interview with Kelley Lunsford. Chickasaw Cultural Resource Office. Ada, Oklahoma. July 21, 1998.

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Woods Interview
1998 Interview with Pat Woods, Chickasaw National Conference Room. Ada, Oklahoma. July 17, 1998.

APPENDIX I

HISTORICAL EVENTS

1540 Hernando de Soto’s expedition into present-day Oklahoma.

1601 Onate expedition.

1719 Bernard de la Harpe’s expedition into present-day Oklahoma and Texas.

1818 Quapaw ceded land in present-day Oklahoma to the United States for the settlements of the Five Civilized Tribes.

1819 Thomas Nutall explored the Arkansas Territory.

1830 Treaty of Dancing Rabbit Creek.

1832 Chickasaw agree to removal in the Treat of Pontotoc.

1837 Chickasaw removal to Indian Territory.

1855 Chickasaw become a separate nation from the Choctaw.

1861 American Civil War. Chickasaw side with the Confederate States of America

1866 Chickasaw and Choctaw give up territory and allow railroads to enter their Nations in the Choctaw-Chickasaw Treaty of 1866.

1884 Gulf, Colorado, and Santa Fe railroad passes through the Chickasaw Nation.

1887 Congress passed the General Allotment or the Dawes Severalty Act.

1891 Jerome Commission surveys Kiowa and Comanche land and prepares to groups for allotment.

1893 Dawes Commission charged with negotiating with the Five Civilized Tribes.

1897 Atoka Agreement between Dawes Commission and the Chickasaw and Choctaw.

1898 Curtis Act.

1902 Supplement to the Curtis Act. Sulphur Springs Reservation established.

1906 Sulphur Springs reservation is renamed Platt National Park.

1907 Oklahoma statehood and dissolution of the Chickasaw government.

1971 Chickasaw Nation is allowed to have its own autonomous tribal government.

1976 Platt National Park is renamed Chickasaw National Recreation Area.

APPENDIX II

MAPS

1. Selected protohistoric and early historic sites on the Southern Plains. Richard R. Drass and Timothy G. Baugh, "The Wheeler Phase and Cultural Continuity in the Southern Plains," Plains Anthropologist, 42, No. 160 (May 1997):185.

2. Indian groups of Texas. WW. Newcomb, Jr., The Indians of Texas: From Prehistoric to Modern Times (Austin: University of Texas Press, 1961), 281.

3. Benard de la Harpe's Route.
R.A. Smith, "Account of the Journey of Benard de la Harpe: Discovery Made by Him of Several Nations Situated in the West." The Southwestern Historical Quarterly 62(4) (April 1959), 533.

4. Indian, Spanish and French settlements in Texas, in 1774.
Elizabeth A.H. Johns, Storms Brewed in Other Men's Worlds: The Confrontation of Indians, Spanish and French in the Southwest, 1540-1795, (Lincoln: University of Nebraska Press, 1990) 70.

5. Arkansas (Map 5a), Louisiana (Map 5b) and Indian Territory and Oklahoma (Map 5c) Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1896-97, (Washington: Government Printing Office, 1899), pl.cxii, cxxviii, cxxxv.

6. Indian Territory, Removal to 1855 (Map 6a) and Indian Territory 1855 to 1866 (Map 6b). Francis Paul Prucha, Atlas of American Indian Affairs, (Lincoln: University of Nebraska Press, 1990), 70-71.

7. Territory ceded by Quapaw in 1818, encompassing area of the springs.
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8. Sulphur Area, Range No.3 East of the Indian Meridian, courtesy of Tom Williams, Choctaw Nation.

9. Chickasaw Nation circa 1898. Daniel Littlefield. The Chickasaw Freedmen: A People Without a Country, (Westport, CT: Greenwood Press, 1980), 78.

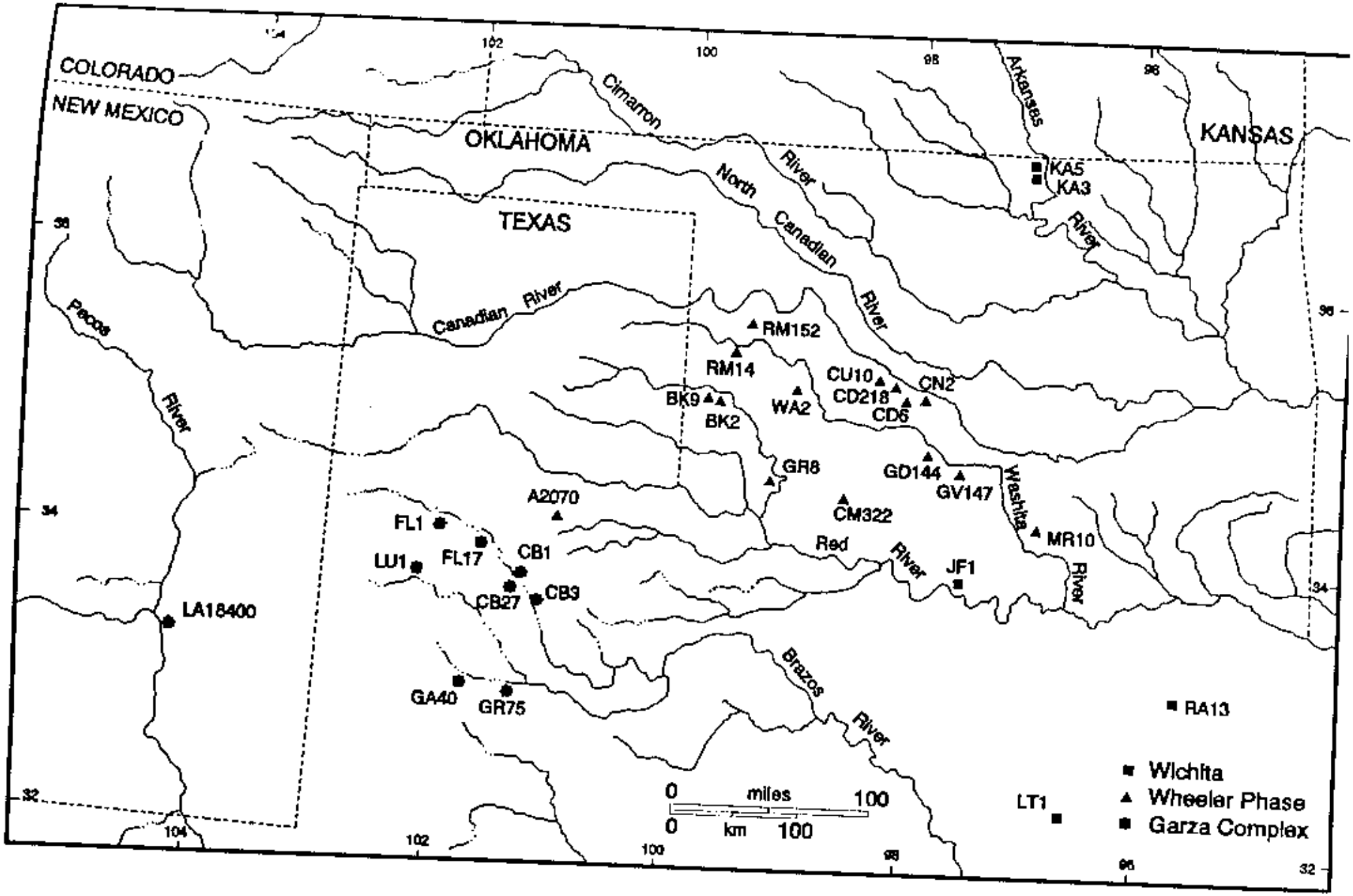
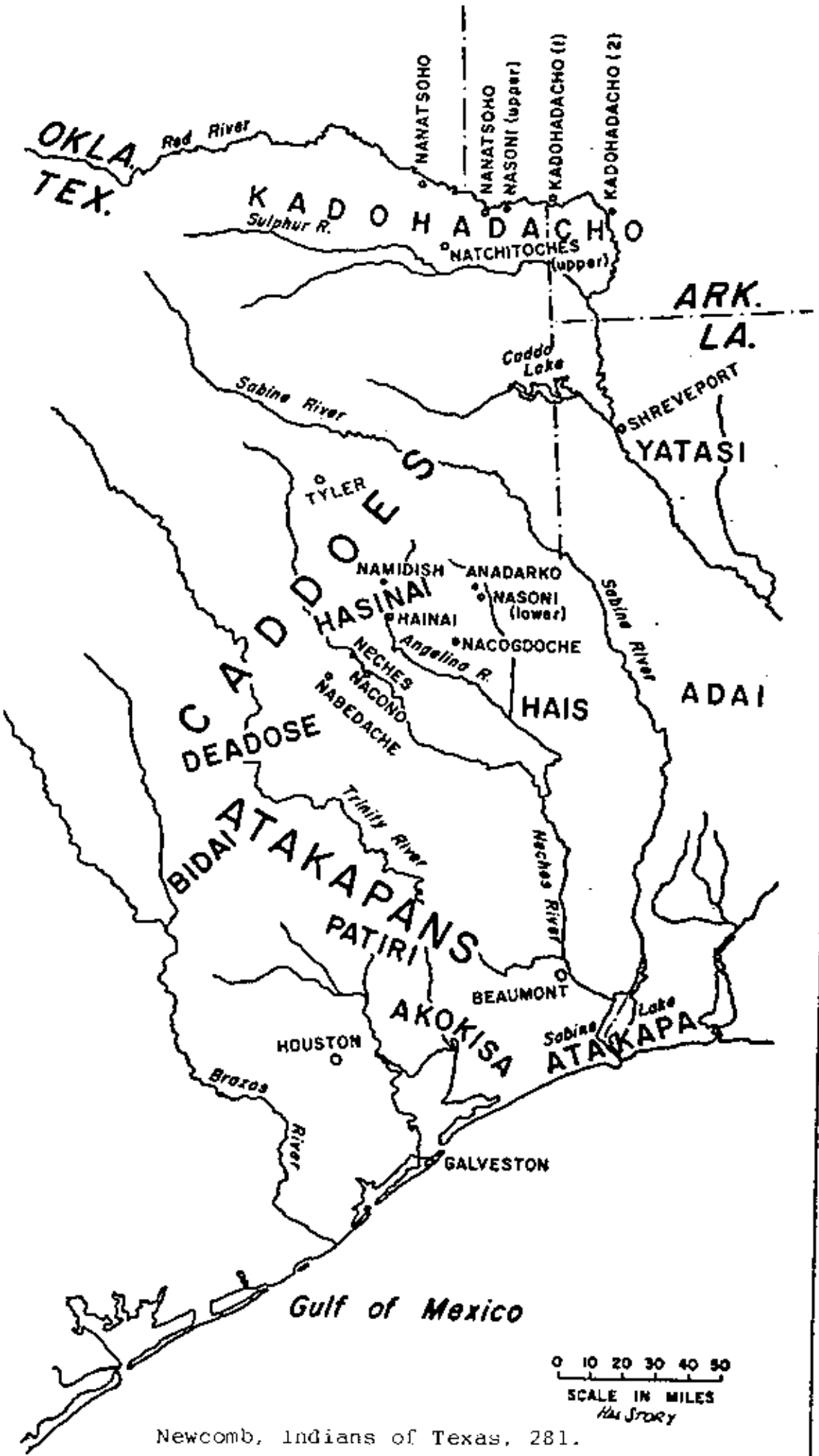


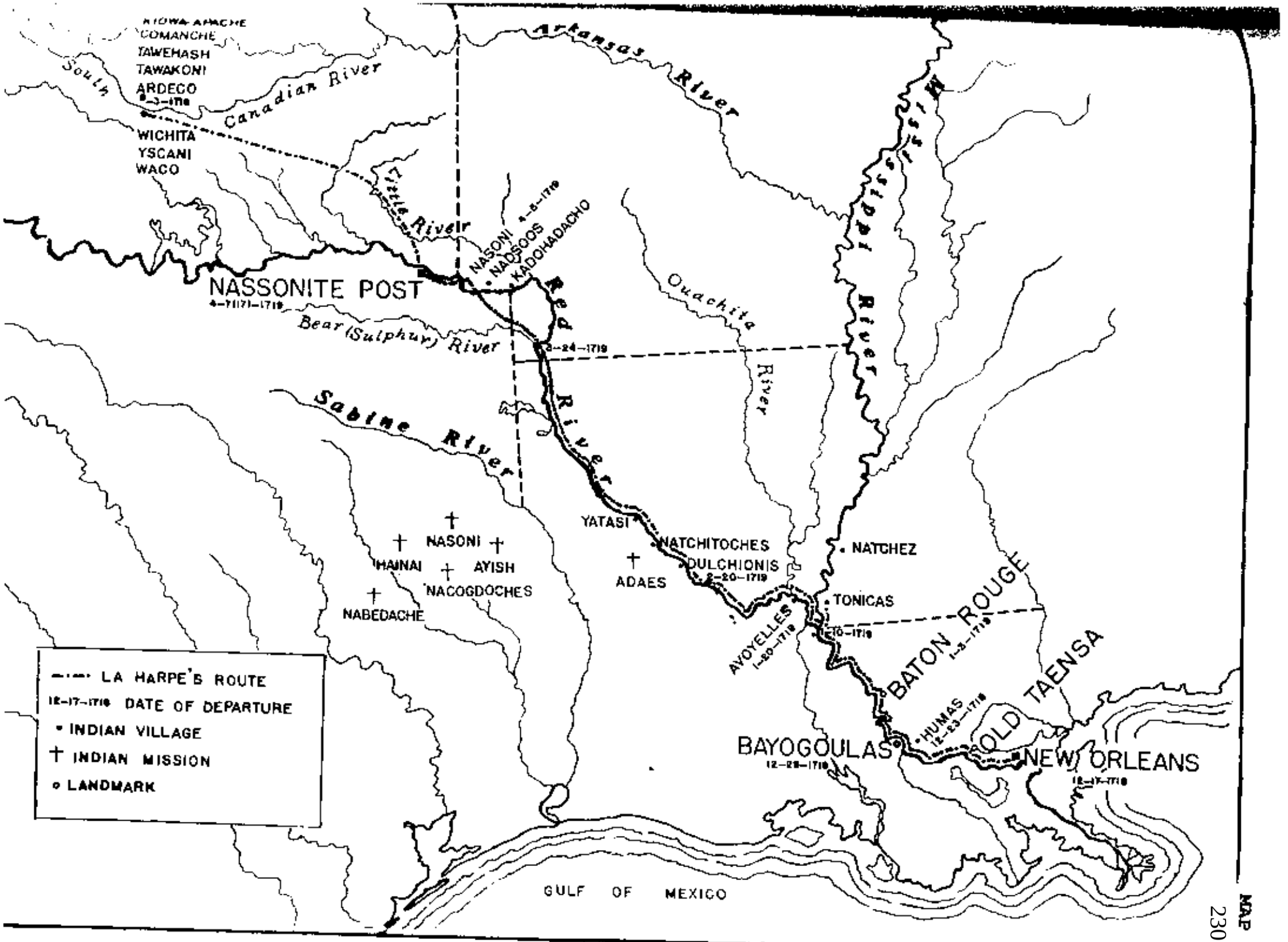
Figure 1. Selected protohistoric and early historic sites on the Southern Plains.

Drass and Baugh, "Wheeler Phase," 185.

MAP 1.



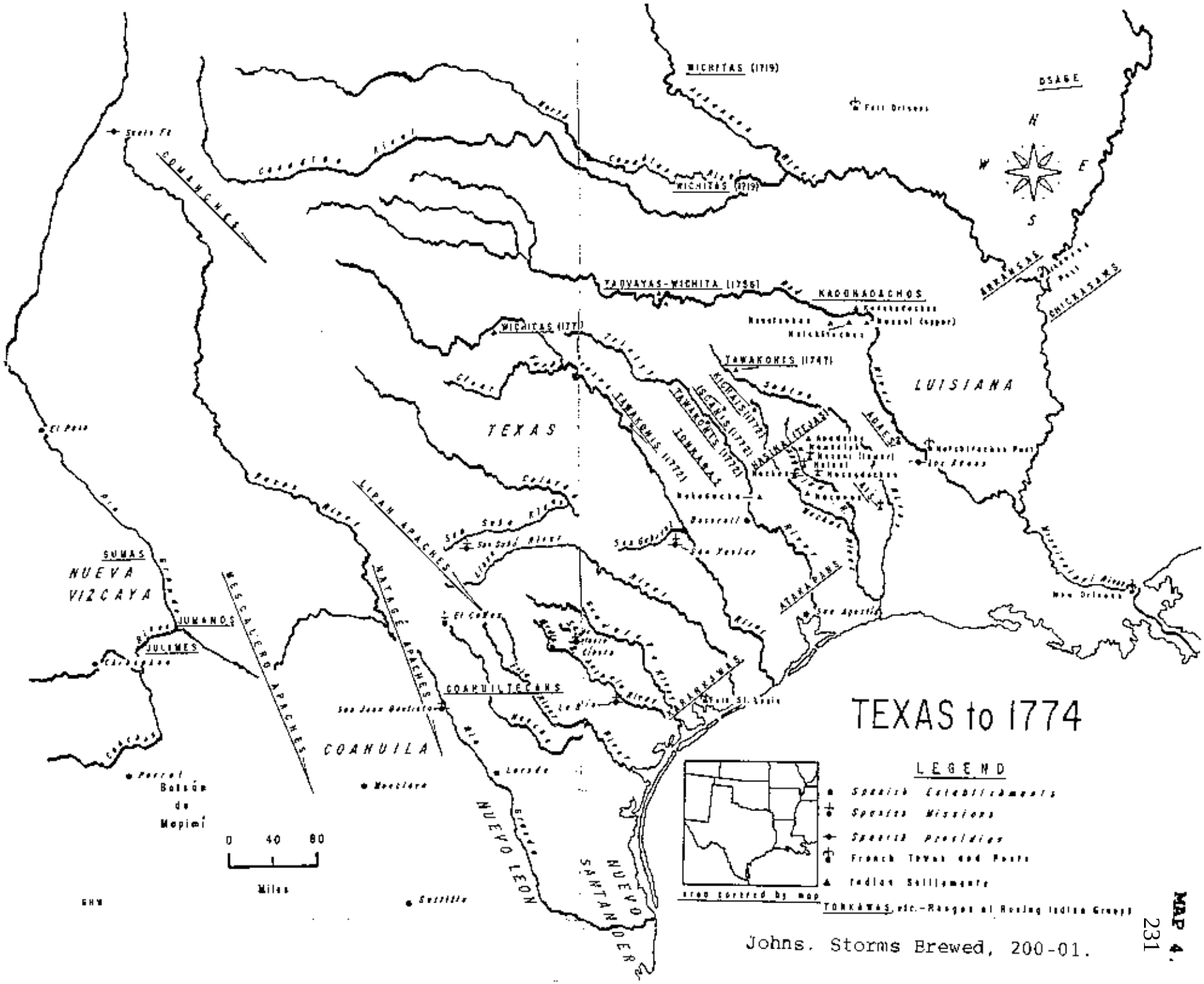
Newcomb, Indians of Texas, 281.



MAP 3.

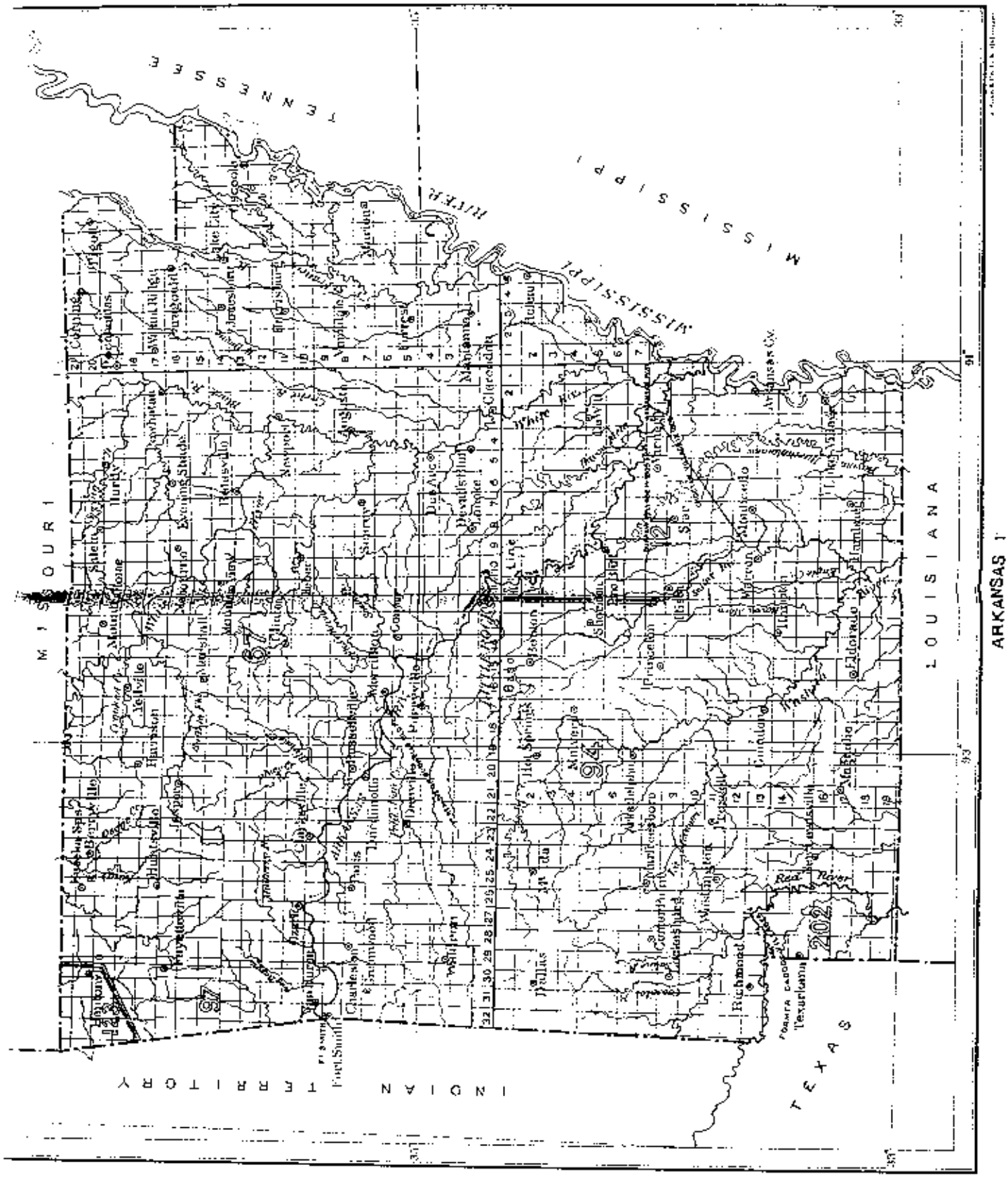
230

Smith, "Account," 544.

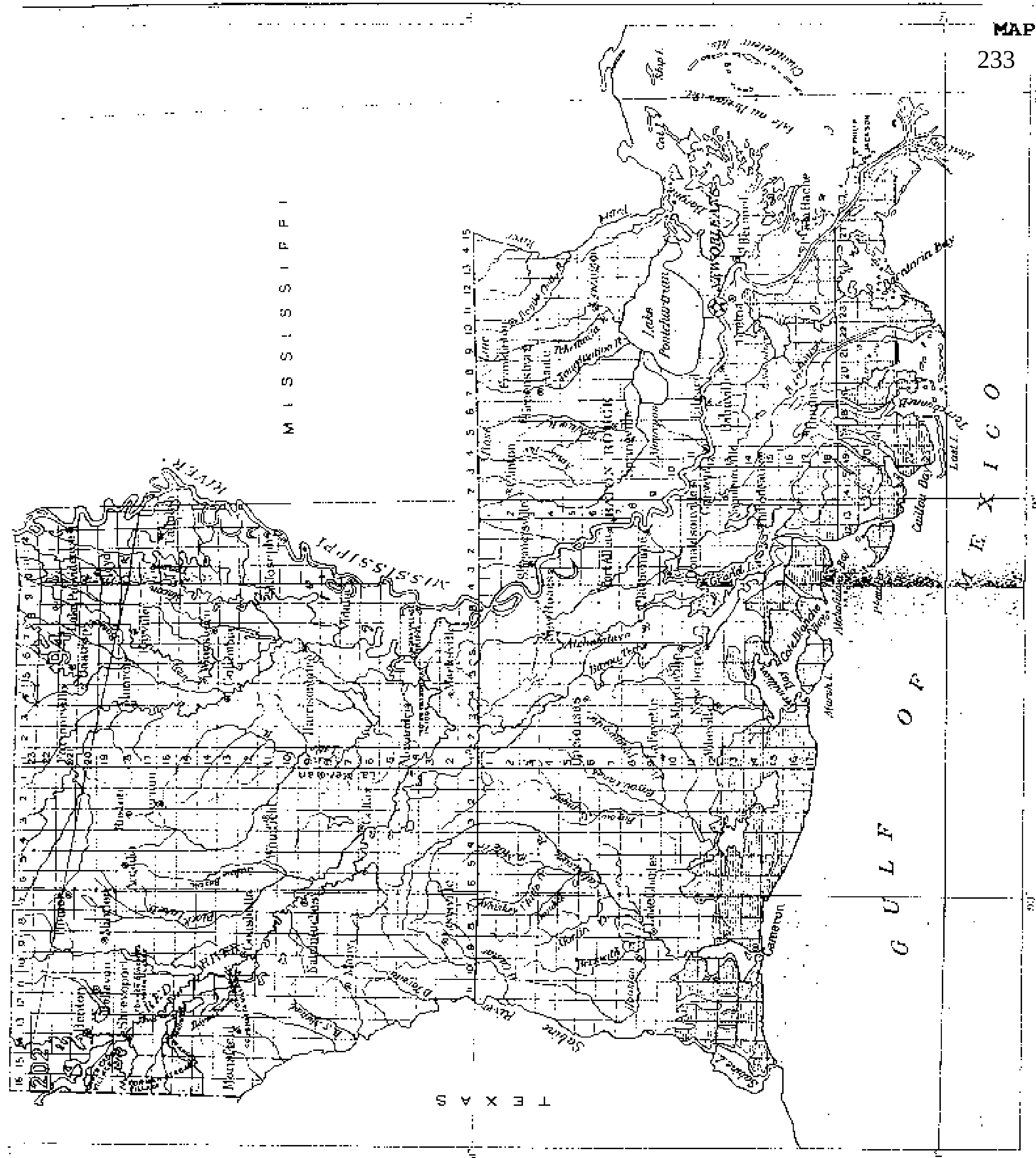


Johns. Storms Brewed, 200-01.

MAP 4.
231



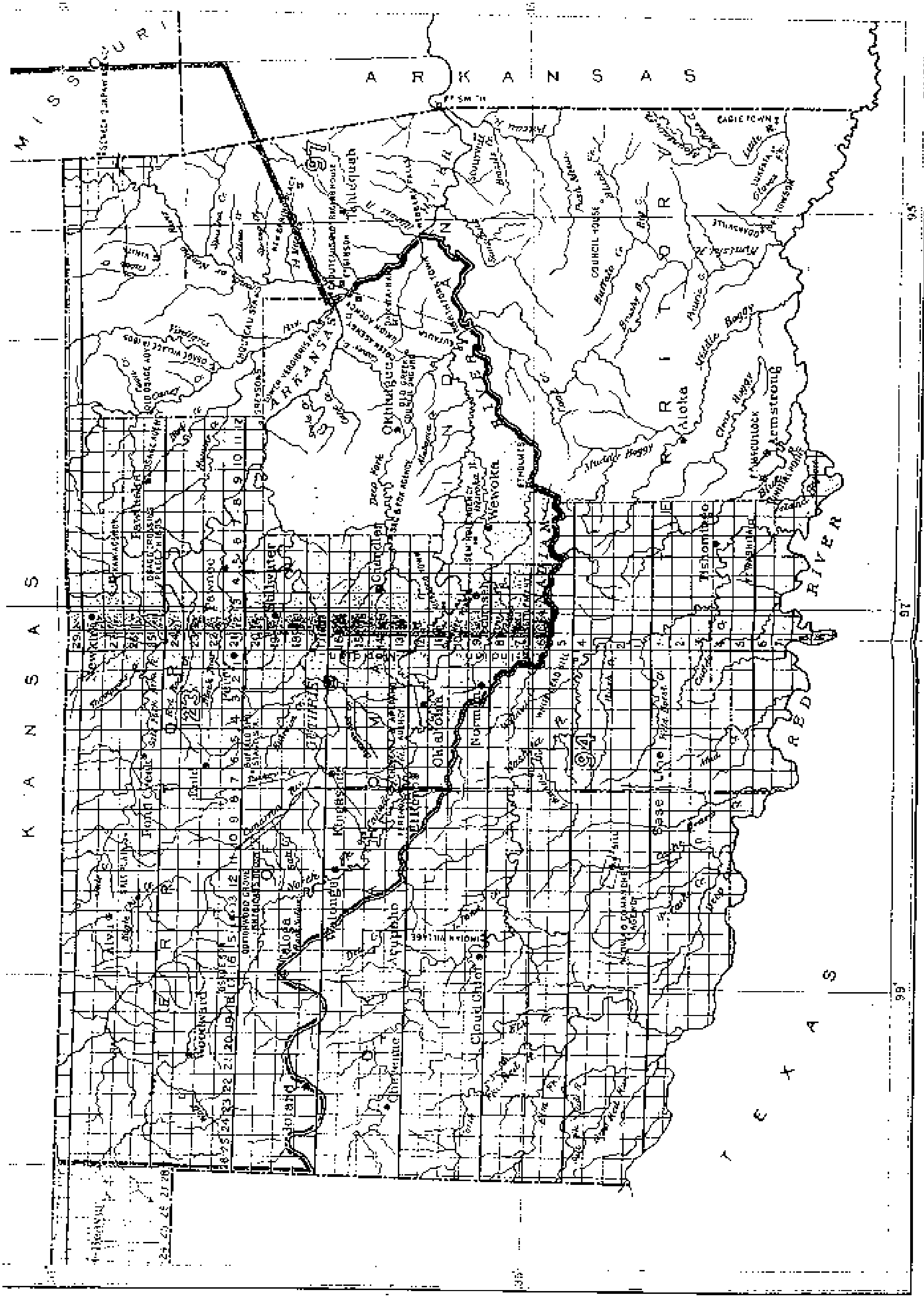
Bureau of American Ethnology,
pl. cxii



LOUISIANA
SCALE 1:35 MILES TO 1 INCH

Bureau of American Ethnology, pl. cxxviii

MAP 5c.

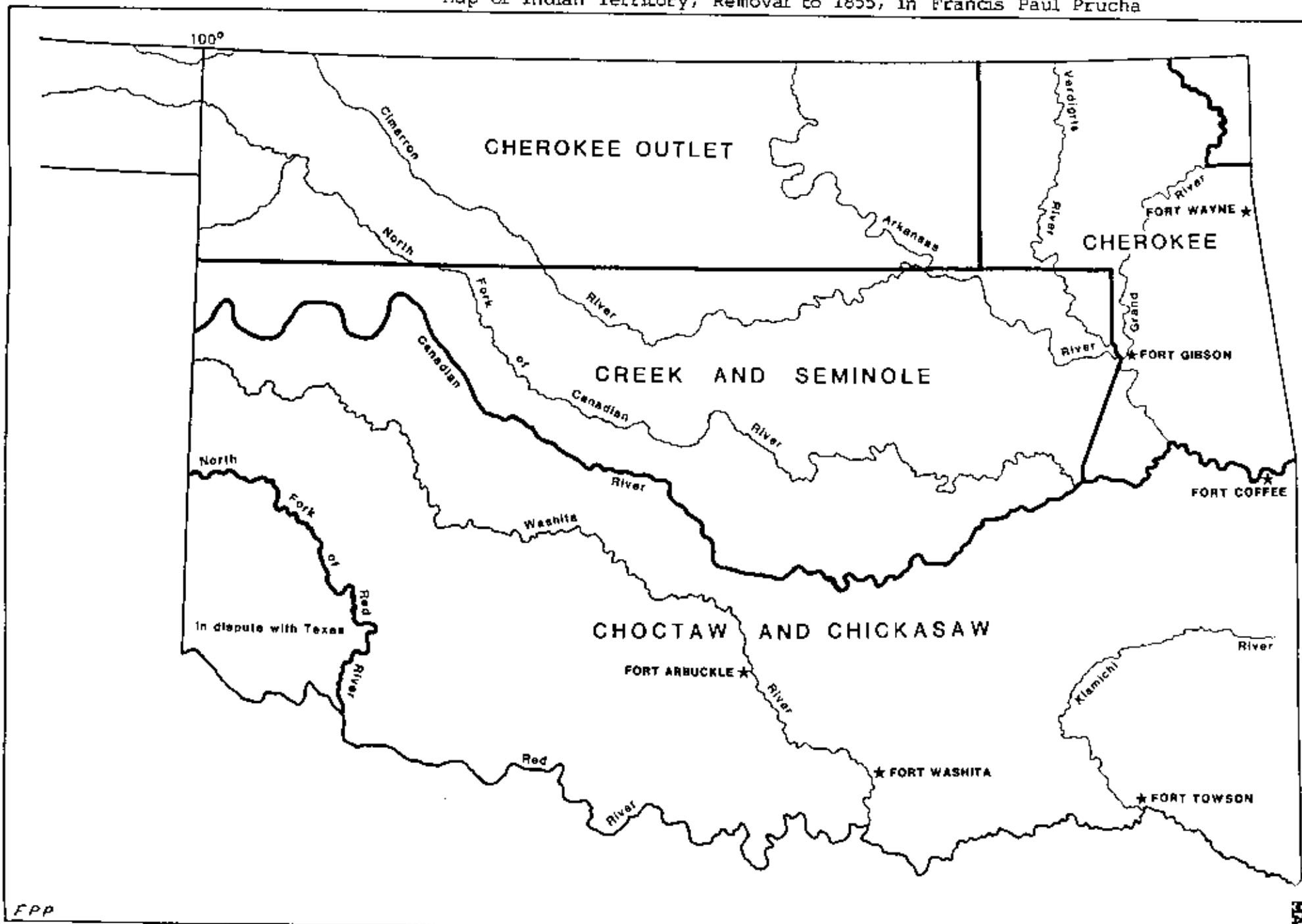


INDIAN TERRITORY AND OKLAHOMA 1

SCALE, 35 MILES TO 1 INCH

Bureau of American Ethnology, pl. cxxxv

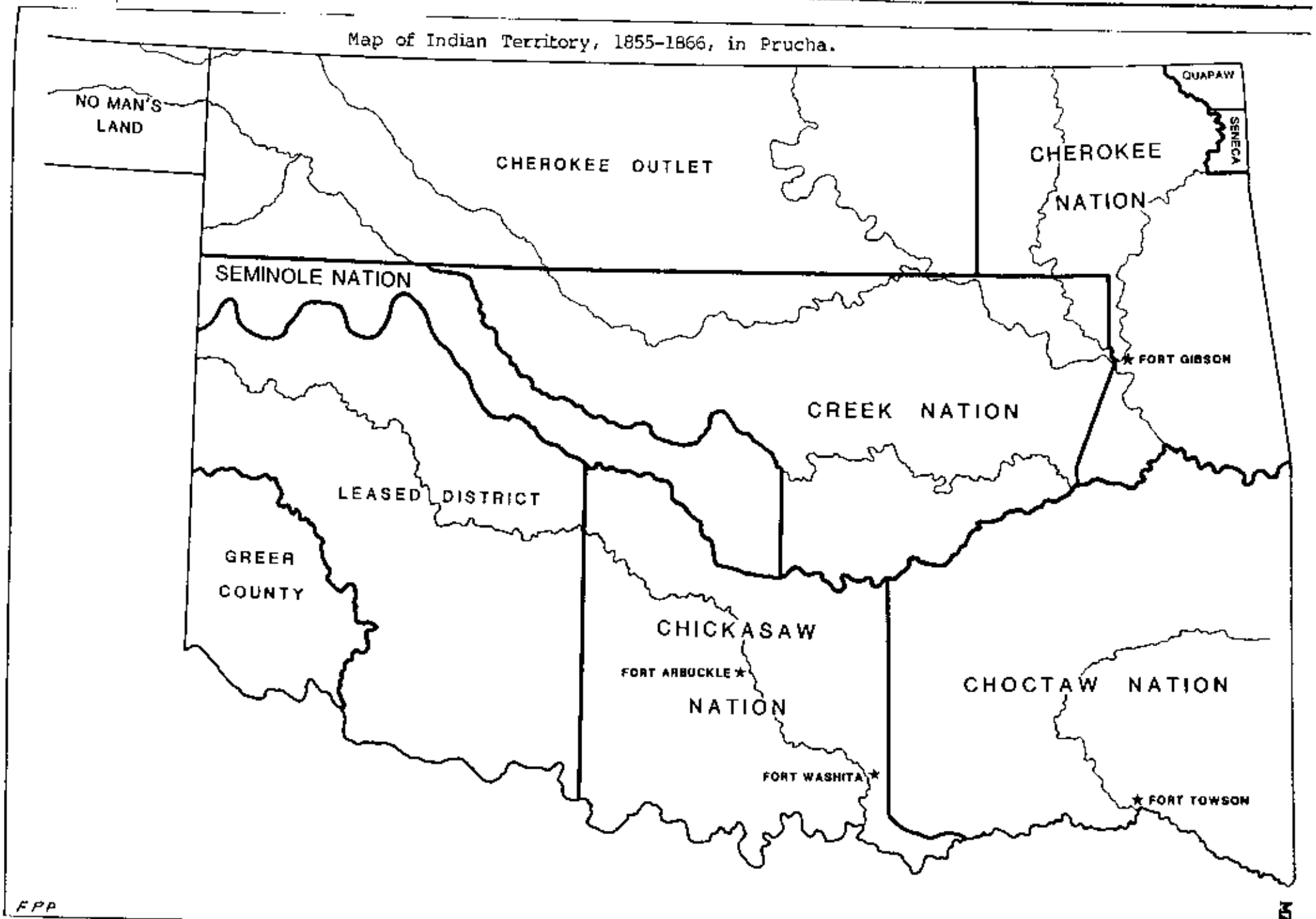
Map of Indian Territory, Removal to 1855, in Francis Paul Prucha



MAP 6a.

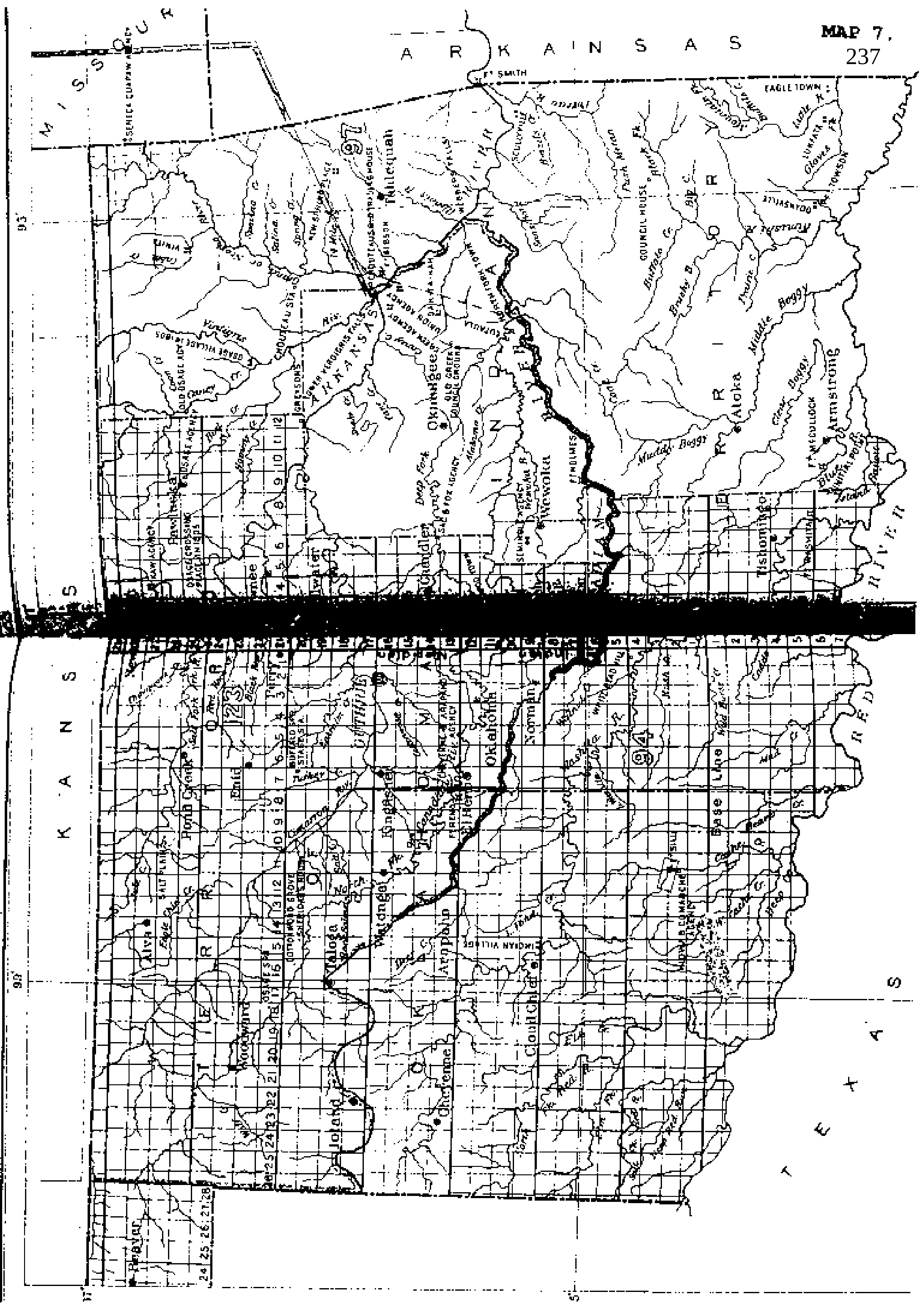
235

* 58. Indian Territory: Removal to 1855

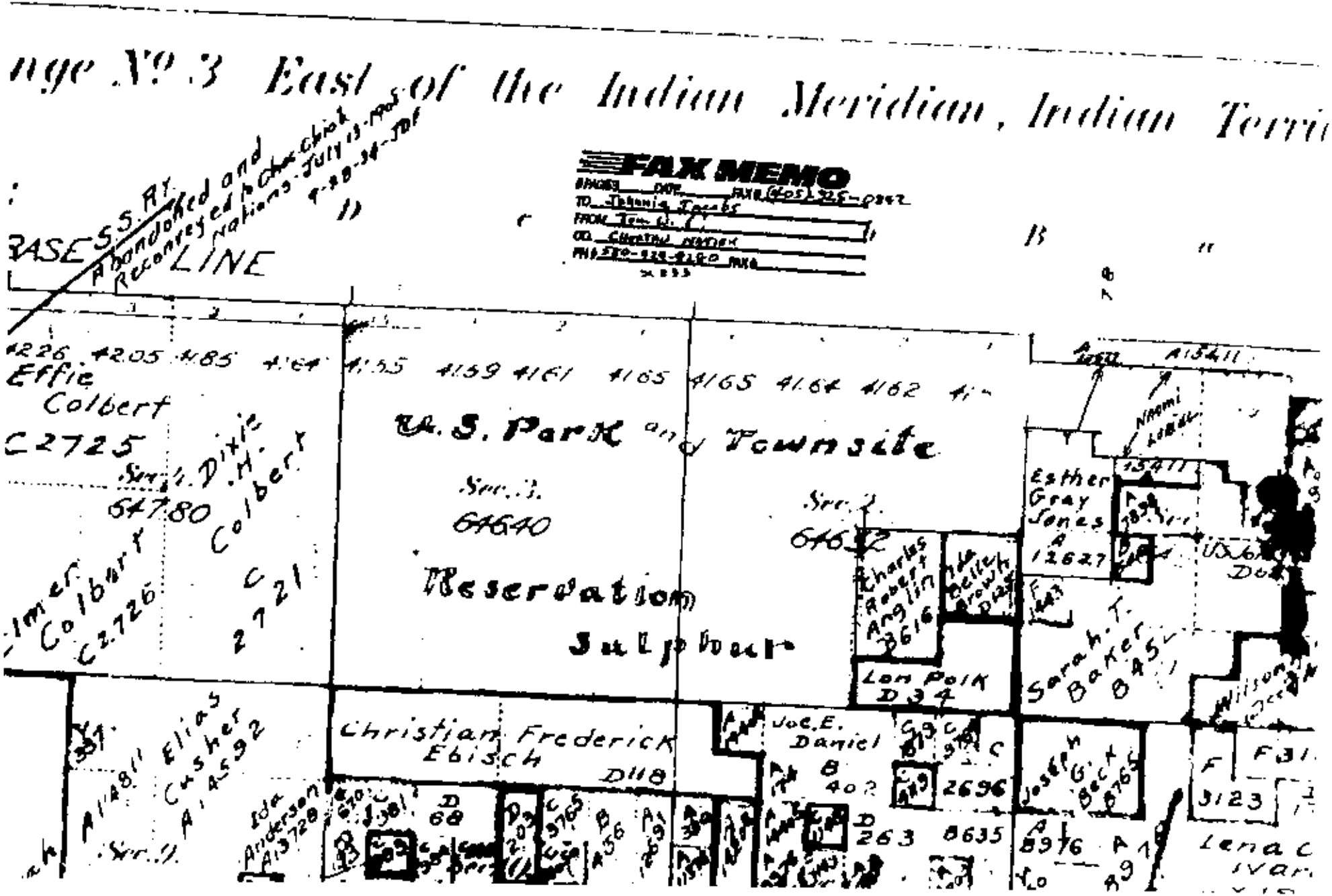


59. Indian Territory: 1855–1866

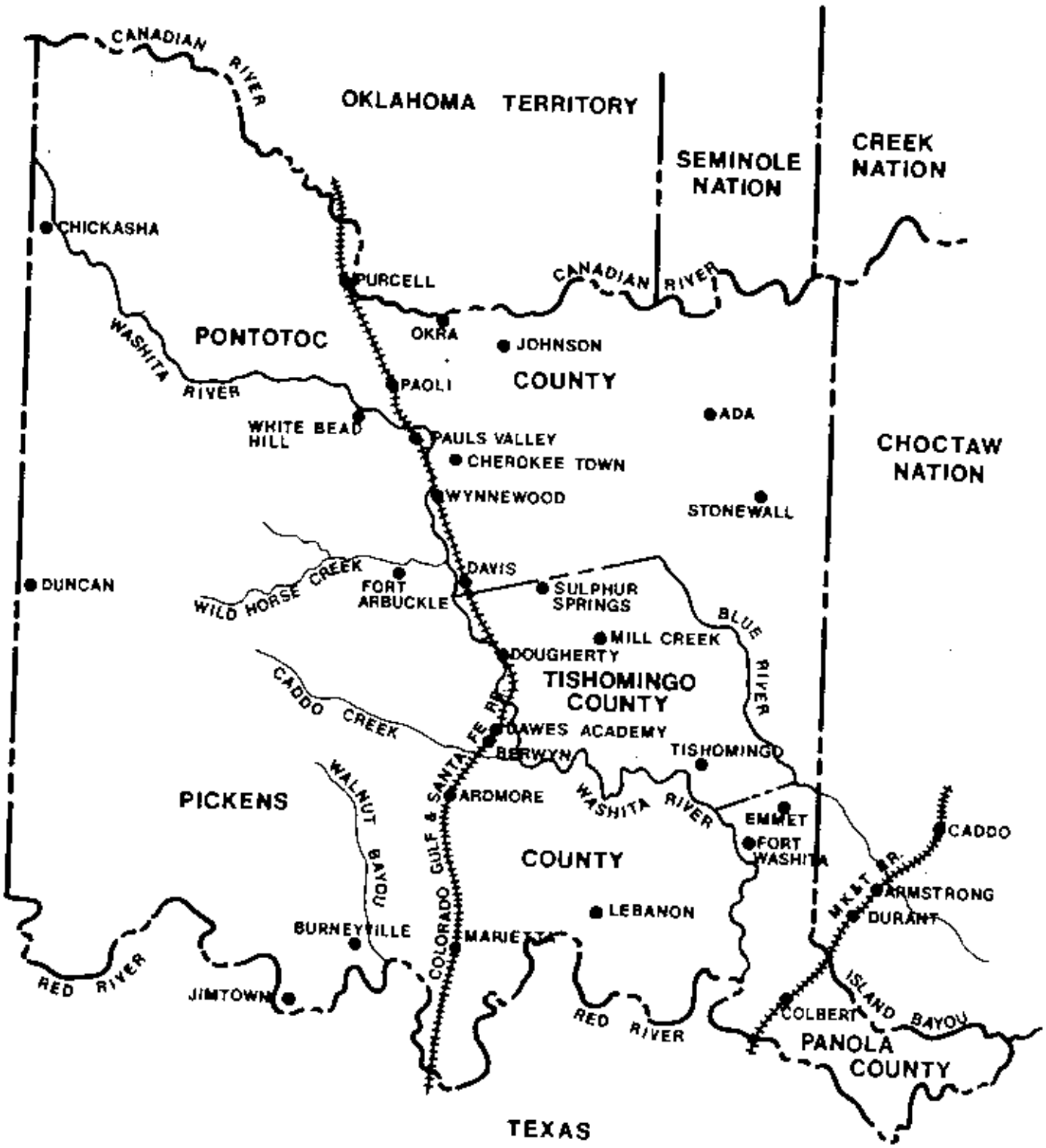
MAP 6b.



Territory ceded by Quapaw in 1818, encompassing area of the springs



Map Courtesy of Tom Williams,
Choctaw Nation



Chickasaw Nation, circa 1898

Littlefied, Chickasaw Freedmen, 78.

APPENDIX III

CHICKASAW AND OTHER TRIBAL TREATIES

Treaty with the Quapaw, 1818, Kappler, Indian Treaties, 160-161.

Treaty with the Chickasaw, 1830, Kappler, Indian Treaties, 1035-1040

Treaty with the Chickasaw, 1832, Kappler, Indian Treaties, 356-62.

Treaty with the Chickasaw, 1832, Kappler, Indian Treaties, 362-64.

Treaty with the Chickasaw, 1834, Kappler, Indian Treaties, 418-25.

Treaty with the Choctaw and Chickasaw, 1837, Kappler, Indian Treaties, 486-88.

Treaty with the Choctaw and Chickasaw, 1854, Kappler, Indian Treaties, 652-53.

Treaty with the Choctaw and Chickasaw, 1855, Kappler, Indian Treaties, 706-14.

Treaty with the Comanche and Kiowa, 1865, Kappler, Indian Treaties, 892-95.

Treaty with the Choctaw and Chickasaw, 1866, Kappler, Indian Treaties, 918-31.

TREATY WITH THE QUAPAW, 1818.

Aug. 24, 1818.
7 Stat., 176.
Proclamation Jan. 8, 1819.

A treaty of friendship, cession, and limits, made and entered into, this twenty-fourth day of August, eighteen hundred and eighteen, by, and between, William Clark and Auguste Chouteau, Commissioners on the part and behalf of the United States, of the one part, and the undersigned, chiefs and warriors of the Quapaw tribe or nation, on the part and behalf of their said tribe or nation, of the other part.

Protection of United States acknowledged.

ART. 1. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby acknowledge themselves to be under the protection of the United States, and of no other state, power, or sovereignty, whatsoever.

Cession of lands.

ART. 2. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby, for, and in consideration of, the promises and stipulations hereinafter named, cede and relinquish to the United States, forever, all the lands within the following boundaries, viz. Beginning at the mouth of the Arkansaw river; thence extending up the Arkansaw, to the Canadian fork, and up the Canadian fork to its source; thence south, to Big Red river, and down the middle of that river, to the Big Raft; thence, a direct line, so as to strike the Mississippi river, thirty leagues in a straight line, below the mouth of Arkansaw; together with all their claims to land east of the Mississippi, and north of the Arkansaw river, included within the coloured lines 1, 2, and 3, on the above map,* with the exception and reservation following, that is to say; the tract of country bounded as follows: Beginning at a point on the Arkansaw river, opposite the present post of Arkansaw, and running thence, a due southwest course, to the Washita river; thence, up that river, to the Saline fork; and up the Saline fork to a point, from whence a due north course would strike the Arkansaw river at the Little Rock; and thence, down the right bank of the Arkansaw, to the place of beginning; which said tract of land, last above designated and reserved, shall be surveyed and marked off, at the expense of the United States, as soon as the same can be done with convenience, and shall not be sold or disposed of, by the said Quapaw tribe or nation, to any individual whatever, nor to any state or nation, without the approbation of the United States first had and obtained.

* A map accompanies the original treaty.

Reservation.

Use of Arkansaw and Red rivers granted.

ART. 3. It is agreed, between the United States and the said tribe or nation, that the individuals of the said tribe or nation shall be at liberty to hunt within the territory by them ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the citizens of the United States, and until the said United States may think proper to assign the same, or any portion thereof, as hunting grounds to other friendly Indians.

No persons to settle on lands reserved.

ART. 4. No citizen of the United States, or any other person, shall be permitted to settle on any of the lands hereby allotted to, and reserved for, the said Quapaw tribe or nation, to live and hunt on; yet it is expressly understood and agreed on, by, and between, the parties aforesaid, that, at all times, the citizens of the United States shall have the right to travel and pass freely, without toll or exaction, through the Quapaw reservation, by such roads or routes as now are, or hereafter may be, established.

Payment in goods for lands ceded.

ART. 5. In consideration of the cession and stipulations aforesaid, the United States do hereby promise and bind themselves to pay and deliver to the said Quapaw tribe or nation, immediately upon the execution of this treaty, goods and merchandise to the value of four thousand dollars, and to deliver, or cause to be delivered, to them, yearly, and every year, goods and merchandise to the value of one thousand dollars, to be estimated in the city or place, in the United States, where the same are procured or purchased.

No private revenge or injuries by individuals.

ART. 6. Least the friendship which now exists between the United States and the said tribe or nation, should be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured, to the other; by the tribe or nation aforesaid, to the governor, superintendent of Indian affairs, or some other person authorized and appointed for that purpose; and by the governor, superintendent, or other person authorized, to the chiefs of the said tribe or nation. And it shall be the duty of the said tribe or nation, upon complaint being made, as aforesaid, to deliver up the person or persons, against whom the complaint is made, to the end that he or they may be punished, agreeably to the laws of the state or territory where the offence may have been committed; and, in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians, belonging to the said tribe or nation, the person or persons so offending shall be tried, and, if found guilty, punished in like manner as if the injury had been done to a white man. And it is further agreed, that the chiefs of the said tribe or nation shall, to the utmost of their power, exert themselves to recover horses, or other property, which may be stolen from any citizen or citizens of the United States, by any individual or individuals of the said tribe or nation; and the property so recovered, shall be forthwith delivered to the governor, superintendent, or other person authorized to receive the same, that it may be restored to the proper owner. And in cases where the exertions of the chief shall be ineffectual in recovering the property stolen, as aforesaid, if sufficient proof can be obtained that such property was actually stolen by an Indian or Indians, belonging to the said tribe or nation, a sum, equal to the value of the property which has been stolen, may be deducted, by the United States, from the annuity of said tribe or nation. And the United States hereby guaranty to the individuals of the said tribe or nation, a full indemnification for any horse or horses, or other property, which may be taken from them by any of their citizens; Provided, the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen or citizens of the United States.

Offenders to be delivered up for punishment.

Recovery of stolen property.

Deduction for property stolen by Indians annually.

Indemnification for property stolen from Indians by citizens.

Treaty obligatory when ratified.

ART. 7. This treaty shall take effect, and be obligatory on the contracting parties, as soon as the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate.

William Clarke,	[L. S.]	Putongli, or the Approaching Summer, his x mark,	[L. S.]
Aug. Chouteau,	[L. S.]		
Krakatun, or the Dry Man, his x mark,	[L. S.]	Tchonka, or the Tame Buffalo, his x mark,	[L. S.]
Hindapaa, or the Eagle's Bill, his x mark,	[L. S.]	Hanonoinin, or the Night Walker, his x mark,	[L. S.]
Mahnka, or Buck Wheat, his x mark,	[L. S.]	Washingtetonn, or Mocking Bird's Bill, his x mark,	[L. S.]
Honkadagni, his x mark,	[L. S.]	Hontikani, his x mark,	[L. S.]
Wagonkedalton, his x mark,	[L. S.]	Tatonnon, or the Whistling Wind, his x mark,	[L. S.]
Ehradiskaramimi, or the Pipe Bird, his x mark,	[L. S.]	Mozatete, his x mark,	[L. S.]

Done at St. Louis in the presence of

R. Wash, Secretary to the commission,	Joseph Brown, Interpreter.
R. Paul, Col. M. M. C. I.	Julius Deeay,
Jn. Bulnet, Sub. Agent, &c.	Stephen Julian, U. S. Indian Interpreter,
R. Graham, Indian Agent,	James Loper,
M. Lewis Clark,	William P. Clark.
J. F. Honore, Indian Interpreter.	

changeably set their hands and seals, the third day of September, in the year of our Lord one thousand eight hundred and twenty three.

Sapungarlichta, or Young King, his x mark. [L. S.]
Kadundawana, or Pollard, his x mark. [L. S.]
Sagonata, or Red Jacket, his x mark. [L. S.]
Tishkuaga, or Little Billy, his x mark. [L. S.]
Tywanensh, or Black Snake, his x mark. [L. S.]
Kalaleta, or Strong, his x mark. [L. S.]
Chesquaulichqua, or Little Beard, his x mark. [L. S.]
Twoyoge, or Seneka White, his x mark. [L. S.]
Onondaki, or Destroy Town, his x mark. [L. S.]
Limarhshowa, or War Chief, his x mark. [L. S.]
Gennehsekada, or Stevenson, his x mark. [L. S.]
Mary Jamieson, her x mark. [L. S.]
Talwinaha, or Little Johnson, his x mark. [L. S.]
Atarhsagu, or John Big Tree, his x mark. [L. S.]
Teskaiy, or John Pierce, his x mark. [L. S.]
Tessharger, or Charles Cornplanter, his x mark. [L. S.]
Teonenkawen, or Bob Stevens, his x mark. [L. S.]
Chersnaughtwo, or Little Beard, his x mark. [L. S.]
Canada, his x mark. [L. S.]

Sealed and delivered in the presence of

Nat. W. Howell.
Ch. Carroll
Jasper Parrish.
Horatio Jones.

Done at a treaty held with the sachems, chiefs, and warriors of the Seneka nation of Indians at Moscow, in the county of Livingston and State of New York, on the third day of September, one thousand eight hundred and twenty-three, under the authority of the United States. In testimony whereof, I have hereunto set my hand and seal, the day and year aforesaid, by virtue of a commission issued under the seal of the commonwealth of Massachusetts, bearing date the 31st day of August, A. D. 1815, pursuant to a resolution of the legislature of the said commonwealth, passed the eleventh day of March, one thousand seven hundred and ninety-one.

N. Gorham, Superintendent.

I have attended a treaty of the Seneka nation of Indians held at Moscow in the county of Livingston and State of New York, on the third day of September, in the year of our Lord one thousand eight hundred and twenty-three, when the within instrument was duly executed in my presence, by the sachems, chiefs, and warriors of the said nation, being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their full satisfaction. I do therefore certify and approve the same.

Ch. Carroll, Commissioner.

AGREEMENT WITH THE CREEKS, 1825.

Council House, Broken Arrow, Creek Nation, 29 June, 1825.

June 29, 1825.

Proclaimed, Indian Office, Oct. 26, 1825. 7 U. S. Stats., 237. Ratified, Feb. 7, 1826. 7 U. S. Stats., 237. Proclaimed, Feb. 7, 1826. 7 U. S. Stats., 237.

Resolved by the Chiefs and Warriors in Council assembled that after a suitable consideration which the nature of the case demands, they solemnly and strictly declare for themselves and for the whole Muscogee Nation, that all of the late General McIntosh's party who have opposed the Laws of the Nation, are hereby pardoned to all intents and purposes, and they are hereby invited to return to their usual places of abode or elsewhere, and their to dwell in the full enjoyment of peace & security and of all their rights and privileges guaranteed to them by our Laws.

The property which they have with them, & that which is in the Nation owned by them when they left it is theirs. Such of their property as may have been lost or destroyed contrary to the known laws of the Nation which once belonged to General McIntosh & Samuel Hawkins or others shall be restored or paid for to the proper owners by the Nation whenever it shall appear to the satisfaction of the United States Agent after hearing both parties in Council that it was or any part of it taken or destroyed contrary to the Laws of the Nation. Either party may appeal from the decision of the Agent to the Secretary of War, whose decision in the case shall be final.

Some individuals of the pardoned party are justly indebted to the Nation for monies borrowed in different amounts and otherwise, for which the Nation expect to be paid. But the authorities of the Nation will wait patiently a reasonable time until these debtors can be prepared to reimburse the National Treasury. In every case, at all times these misguided and unfortunate people are required to conform to the Laws of the Nation and to obey and respect the proper authorities, and conduct themselves as good citizens of the Nation. A general talk shall be given in public and observed by the whole Nation, that these people shall be secure in their persons and property. Any person or persons who shall kill any of the pardoned party on any pretence for past offences shall suffer Death. And it is clearly to be understood that they are to be in no respect punished or held accountable for the past, but are in future subject to all the restraints of the Law and entitled to the privileges of good citizens.

Done in Council and subscribed in behalf of the whole Nation.

Tustinuggee Hopor (his x mark).
Tuskenechuk (his x mark).
Opothee Yoholo (his x mark).
Yoholo Mico (his x mark).
Tustenuggee Mald (his x mark).
Offuskee Yoholo (his x mark).
Mad Wolf (his x mark).
Eseithlah Toholo (his x mark).
Hopoi Hajo (his x mark).
Mad Tiger (his x mark).
Tuskemuhh of Caseteek (his x mark).

TREATY WITH THE CHICKASAW, 1830.

Aug. 31, 1830.

Proclaimed, Indian Office, Jan. 1, 1831. 7 U. S. Stats., 333. Ante, p. 1.

Articles of a treaty, entered into at Franklin, Tennessee, this 31st day of August, 1830, by John H. Eaton, Secretary of War, and General John Coffee, commissioners appointed by the President, on the part of the United States, and the chiefs and head men of the Chickasaw Nation of Indians, duly authorized, by the whole nation, to conclude a treaty.

ARTICLE 1. The Chickasaw Nation hereby cede to the United States all the lands owned and possessed by them, on the East side of the Mississippi River, where they at present reside, and which lie north of the following boundary, viz: beginning at the mouth of the Chuckfalahyhaw (or Tibbee) creek; thence, up the same, to a point, being a marked tree, on the old Natchez road, about one mile Southwardly from Wall's old place; thence, with the Choctaw boundary, and along it, Westwardly, through the Tunicha old fields, to a point on the Mississippi river, about twenty-eight miles, by water, below where the

St. Francis river enters said stream, on the West side. All the lands North, and North-East of said boundary, to latitute thirty-five North the South boundary of the State of Tennessee, being owned by the Chickasaws, are hereby ceded to the United States.

ART. 2. In consideration of said cession, the United States agree to furnish to the Chickasaw Nation of Indians, a country, West of the territory of Arkansaw, to lie South of latitude thirty-six degrees and a half, and of equal extent with the one ceded; and in all respects as to timber, water and soil, it shall be suited to the wants and condition of said Chickasaw people. It is agreed further, that the United States will send one or more commissioners to examine and select a country of the description stated, who shall be accompanied by an interpreter and not more than twelve persons of the Chickasaws, to be chosen by the nation, to examine said country; and who, for their expenses and services, shall be allowed two dollars a day each, while so engaged. If, after proper examination, a country suitable to their wants and condition can not be found; then, it is stipulated and agreed, that this treaty, and all its provisions, shall be considered null and void. But, if a country shall be found and approved, the President of the United States shall cause a grant in fee simple to be made out, to be signed by him as other grants are usually signed, conveying the country to the Chickasaw people, and to their children, so long as they shall continue to exist as a nation, and shall reside upon the same.

ART. 3. The Chicksaws being a weak tribe, it is stipulated that the United States will, at all times, extend to them their protection and care against enemies of every description, but it is, at the same time, agreed, that they shall act peacably, and never make war, nor resort to arms, except with the consent and approval of the President, unless in cases where they may be invaded by some hostile power or tribe.

ART. 4. As further consideration, the United States agree, that each warrior and widow having a family, and each white man, having an Indian family, shall be entitled to a half section of land, and if they have no family, to half that quantity. The delegation present, having full knowledge of the population of their country, stipulate, that the first class of cases (those with families), shall not exceed five hundred, and that the other class shall not exceed one hundred persons. The reservations secured under this article, shall be granted in *fee simple*, to those who choose to remain, and become subject to the laws of the whites; and who, having recorded such intention with the agent, before the time of the first removal, shall continue to reside upon, and cultivate the same, for five years; at the expiration of which time, a grant shall be issued. But should they prefer to remove, and actually remove, then the United States, in lieu of such reservations, will pay for the same, at the rate of one dollar and a half per acre; the same to be paid in ten equal, annual instalments, to commence after the period of the ratification of this treaty, if, at that time, they shall have removed.

ART. 5. It is agreed, that the United States, as further consideration, will pay to said Nation of Indians, fifteen thousand dollars annually, for twenty years; the first payment to be made after their removal shall take place, and they be settled at their new homes, West of the Mississippi.

ART. 6. Whereas Levi Colbert, George Colbert, Tessemingo, William McGilvery and Saml. Seeley Senr. have been long known, as faithful and steady friends of the United States, and regardless of the interest of their own people; to afford them an earnest of our good feeling, now that they are about to seek a new home; the commissioners, of their own accord, and without any thing of solicitation or

request, on the part of said persons, have proposed, and do agree, that they have reservations of four sections each, to include their present improvements, as nearly as may be; or, if they have improvements at any other place than one, then, equally to divide said reservations, so that two sections may be laid off at one place of improvement, and two at another; or, the whole at one place, as the party entitled may choose. They shall be entitled to the same in fee simple, to be resided upon; or, if they prefer it, they may, with the consent of the President, sell and convey the same, in fee. And it is further agreed, that upon the same terms and conditions, a reservation of two sections, to be surveyed together, and to include the improvements of the party entitled, shall and the same is hereby declared to be, secured to Capt. James Brown, James Colbert, John McLish & Isaac Alberson.

ART. 7. The delegation having selected the following persons, as worthy their regard and confidence, to wit; Ish to yo to pe, To pul ka, Ish te ke yo ka tubbe, Ish to ke cha, E le pann be, Pis te la tubbe, Ish tim mo lat ka, Pis ta tubbe, Im mo hoat te tubbe, Ba ka tubbe, Ish to ye tubbe, Ah to ko wa, Pak la na ya tubbe, Ja hie yo che tubbe, Thomas Sealy, Tum ma shock ah, Im mo la subbe, Am le mi ya tubbe; Benjamin Love and Malcomb McGee; it is consented that each of said persons shall be entitled to a reservation of one section of land, to be located in a body, to include their present improvement, and upon which, intending to become resident citizens of the country, they may continue, and at the end of five years, shall receive a grant for the same; or, should they prefer to remove, they shall be entitled, in lieu thereof, to receive from the United States, one dollar and twenty five cents per acre for the same, to be paid in two equal, annual instalments, to commence after the ratification of this treaty, and after the nation shall have removed.

ART. 8. No person receiving a special reservation, shall be entitled to claim any further reservation, under the provisions of the fourth article of this treaty.

ART. 9. At the request of the delegation, it is agreed that Levi Colbert shall have an additional section of land, to that granted him in the 6th article, to be located where he may prefer, and subject to the conditions contained in said sixth article.

ART. 10. All the reservations made by this treaty, shall be in sections, half sections, or quarter sections, agreeably to the legal surveys made, and shall include the present houses and improvements of the reservees, as nearly as may be.

ART. 11. It is agreed that the Chickasaw people, in removing to their new homes, shall go there at the expense of the United States; and that when they shall have arrived at their new homes, the United States will furnish to each one, for the space of one year, meat and corn rations, for himself and his family; that thereby, time may be afforded to clear the ground, and prepare a crop. And the better to effect this object, it is agreed that one half the nation shall remove in the fall of 1831, and the other half the following fall. The supplies to be furnished by the United States, are to be delivered at one or two places in the nation, which shall be as convenient to the body of the people as may be practicable; having regard to the position or places, where the supplies may be had or deposited, with the greatest convenience, and least expense to the United States.

ART. 12. The United States, at the time of the removal of each portion of the nation, at the valuation of some respectable person, to be appointed by the President, agree to purchase all the stock they may desire to part with, (except horses), and to pay them therefor, at their new homes, as early as practicable after the ratification of this

treaty. Also, to receive their agricultural and farming utensils, and to furnish them, at the West, with axes, hoes and ploughs, suited to their wants respectively. Also, to furnish each family with a spinning wheel and cards, and a loom to every six families.

ART. 13. A council house, and two houses of public worship, which may be used for the purposes of schools, shall be built by the United States; and the sum of four thousand dollars shall be appropriated for that purpose. Also, one blacksmith, and no more, shall be employed at the expense of the government, for twenty years, for the use of the Indians; and a mill-wright for five years, to aid them in erecting their saw and grist-mills.

ART. 14. The sum of two thousand dollars a year, shall be paid for ten years, for the purpose of employing suitable teachers of the Christian religion, and superintending common schools in the nation. And it is further consented, that twenty Chickasaw boys of promise, from time to time, for the period of twenty years, shall be selected from the nation by the chiefs, to be educated within the States at the expense of the United States, under the direction of the Secretary of War.

ART. 15. A desire having been expressed by Levi Colbert, that two of his younger sons, Abijah Jackson Colbert, and Andrew Morgan Colbert, aged seven and five years, might be educated under the direction and care of the President of the United States;—and George Colbert having also expressed a wish that his grand-son, Andrew J. Frazier, aged about twelve years, might have a similar attention: It is consented, that at a proper age, as far as they may be found to have capacity, they shall receive a liberal education, at the expense of the United States, under the direction and control of the President.

ART. 16. The United States shall have authority, after the ratification of this treaty by the Senate, to survey and prepare the country for sale; but no sale shall take place before the fall of 1832, or until they shall remove. And that every clause and article herein contained may be strictfully fulfilled: it is stipulated and agreed, that the lands herein ceded shall be, and the same are hereby pledged, for the payment of the several sums which are secured and directed to be paid, under the several provisions of this treaty.

ART. 17. The United States, and the Chickasaw nation of Indians herein stipulate, that perpetual peace, and unaltered and lasting friendship, shall be maintained between them.

It is agreed, that the President of the United States will use his good offices, and kind mediation, and make a request of the governor and legislature of the State of Mississippi, not to extend their laws over the Chickasaws; or to suspend their operation, until they shall have time to remove, as limited in this treaty.

In witness of all and every thing herein determined, between the United States, and the delegation representing the whole Chickasaw nation, the parties have hereunto set their hands and seals, at Franklin, Tennessee, within the United States, this thirty-first day of August, one thousand, eight hundred and thirty.

Jn H Eaton,
Secr. of War.
Jno. Coffee,

Levi Colbert, his x mark.
George Colbert, his x mark.
James Colbert, his x mark.
Wm. McGilvery, his x mark.
James Brown, his x mark.
Isaac Alberson, his x mark.
To pat ka, his x mark.
Ish te ke yo ka tubbe, his x mark.
Ish te ke cha, his x mark.
Im me hon te tubbe, his x mark.
Im ha ya chet tubbe, his x mark.
Ish te ya tubbe, his x mark.
Ah te ko wa, his x mark.
Oak la na ya tubbe, his x mark.
Im me ka subbe, his x mark.
Hush ta ta he, his x mark.
Im mo wa ke cha, his x mark.
Oh he cubbe, his x mark.
Kin hi o're, his x mark.
J. W. Lish.

Signed in presence of us,

Preston Hay, Secretary.
Benj. Reynolds, U. S. agent.
Benjamin Love, interpreter.
R. M. Gavock.
R. P. Currin.
Lemuel Smith.
Lemil Donelson.
Jos. H. Fry.
James H. Wilson.
J. R. Davis.

Articles, supplementary to a treaty this day entered into, between John H. Eaton and John Coffee, on the part of the United States, and the Chiefs of the Chickasaw nation.

1. It is agreed that the United States will furnish the Chickasaw nation, to be distributed by the agent, under the direction of the chiefs, at or before the time of their removal West of the Mississippi river, three hundred rifles, with moulds and wipers; also, three hundred pounds of good powder, and twelve hundred pounds of lead. They will also furnish as aforesaid, three hundred copper or brass kettles, and six hundred blankets. Likewise three thousand weight of leaf tobacco.

2. Colbert's Island, in the Tennessee river, just below the mouth of Caney Creek, supposed to contain five hundred acres, has always been in the use and occupancy of George Colbert, and has been admitted by the nation, to be his individual property. It is agreed now, that he shall be recognized, as having a title to the same, and that he shall receive from the United States, in consideration of it, one thousand dollars, to be paid in one year after the Chickasaws shall remove to their new homes.

3. James Colbert has represented, that he has a claim of thirteen hundred dollars, of money due from a citizen of the United States;—that he has become insolvent, and is unable to pay it. It is further represented, that by the rule of the Chickasaw people, where an Indian cannot pay a debt due to a white man, the nation assumes it. Also, Levi Colbert shews, that some time since, he purchased of a white citizen, a horse which was stolen, and proven and taken out of his possession, as stolen property, for which he has not, and cannot, obtain remuneration. Being now about to leave their ancient homes, for a new one, too distant to attend to their business here: it is agreed that a section of land may be located and reserved, to be bound by sectional lines; which land, with the consent of the President, they may sell.

4. The Chickasaw delegation request, that a reservation of land may be made in favor of their excellent agent, Col. Benjamin Reynolds, who, since he has been among them, has acted uprightly and faithfully, and of their sub-agent, Major John L. Allen, who also, has been of much service. The commissioners accordingly consent thereto; and it is stipulated that Col. Reynolds shall have a reservation of five quarter sections of land, to be bounded by sectional lines, or quarter sectional lines, and to lie together, in a body; and in further consideration, it is stipulated, with the consent of said Reynolds, that his pension of two hundred and forty dollars a year, granted to him by the United States, shall thereafter cease and determine. The application in favor of the sub-agent, Maj. Allen, is also recognized, and a reservation of a quarter section is admitted to his wife, to whom and for whose benefit a grant shall issue. But said reservations shall not be located, so as to interfere with other claims to reservations, secured under this treaty, nor shall this treaty be affected if this article is not ratified.

5. The 4th article of the treaty of 19th October 1818, which reserves a salt lick, and authorizes Levi Colbert and James Brown to lease the same for a reasonable quantity of salt, is hereby changed: And with

the consent of the commissioners present, the following agreement, made by Robert P. Currin, for himself and William B. Lewis, is entered as part of this treaty, to wit:

Whereas a lease of land, of four miles square, was secured under the fourth article of a treaty, concluded on the 19th day of October 1818, between the United States and the Chickasaw nation of Indians; and Levi Colbert and James Brown, under the same treaty, were appointed agents and trustees by the Chickasaw nation to make said lease. And whereas William B. Lewis, a citizen of the United States afterwards procured from said trustees, Colbert and Brown, a lease for the same, on condition of his paying annually, a certain amount of salt to said nation, provided he should succeed in finding salt water. And whereas the said William B. Lewis and Robert P. Currin, who subsequently became interested with him, have, as is shown, expended about the sum of three thousand dollars, in endeavoring to find salt water, but without success. And the Indians, who are about to leave their ancient country, being desirous to have this land and lease placed in such a condition, as that some benefit may result to their nation, They do hereby agree with said Robert P. Currin, a citizen of the United States, for himself, and as the agent and attorney in fact of the said William B. Lewis (John H. Eaton and John Coffee, the United States commissioners, to treat with said Chickasaw nation being present and assenting thereto); that the lease heretofore made, be so changed, that the rent therein agreed to be paid is entirely released and discharged, from the date of said lease, together with all claim arising on account of the same.

And it is now agreed, that said lease shall remain, as heretofore made, with this alteration: that two thousand dollars shall be paid to said Colbert and Brown, trustees as aforesaid, for the Chickasaw nation: to wit: five hundred dollars now in hand; five hundred dollars on the first day of October one thousand eight hundred and thirty-one; and one thousand dollars on the first day of October one thousand eight hundred and thirty-two. And it is further agreed, in consideration of said alteration of said original contract and lease, herein made and agreed upon; and the said Robert P. Currin, for himself and the said William B. Lewis, for each and for both, he having full authority to act in the premises, will annually pay to said trustees, four bushels of salt, or the value thereof, as they and the nation may agree to and direct.

In testimony whereof, and in the presence of the commissioners, appointed to treat with the Chickasaw nation of people, on the part of the United States, the parties respectively have hereto set their hands and affixed their seals, this first day of September, one thousand eight hundred and thirty.

Jn. H. Eaton, Secty. of War.
Jno. Coffee.
Levi Colbert, his x mark.
George Colbert, his x mark.
James Colbert, his x mark.
Wm. McGilvery, his x mark.
Isaac Alberson, his x mark.
James Brown, his x mark
To pol ka, his x mark.
Ish te ki yu ka tubbe, his x mark.
Ish te he cha, his x mark.
Im me hout te tubbe, his x mark.
Ju bei yu chit tubbe, his x mark.
Ish te ya tubbe, his x mark.
Ah to ko wa, his x mark.
Ouk ja na ya tubbe, his x mark.
Im mo la tubbe, his x mark.
Hush ta ta he, his x mark.
Im mo wa ke che, his x mark.
Oh he tubbe, his x mark.
Kin hu che, his x mark.
J. W. Lish.

Signed in presence of us,

Preston Hay, secretary
Benj. Reynolds, U. S. agent.
Benjamin Love, as interpreter.
R. M. Gavock.
Lewd. Denéven.
Lewd. Smith.
R. P. Currin.
Jos. H. Fry.
James H. Wilson.
J. R. Davis.

AGREEMENT WITH THE CHEROKEE, 1835.

Articles of a Treaty agreed upon at the City of Washington, March 14th, 1835, between J. F. Schermerhorn, on the part of the United States, and a Delegation of the Cherokee Tribe of Indians, which, by the President of the United States, is directed to be submitted to the Cherokee Nation of Indians, for their consideration and approbation.

Whereas, several persons of the Cherokee Nation of Indians, east of the Mississippi river, have visited the City of Washington, as delegates from that part of their Nation, in favor of emigration, with a hope and desire of making some arrangements which might be acceptable to the Government of the United States, and to their Nation generally, and thereby terminating the difficulties which they have experienced during a residence within the settled portion of the United States, under the jurisdiction and laws of the State Governments, and with a view of re-uniting their people in one body, and securing to themselves and their descendents the country selected by their forefathers, and sufficient for all their wants, and whereon they can establish and perpetuate such a state of society as may be most consonant with their habits and views, and as may tend to their individual comfort and their advancement in civilization:

And whereas, the President of the United States, animated with a sincere desire to relieve them from their embarrassments, and to provide for them a permanent establishment; and being willing, as far as his Constitutional power extends, to use all his efforts to accomplish these objects, has yielded to the wishes thus expressed to him in behalf of the Cherokees, and has authorized John F. Schermerhorn to meet the said members of the Cherokee Nation, and to arrange with them such terms as may be just and proper, between the parties:

And whereas, the said John F. Schermerhorn and the said Delegation of the Cherokee Nation of Indians, have met together and have taken the whole matter into consideration, and have agreed upon certain articles, which are to be considered merely as propositions to be made to the Cherokee people, on behalf of the United States, and to be utterly invalid until approved by them; it being distinctly understood that the said Cherokee people are not in the slightest manner committed by the formation of this provisional arrangement —

Now, therefore, in consideration of the premises, and with a view to the final adjustment of all claims, and demands of every kind, of the Cherokees east of the Mississippi river, upon the United States, it is agreed as follows:

ARTICLE 1. This treaty shall be submitted to the people of the Cherokee Nation, for that purpose, to be assembled at New Echota, after due notice being given of the time of meeting by the Commissioner appointed by the President of the United States, whose duty it shall be fully to explain all its contents to them, and the views of the Government in regard to it, for their concurrence and adoption: and if it shall appear, after a fair, free, and full expression of their sentiments, that a majority of the people are in favor of the treaty, it shall be considered as approved and confirmed by the Nation; and their whole country shall be deemed to be ceded, and their claim and title to it to cease. But it is always understood that the treaty stipulations in former treaties, that have not been annulled or superseded by this, shall continue in full force.

ART. 2. The Cherokee Nation of Indians, for and in consideration of the additional quantity of land guaranteed and secured to them by the third article of this treaty, and of the fulfilment of the covenants

John W. Blackstone, sixty dollars.
Alexander Robinson, ninety-one dollars.
Francis Bullona, jr. one thousand dollars.
John B. Chevalier six hundred and sixty dollars.
Joseph La Frambois four hundred and forty-one dollars.
Leon Bourasa eight hundred dollars.
Peter Menard, jr. thirty-seven dollars.
Joseph Shoemaker, eighteen dollars.
Tunis S. Wendell one thousand dollars.
F. H. Countryman, forty dollars.
Samuel Morris, one hundred and forty dollars.
William Conner, two thousand dollars.
John B. Bourie, twelve hundred dollars.

Jonathan Jennings,
J. W. Davis.
Marks Crume,
Commissioners.

TREATY WITH THE CHICKASAW, 1832.

Articles of a treaty made and entered into between Genl. John Coffee, being duly authorized thereto, by the President of the United States, and the whole Chickasaw Nation, in General Council assembled, at the Council House, on Pontitock Creek on the twentieth day of October, 1832.

THE Chickasaw Nation find themselves oppressed in their present situation; by being made subject to the laws of the States in which they reside. Being ignorant of the language and laws of the white man, they cannot understand or obey them. Rather than submit to this great evil, they prefer to seek a home in the west, where they may live and be governed by their own laws. And believing that they can procure for themselves a home, in a country suited to their wants and condition, provided they had the means to contract and pay for the same, they have determined to sell their country and hunt a new home. The President has heard the complaints of the Chickasaws, and like them believes they cannot be happy, and prosper as a nation, in their present situation and condition, and being desirous to relieve them from the great calamity that seems to await them, if they remain as they are. He has sent his Commissioner Genl. John Coffee, who has met the whole Chickasaw nation in Council, and after mature deliberation, they have entered into the following articles, which shall be binding on both parties, when the same shall be ratified by the President of the United States by and with the advice and consent of the Senate.

ARTICLE I. For the consideration hereinafter expressed, the Chickasaw nation do hereby cede, to the United States, all the land which they own on the east side of the Mississippi river, including all the country where they at present live and occupy.

ARTICLE II. The United States agree to have the whole country thus ceded, surveyed, as soon as it can be conveniently done, in the same manner that the public lands of the United States are surveyed in the States of Mississippi and Alabama, and as soon thereafter as may be practicable, to have the same prepared for sale. The President of the United States will then offer the land for sale at public auction, in the same manner and on the same terms and conditions as the other public lands, and such of the land as may not sell at the public sales shall be offered at private sale, in the same manner that other private sales are made of the United States lands.

ARTICLE III. As a full compensation to the Chickasaw nation, for the country thus ceded, the United States agree to pay over to the Chickasaw nation, all the money arising from the sale of the land which may be received from time to time, after deducting therefrom the whole cost and expenses of surveying and selling the land, including every expense attending the same.

ARTICLE IV. The President being determined that the Chickasaw people shall not deprive themselves of a comfortable home, in the country where they now are, untill they shall have provided a country in the west to remove to, and settle on, with fair prospects of future comfort and happiness. It is therefore agreed to, by the Chickasaw nation, that they will endeavor as soon as it may be in their power, after the ratification of this treaty, to hunt out and procure a home for their people, west of the Mississippi river, suited to their wants and condition; and they will continue to do so during the progress of the survey of their present country, as is provided for in the second article of this treaty. But should they fail to procure such a country to remove to and settle on, previous to the first public sale of their country here then and in that event, they are to select out of the surveys, a comfortable settlement for every family in the Chickasaw nation, to include their present improvements, if the land is good for cultivation, and if not they may take it in any other place in the nation, which is unoccupied by any other person. Such settlement must be taken by sections. And there shall be allotted to each family as follows to wit; To a single man who is twenty-one years of age, one section: to each family of five and under that number two sections: to each family of six and not exceeding ten, three sections, and to each family over ten in number, four sections: and to families who own slaves, there shall be allowed, one section to those who own ten or upwards and such as own under ten, there shall be allowed half a section. If any person shall now occupy two places and wish to retain both, they may do so, by taking a part at one place, and a part at the other, and where two or more persons are now living on the same section, the oldest occupant will be entitled to remain, and the others must move off to some other place if so required by the oldest occupant. All of which tracts of land, so selected and retained, shall be held, and occupied by the Chickasaw people, uninterrupted until they shall find and obtain a country suited to their wants and condition. And the United States will guaranty to the Chickasaw nation, the quiet possession and uninterrupted use of the said reserved tracts of land, so long as they may live on and occupy the same. And when they shall determine to remove from said tracts of land, the Chickasaw nation will notify the President of the United States of their determination to remove, and thereupon as soon as the Chickasaw people shall remove, the President will proclaim the said reserved tracts of land for sale at public auction and at private sale, on the same terms and conditions, as is provided for in the second article of this treaty, to sell the same, and the net proceeds thereof, to be paid to the Chickasaw nation, as is provided for in the third article of this treaty.

ARTICLE V. If any of the Chickasaw families shall have made valuable improvements on the places where they lived and removed from, on the reservation tracts, the same shall be valued by some discreet person to be appointed by the President, who shall assess the real cash value of all such improvements, and also the real cash value of all the land within their improvements, which they may have cleared and actually cultivated, at least one year in good farming order and condition. And such valuation of the improvements and the value of the cultivated lands as before mentioned, shall be paid to the person who shall have made the same. To be paid out of the proceeds of the sales of the ceded lands. The person who shall value such land and improve-

ments, shall give to the owner thereof, a certificate of the valuation, which shall be a good voucher for them to draw the money on, from the proper person, who shall be appointed to pay the same, and the money shall be paid, as soon as may be convenient, after the valuation, to enable the owner thereof to provide for their families on their journey to their new homes. The provisions of this article are intended to encourage industry and to enable the Chickasaws to move comfortably. But least the good intended may be abused, by designing persons, by hiring hands and clearing more land, than they otherwise would do for the benefit of their families. It is determined that no payment shall be made for improved lands, over and above one-eighth part of the tract allowed and reserved for such person to live on and occupy.

Sale of lands to be for cash.

ARTICLE VI. The Chickasaw nation cannot receive any part of the payment for their land until it shall be surveyed and sold: therefore, in order to the greater facilitate, in surveying and preparing the land for sale, and for keeping the business of the nation separate and apart from the business and accounts of the United States, it is proposed by the Chickasaws, and agreed to, that a Surveyor General be appointed by the President, by and with the advice and consent of the Senate, to superintend alone the surveying of this ceded country or so much thereof as the President may direct, who shall appoint a sufficient number of deputy surveyors, as may be necessary to complete the survey, in as short a time as may be reasonable and expedient. That the said Surveyor General be allowed one good clerk, and one good draftsman to aid and assist him in the business of his office, in preparing the lands for sale. It is also agreed that one land office be established for the sale of the lands, to have one Register and one Receiver of monies, to be appointed by the President, by and with the advice and consent of the Senate, and each Register and Receiver to have one good clerk to aid and assist them in the duties of their office. The Surveyor's office, and the office of the Register and Receiver of money, shall be kept somewhere central in the nation, at such place as the President of the United States may direct. As the before mentioned officers, and clerks, are to be employed entirely in business of the nation, appertaining to preparing and selling the land, they will of course be paid out of the proceeds of the sales of the ceded lands. That the Chickasaws, may now understand as near as may be, the expenses that will be incurred in the transacting of this business--It is proposed and agreed to, that the salary of the Surveyor General be fifteen hundred dollars a year, and that the Register and Receiver of monies, be allowed twelve hundred dollars a year each, as a full compensation for their services, and all expenses, except stationary and postages on their official business, and that each of the clerks and draftsman be allowed seven hundred and fifty dollars a year, for their services and all expenses.

Land office.

Salary, &c. of officers.

No preference right to be granted to United States.

ARTICLE VII. It is expressly agreed that the United States shall not grant any right of preference, to any person, or right of occupancy in any manner whatsoever, but in all cases, of either public or private sale, they are to sell the land to the highest bidder, and also that none of the lands be sold in smaller tracts than quarter sections or fractional sections of the same size as near as may be, until the Chickasaw nation may require the President to sell in smaller tracts. The Chiefs of the nation have heard that at some of the sales of the United States lands, the people there present, entered into combinations, and united in purchasing much of the land, at reduced prices, for their own benefit, to the great prejudice of the Government, and they express fears, that attempts will be made to cheat them, in the same manner when their lands shall be offered at public auction. It is therefore agreed that the President will use his best endeavours to prevent such combinations, or any other plan or state of things which may tend to prevent the land selling for its full value.

If the Chickasaws desire it, lands to be sold at public auction.

Reduction of price.

ARTICLE VIII. As the Chickasaws have determined to sell their country, it is desirable that the nation realize the greatest possible sum for their lands, which can be obtained. It is therefore proposed and agreed to that after the President shall have offered their lands for sale and shall have sold all that will sell for the Government price, then the price shall be reduced, so as to induce purchasers to buy, who would not take the land at the Government minimum price; and it is believed, that five years from and after the date of the first sale, will dispose of all the lands, that will sell at the Government price. If then at the expiration of five years, as before mentioned, the Chickasaw nation may request the President to sell at such reduced prices as the nation may then propose, it shall be the duty of the President to comply with their request, by first offering it at public and afterwards at private sale, as in all other cases of selling public lands.

Special agent to be appointed.

ARTICLE IX. The Chickasaw nation express their ignorance, and incapacity to live, and be happy under the State laws, they cannot read and understand them, and therefore they will always need a friend to advise and direct them. And fearing at some day the Government of the United States may withdraw from them, the agent under whose instructions they have lived so long and happy. They therefore request that the agent may be continued with them, while here, and wherever they may remove to and settle. It is the earnest wish of the United States Government to see the Chickasaw nation prosper and be happy, and so far as is consistent they will contribute all in their power to render them so: therefore their request is granted. There shall be an agent kept with the Chickasaws as heretofore, so long as they live within the jurisdiction of the United States as a nation, either within the limits of the States where they now reside, or at any other place. And whenever the office of agent shall be vacant, and an agent to be appointed, the President will pay due respect to the wishes of the nation in selecting a man in all respects qualified to discharge the responsible duties of that office.

Expenses of removal.

ARTICLE X. Whenever the Chickasaw nation shall determine to remove from, and leave their present country, they will give the President of the United States timely notice of such intention, and the President will furnish them the necessary funds, and means for their transportation and journey, and for one years provisions, after they reach their new homes, in such quantity as the nation may require, and the full amount of such funds, transportation and provisions, is to be paid for, out of the proceeds of the sales of the ceded lands. And should the Chickasaw nation remove, from their present country, before they receive money, from the sale of the lands, hereby ceded; then and in that case, the United States shall furnish them any reasonable sum of money for national purposes, which may be deemed proper by the President of the United States, which sum shall also be refunded out of the sales of the ceded lands.

Chickasaw fund.

ARTICLE XI. The Chickasaw nation have determined to create a perpetual fund, for the use of the nation forever, out of the proceeds of the country now ceded away. And for that purpose they propose to invest a large proportion of the money arising from the sale of the land, in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks as above mentioned, shall be left with the government of the United States, until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve

of, for the use and benefit of the Chickasaw nation. The sum thus to be invested, shall be equal to, at least three-fourths of the whole net proceeds of the sales of the lands; and as much more, as the nation may determine, if there shall be a surplus after supplying all the national wants. But it is hereby provided, that if the reasonable wants of the nation shall require more than one fourth of the proceeds of the sales of the land, then they may, by the consent of the President and Senate, draw from the government such sum as may be thought reasonable, for valuable national purposes, out of the three-fourths reserved to be laid out in stocks. But if any of the monies shall be thus drawn out of the sum first proposed, to be laid out on interest, the sum shall be replaced, out of the first monies of the nation, which may come into the possession of the United States government, from the sale of the ceded lands, over and above the reasonable wants of the nation. At the expiration of fifty years from this date, if the Chickasaw nation shall have improved in education and civilization, and become so enlightened, as to be capable of managing so large a sum of money to advantage, and with safety, for the benefit of the nation, and the President of the United States, with the Senate, shall be satisfied thereof, at that time, and shall give their consent thereto, the Chickasaw nation may then withdraw the whole, or any part of the fund now set apart, to be laid out in stocks, or at interest, and dispose of the same, in any manner that they may think proper at that time, for the use and benefit of the whole nation; but no part of said fund shall ever be used for any other purpose, than the benefit of the whole Chickasaw nation. In order to facilitate the survey and sale of the lands now ceded, and to raise the money therefrom as soon as possible, for the foregoing purpose, the President of the United States is authorised to commence the survey of the land as soon as may be practicable, after the ratification of this treaty.

Annuities for fifty years.

ARTICLE XII. The Chickasaws feel grateful to their old chiefs, for their long and faithful services, in attending to the business of the nation. They believe it a duty, to keep them from want in their old and declining age: with those feelings, they have looked upon their old and beloved chief Tish-o-mingo, who is now grown old, and is poor and not able to live, in that comfort, which his valuable life and great merit deserve. It is therefore determined to give him out of the national funds, one hundred dollars a year during the balance of his life, and the nation request him to receive it, as a token of their kind feelings for him, on account of his long and valuable services.

Annuity to the Queen Pue-ram-la.

Our old and beloved Queen Pue-ram-la, is now very old and very poor. Justice says the nation ought not to let her suffer in her old age; it is therefore determined to give her out of the national funds, fifty dollars a year during her life, the money to be put in the hands of the agent to be laid out for her support, under his direction, with the advice of the chiefs.

Boundary between the Chickasaws and Choctaws.

ARTICLE XIII. The boundary line between the lands of the Chickasaws and Choctaws, has never been run, or properly defined, and as the Choctaws have sold their country to the United States, they now have no interest in the decision of that question. It is therefore agreed to call on the old Choctaw chiefs to determine the line to be run, between the Chickasaws and their former country. The Chickasaws, by a treaty made with the United States at Franklin in Tennessee, in Aug. 31, 1830, *(a)* declared their line to run as follows, to wit: Beginning at the mouth of Oak tibby-haw and running up said stream to a point, being a marked tree, on the old Natchez road, one mile

(a) This treaty appears not to have been ratified. The original is on file in the Indian Office (Box 1, Treaties, 1802-1853), and a copy is found in the appendix, post p. 1035.

southwardly from Wall's old place. Thence with the Choctaw boundary, and along it, westwardly through the Tunicha old fields, to a point on the Mississippi river, about twenty-eight miles by water, below where the St. Francis river enter said stream on the west side. It is now agreed, that the surveys of the Choctaw country which are now in progress, shall not cross the line until the true line shall be decided and determined: which shall be done as follows, the agent of the Choctaws on the west side of the Mississippi shall call on the old and intelligent chiefs of that nation, and lay before them the line as claimed by the Chickasaws at the Franklin treaty, and if the Choctaws shall determine that line to be correct, then it shall be established and made the permanent line, but if the Choctaws say the line strikes the Mississippi river higher up said stream, then the best evidence which can be had from both nations, shall be taken by the agents of both nations, and submitted to the President of the United States for his decision, and on such evidence, the President will determine the true line on principles of strict justice.

Lists of reserves.

ARTICLE XIV. As soon as the surveys are made, it shall be the duty of the chiefs, with the advice and assistance of the agent to cause a correct list to be made out of all and every tract of land, which shall be reserved, for the use and benefit of the Chickasaw people, for their residence, as is provided for in the fourth article of this treaty, which list, will designate the sections of land, which are set apart for each family or individual in the nation, shewing the precise tracts which shall belong to each and every one of them, which list shall be returned to the register of the land office, and he shall make a record of the same, in his office, to prevent him from offering any of said tracts of land for sale, and also as evidence of each person's lands. All the residue of the lands will be offered by the President for sale.

Not to settle on ceded lands.

ARTICLE XV. The Chickasaws request that no persons be permitted to move in and settle on their country before the land is sold. It is therefore agreed, that no person, whatsoever, who is not Chickasaw or connected with the Chickasaws by marriage, shall be permitted to come into the country and settle on any part of the ceded lands until they shall be offered for sale, and then there shall not be any person permitted to settle on any of the land, which has not been sold, at the time of such settlement, and in all cases of a person settling on any of the ceded lands contrary to this express understanding, they will be intruders, and must be treated as such, and put off of the lands of the nation.

In witness of all and every thing herein determined, between the United States and the whole Chickasaw nation in general council assembled, the parties have hereunto set their hands and seals, at the council-house, on Pontitock creek, in the Chickasaw nation, on the twentieth day of October, one thousand eight hundred and thirty two.

John Coffee,	[L. S.]	Im-mah-hus-is-ta-tubby, his x mark,	[L. S.]
Ik-hosh-to-pa, *King*, his x mark,	[L. S.]	Phip-pah-sunla, his x mark,	[L. S.]
Tish-o-min-go, his x mark,	[L. S.]	Pitman Colbert,	[L. S.]
Levi Colbert, his x mark,	[L. S.]	Os-sun-tuk-a-ish-kah, his x mark,	[L. S.]
George Colbert, his x mark,	[L. S.]	James Wolfe,	[L. S.]
William McGilvery, his x mark,	[L. S.]	Ish-la-kah-tah-bo, his x mark,	[L. S.]
Samuel Seely, his x mark,	[L. S.]	E. Ish-la-kah-tubbe, his x mark,	[L. S.]
Te-pah-kah, his x mark,	[L. S.]	Captain Thompson, his x mark,	[L. S.]
Isaac Albert-son, his x mark,	[L. S.]	Now-berry, his x mark	[L. S.]
Em-ah-by, his x mark,	[L. S.]	Ish-o-na-hah-tubbe, his x mark,	[L. S.]
Pish-ish-ah-ta-she, his x mark,	[L. S.]	John Lewis, his x mark,	[L. S.]
Ish-tim-o-le-ta-ka, his x mark,	[L. S.]	Ish-ah-hon tubbe, his x mark,	[L. S.]
James Brown, his x mark,	[L. S.]	Tish-hush-ta-ish-ish, his x mark,	[L. S.]
Im-mah-hon-ish-tubbe, his x mark,	[L. S.]	Oke-ish-na-ah-tubbe, his x mark,	[L. S.]
Ish-ta-bat-tah, his x mark,	[L. S.]	Ish-ta-ho-ma tubbe, his x mark,	[L. S.]
Ish-tin bubbe, his x mark,	[L. S.]	Im-ka-ya-ya, his x mark,	[L. S.]
Shop-pa-no, his x mark,	[L. S.]	Alex-ta-tubbe, his x mark,	[L. S.]
Nun-nah-ah-mubbe, his x mark,	[L. S.]	Tom-ah-ish-tah, his x mark,	[L. S.]

Fit-chah-pis, his x mark,	[L. S.]	Che-wet-ta-ha, his x mark,	[L. S.]
Unle-mi-ah-tubbe, his x mark,	[L. S.]	Fod-ut-ta-chah, his x mark,	[L. S.]
Oke-fah-kin-tubbe, his x mark,	[L. S.]	No-wo-ko, his x mark,	[L. S.]
John Glover, his x mark,	[L. S.]	Win-ta-a-pa, his x mark,	[L. S.]
Hah-tue hubbe, his x mark,	[L. S.]	Oke-lak-shah-cubbe, his x mark,	[L. S.]
Hush-tah-ah-tubbe, his x mark,	[L. S.]	Ish-ta-ki-yu-ka-tubbe, his x mark,	[L. S.]
Fud-ish-ka-kah-tubbe, his x mark.	[L. S.]	Mah-te ko-shubbe, his x mark,	[L. S.]
Yum-mo-tubbe, his x mark,	[L. S.]	Tem-chick-ah, his x mark,	[L. S.]
Oh-la-cubbe, his x mark.	[L. S.]	Et-o-che-tubbe, his x mark,	[L. S.]
Ah-fah-mah, his x mark,	[L. S.]	Nuck-sho-pubbe, his x mark,	[L. S.]
Ah-ta-kin-tubbe, his x mark,	[L. S.]	Fah-lah-mo-tubbe, his x mark,	[L. S.]
Ah-took-wah, his x mark,	[L. S.]	Co-lum-be, his x mark,	[L. S.]
Tah-ha-cubbe, his x mark,	[L. S.]	Thomas Sely, his x mark,	[L. S.]
Ko-hoi-chi, his x mark,	[L. S.]	Oke-fah-she-pa, his x mark,	[L. S.]
Ish-te-ah tubbe, his x mark,	[L. S.]		
Chick-ah-shah-ma-tubbe, his x mark,	[L. S.]		

Signed and sealed in the presence of—

Ben. Reynolds, Indian agent,	George Wightman, of Mississippi,
John L. Allen, subagent,	John Donley, Tennessee,
Seth. Anderson, secretary to the commissioner,	D. S. Parrish, Tennessee,
	S. Daggett, Mississippi,
Benj. Love, United States interpreter.	Wm. V. Cross,
Robert Gordon, Mississippi,	G. W. Long.

TREATY WITH THE CHICKASAW, 1832.

U. S. and Chickasaw Treaty, 1834.

Articles supplementary to, and explanatory of, a Treaty which was entered into on the 20th instant, between General John Coffee on the part of the United States, and the whole Chickasaw nation in General Council assembled.

Fourth article of treaty of 1834 provides that each Chickasaw family shall have a tract of land, reserved for the use of the family, to live on and occupy, so long as the nation resides in the country where they now are. And the fifth article of the treaty provides that each family or individual shall be paid for their improvements, and the value of their cleared lands, when the nation shall determine to remove and leave the said reserved tracts of land. It is now proposed and agreed to, that no family or person of the Chickasaw nation, who shall or may have tracts of land, reserved for their residence while here, shall ever be permitted to lease any of said land, to any person whatsoever, nor shall they be permitted to rent any of said land, to any person, either white, red, or black, or mixed blood of either. As the great object of the nation is to preserve the land, and timber, for the benefit of posterity, provided the nation shall continue to live here, and if they shall at any time determine to remove and sell the land, it will be more valuable, and will sell for more money, for the benefit of the nation, if the land and timber be preserved.

Leases of reserves prohibited.

Reserves not to be sold but for the benefit of the nation, etc.

It is also expressly declared by the nation, that, whenever the nation shall determine to remove from their present country, that every tract of land so reserved in the nation, shall be given up and sold for the benefit of the nation. And no individual or family shall have any right to retain any of such reserved tracts of land, for their own use, any longer than the nation may remain in the country where they now are.

Minimum price.

As the reserve tracts of land above alluded to, will be the first choice of land in the nation, it is determined that the minimum price of all the reserved tracts, shall be three dollars an acre, until the nation may determine to reduce the price, and then they will notify the President, of their wishes, and the price to which they desire to reduce it.

Preemption.

The Chiefs still express fears that combinations may be formed at the public sales, where their reserved tracts of land shall be offered for sale, and that they may not be sold so high as they might be sold, by judicious agents at private sale. They therefore suggest the propriety of the President determining on some judicious mode of selling the reserves at private sale.

President to determine mode of selling reserves.

It is therefore agreed that the suggestion be submitted to the President, and if he and the Chiefs can agree on a plan of a sale, different from the one proposed in the treaty, to which this is a supplement, and which shall be approved of by both parties, then they may enter into such agreement and the President shall then be governed by the same, in the sale of the reserved tracts of land, whenever they may be offered for sale.

Reserves to young men.

In the provisions of the fourth article of the treaty to which this is a supplement, for reserves to young men who have no families, it expresses that each young man, who is twenty-one years of age, shall have a reserve. But as the Indians mature earlier than white men, and generally marry younger, it is determined to extend a reserve, to each young man who is seventeen years of age. And as there are some orphan girls in the nation or whose families do not provide for them, and also some widows in the same situation, it is determined to allow to each of them a reservation of one section, on the same terms and conditions in all respects, with the other reservations for the nation generally, and to be allowed to the same ages, as to young men.

C. Moore.

Colbert Moore and family have always lived in the Chickasaw nation, and he requests the liberty to continue with the nation. The Chiefs and nation agree to his request, and they also agree to allow him and his family a reserve tract of land to live on and occupy in the same manner, and on the same terms and conditions as is provided for the Chickasaw families, in the nation generally, during his good behavior.

Note of James Colbert to Robert Gordon.

The Chiefs of the nation represent that they in behalf of the nation gave a bond to James Colbert for a debt due to him, of eighteen hundred and eleven dollars, ninety-three and three fourth cents principal, that James Colbert transferred said note to Robert Gordon and that said note, and the interest thereon is yet due and unpaid, and the said Robert Gordon has proposed to take a section of land for said note, and interest up to this date. It is therefore agreed by the nation to grant him a section of land, to be taken any where in the nation, so as not to interfere with any reserve which has been provided as a residence for the Chickasaws, which shall be in full for said note and interest.

Offices to be kept.

The Treaty, to which this is a supplement provides that there shall be offices kept some where central in the nation, at such place as the President shall determine, for transacting the business of the nation in selling their lands &c. It is now agreed to by the nation, that the President may select a section of land, or four quarter sections adjoining, at such place as he may determine agreeably to that provision of the Treaty, to establish the said offices on, and for all the necessary uses thereto attached, and he is permitted to improve the said tract of land in any manner, whatsoever, but when it shall cease to be used for the purposes, for which it is set apart for offices &c. then the same shall be sold under the direction of the President and the proceeds thereof shall be paid to the Chickasaw nation, after deducting therefrom the value of all the improvements on the land, which value shall be assessed by the President, and in no case shall it exceed one half the sale of the land.

Mail route.

The Chickasaw nation request the Government to grant them a cross mail route through the nation as follows, one to pass from Tuscumbia in Alabama, by the Agency, and by the place to be selected for the offices to be kept and to Rankin in Mississippi on horse back, once a week each way. The other to run from Memphis in Tennessee, by the offices and to the Cotton Gin in Mississippi – to pass once a week each

way. They conceive these mails would be useful to the nation, and indispensible to the carrying on the business of the nation when the offices are established, but they would respectfully solicit the mails to be started as soon as possible, to open the avenues of information into their country.

John Donley has long been known in this nation as a mail carrier; he rode on the mails through our nation when a boy and for many years after he was grown; we think he understands that business as well, if not better than any other man and we should prefer him to carry our mails to any other person and if he is given the contract, the nation will set apart a section of land for his use while we remain here in this country, which section he may select with the advice of the Chiefs any where that suits him best, so as not to interfere with any of the reserves, and he may use it in any manner to live on, or make such improvements as may be necessary for keeping his horses, or to raise forage for them. But when the nation shall move away and leave this country this tract of land must be sold for the benefit of the nation, in the same manner that the reserve tracts are sold &c. and he is not to claim of the nation any pay for improving said tract of land.

In witness of all and every thing herein determined between the United States and the whole Chickasaw nation, in general council assembled, the parties have hereunto set their hands and seals at the council house, on Pontitock creek, in the Chickasaw nation, on this twenty-second day of October one thousand eight hundred and thirty-two.

Jno. Coffee,	[L. S.]
Ish-to-ho-topa, his x mark,	[L. S.]
Tish-o-mingo, his x mark,	[L. S.]
Levi Colbert, his x mark,	[L. S.]
George Colbert, his x mark,	[L. S.]
William McGilvery, his x mark,	[L. S.]
Samuel Seely, his x mark,	[L. S.]
Te-pot-tah, his x mark,	[L. S.]
Isaac Alberson, his x mark,	[L. S.]
Ho-umbbe, his x mark,	[L. S.]
Pis-ta-ia-tubbe, his x mark,	[L. S.]
Ish-tim-o-lat-ka, his x mark,	[L. S.]
James Brown his x mark,	[L. S.]
Im-ma-ho-lo-tubbe, his x mark,	[L. S.]
Ish-ta-ia cha, his x mark,	[L. S.]
Ish-to-hobbe, his x mark,	[L. S.]
Shop-pon-ar, his x mark,	[L. S.]
Nin-o-k ah umba, his x mark,	[L. S.]
Im-mah-he-o-lo tubbe, his x mark,	[L. S.]
Hi-hap-pah-omba, his x mark,	[L. S.]
Pittner Colbert,	[L. S.]
Cun-nah-koush-kah, his x mark,	[L. S.]
James Wolf,	[L. S.]
Rah-hat-ka-tubbe, his x mark,	[L. S.]
Ish-ti-kah-tubbe, his x mark	[L. S.]
Captain Thompson, his x mark,	[L. S.]
Noah Jones, his x mark,	[L. S.]
Ish-ne hah-tubbe, his x mark,	[L. S.]
John Lewis, his x mark,	[L. S.]
Ivan-hon-tubbe, his mark,	[L. S.]
Tok-lo-lo-la-tah, his x mark,	[L. S.]
Ok-lah mah-tubbe, his x mark,	[L. S.]
Im-ee-tubbe, his x mark,	[L. S.]
In kah-yea, his x mark,	[L. S.]
Ah-shah-tubbe, his x mark,	[L. S.]
Im-mah-ho-lah, his x mark,	[L. S.]
Fit-chuh-gle, his x mark,	[L. S.]
Ute-ni-ah-tubbe, his x mark,	[L. S.]
Oke-lah-hin-tubbe, his x mark,	[L. S.]
John Glover, his x mark,	[L. S.]
Rah-me-hubbe, his x mark,	[L. S.]
Ah to-ke-wah, his x mark,	[L. S.]
Hush-tah-tah-lubbe, his x mark,	[L. S.]
Un-ti-ha-kah-tubbe, his x mark,	[L. S.]
Yum-me-tubbe, his x mark,	[L. S.]
Oh-ha-cubbe, his x mark,	[L. S.]
Ah-fah-mah, his x mark,	[L. S.]
Ah-take-m tubbe, his x mark,	[L. S.]
Tah-ha-cubbe, his x mark,	[L. S.]
Kin hoi-cha, his x mark,	[L. S.]
Ish-te-ah tubbe, his x mark,	[L. S.]
Chick-ah-shuh-nan ubbe, his x mark,	[L. S.]
Chee-wit-ta-ha, his x mark,	[L. S.]
Fo-lut-ta-chah, his x mark,	[L. S.]
No wo-ko, his x mark,	[L. S.]
Win-in-a-pa, his x mark,	[L. S.]
Oke-lah-e-yah-cubbe, his x mark,	[L. S.]
Ish-ta-ki-ya-ka-tubbe, his x mark,	[L. S.]
Mah-ta-ko-shubbe, his x mark,	[L. S.]
Tus-sah-chich-ah, his x mark,	[L. S.]
Ehi-ye-ho-tubbe, his x mark,	[L. S.]
Nock she-yubbe, his x mark,	[L. S.]
Fah-lah-na-tubbe, his x mark,	[L. S.]
Ok-lubbe, his x mark,	[L. S.]
Thomas Seely, his x mark,	[L. S.]
Oke lah-e-ha-pi-a, his x mark,	[L. S.]

Signed and sealed in presence of

Ben. Reynolds, Indian agent,
John L. Allen, subagent.
Nath'l Anderson, secretary to commissioners,
Benjamin Love, United States interpreter,
Robt. Gordon, of Mississippi,
George Wightman,
John Donley,
D. S. Parrish,
S. Baggett, of Mississippi,
Wm. A. Clarm, of Mississippi,
G. W. Long,
W. D. King,
John H. McKennie.

TREATY WITH THE KICKAPOO, 1832.

Articles of a treaty made and entered into at Castor Hill, in the county of St. Louis, in the State of Missouri, this twenty fourth day of October, one thousand eight hundred and thirty-two, between William Clark, Frank J. Allen, and Nathan Kouns, Commissioners on the part of the United States, of the one part, and the Chiefs, Warriors, and Counsellors of the Kickapoo tribe of Indians, on behalf of said tribe, on the other part.

Articles.

ARTICLE I. The Kickapoo tribe of Indians, in consideration of the stipulations hereinafter made, do hereby cede to the United States, the lands assigned to them by the treaty of Edwardsville, and concluded at St. Louis, the nineteenth day of July, eighteen hundred and twenty [two] and all other claims to lands within the State of Missouri.

Cession.

ARTICLE II. The United States will provide for the Kickapoo tribe, a country to reside in, southwest of the Missouri river, as their permanent place of residence as long as they remain a tribe. And whereas, the said Kickapoo tribe are now willing to remove on the following conditions, from the country ceded on Osage river, in the State of Missouri, to the country selected on the Missouri river, north of lands which have been assigned to the Delawares; it is hereby agreed that the country within the following boundaries shall be assigned, conveyed, and forever secured, and is hereby so assigned, conveyed, and secured by the United States to the said Kickapoo tribe, as their permanent residence, viz: Beginning on the Delaware line, six miles westwardly of Fort Leavenworth, thence with the Delaware line westwardly sixty miles, thence north twenty miles, thence in a direct line to the west bank of the Missouri, at a point twenty-six miles north of Fort Leavenworth, thence down the west bank of the Missouri river, to a point six miles nearly northwest of Fort Leavenworth, and thence to the beginning.

Country assigned.

ARTICLE III. In consideration of the cession contained in the first article, the United States agree to pay to the Kickapoo tribe, within one year after the ratification of this treaty, an annuity for one year of eighteen thousand dollars: twelve thousand dollars of which, at the urgent request of said Indians, shall be placed in the hands of the superintendent of Indian affairs at St. Louis, and be by him applied to the paytment of the debts of the said tribe, agreeably to a schedule to be furnished by them to the said superintendent, stating as far as practicable, for what contracted, and to whom due; and the said superintendent shall, as soon as possible, after the said money comes into his hands, pay it over in a just apportionment, agreeably to their respective claims, to the creditors of the said tribe, as specified in the schedule furnished him. And should any balance remain in his hands after said apportionment and payment, it shall be by him paid over to the said Kickapoo tribe, for their use and benefit.

Annuity.

ARTICLE IV. The United States further agree to pay to the Kickapoo tribe, an annuity of five thousand dollars per annum, in merchandize, at its cost in St. Louis, or in money, at their option, for nineteen successive years, commencing with the second year after the ratification of this treaty.

Annuity.

ARTICLE V. The United States will pay one thousand dollars annually for five successive years, for the support of a blacksmith and strikers; purchase of iron, steel, tools, &c. for the benefit of said tribe, on the lands hereby assigned them.

Blacksmith, etc.

ARTICLE VI. The United States agree to pay thirty-seven hundred dollars, for the erection of a mill and a church, for the use of said tribe, on the aforesaid lands.

Mill and church.

Signed, sealed, and delivered in the presence of—

Edward A. Ellsworth, secretary pro tempore,
Jno. Dougherty, Indian agent,
A. L. Papin,
Wm. S. May, M. D.
John Dunlap,
John T. Irving, jr.
Lewis La Chapelle, interpreter.

TREATY WITH THE CHICKASAW, 1834.

May 24, 1834.

Articles of convention and agreement proposed by the Commissioners on the part of the United States, in pursuance of the request made, by the Delegation representing the Chickasaw nation of Indians, and which have been agreed to.

Peace and friendship.

ART. I. It is agreed that perpetual amity, peace and friendship, shall exist between the United States, and the Chickasaw nation of Indians.

Indians about to abandon their homes, which they have long cherished and loved; and though hitherto unsuccessful, they still hope to find a country, adequate to the wants and support of their people, somewhere west of the Mississippi and within the territorial limits of the United States; should they do so, the Government of the United States, hereby consent to protect and defend them against the inroads of any other tribe of Indians, and from the whites; and agree to keep them without the limits of any State or Territory. The Chickasaws pledge themselves never to make war upon any Indian people, or upon the whites, unless they are so authorized by the United States. But if war be made upon them, they will be permitted to defend themselves, until assistance, be given to them by the United States, as shall be the case.

United States to prevent intrusions on their lands.

ART. III. The Chickasaws are not acquainted with the laws of the whites, which are extended over them; and the many intruders which break into their country, interrupting their rights and disturbing their repose, leave no alternative whereby restraint can be afforded, other than an appeal to the military force of the country, which they are unwilling to ask for, or see resorted to; and therefore they agree to forbear such a request, for prevention of this great evil, with the understanding, which is admitted, that the agent of the United States, upon the application of the chiefs of the nation, will resort to every legal civil remedy, (at the expense of the United States,) to prevent intrusions upon the ceded country; and to restrain and remove trespassers from any selected reservations, upon application of the owner of the same. And it is also agreed, that the United States, will continue some discreet person as agent, such as they now have, to whom they can look for redress of wrongs and injuries which may be attempted against them; and it is consented, that if any of their property, be taken by persons of the United States, covertly or forcibly, the agent on satisfactory and just complaint being made, shall pursue all lawful civil means, which the laws of the State permit, in which the wrong is done, to regain the same, or to obtain a just remuneration; and on failure or inability to procure redress, for the offended, against the offending party; payment for the loss sustained, on production of the record, and certificate of the facts, by the agent, shall be made by the United States; but in all such cases, satisfactory proof, for the establishing of the claim, shall be offered.

Under what circumstances they may be sold.

ART. IV. The Chickasaws desire to have within their own direction and control, the means of taking care of themselves. Many of their people are quite competent to manage their affairs, though some are not capable, and might be imposed upon by designing persons; it is therefore agreed that the reservations hereinafter admitted, shall not be permitted to be sold, leased, or disposed of unless it appear by the

certificate of at least two of the following persons, to wit: Ish-ta-ho-ta-pa the King, Levi Colbert, George Colbert, Martin Colbert, Isaac Alberson, Henry Love, and Benj. Love, of which five have affixed their names to this treaty, that the party owning or claiming the same, is capable to manage, and to take care of his or her affairs; which fact, to the best of his knowledge and information, shall be certified by the agent; and furthermore that a fair consideration has been paid; and thereupon, the deed of conveyance shall be valid provided the President of the United States, or such other person as he may designate shall approve of the same, and endorse it on the deed; which said deed and approval, shall be registered, at the place, and within the time, required by the laws of the State, in which the land may be situated; otherwise to be void. And where such certificate is not obtained; upon the recommendation of a majority of the Delegation, and the approval of the agent, at the discretion of the President of the United States, the same may be sold; but the consideration thereof, shall remain as part of the general Chickasaw fund in the hands of the Government, until such time as the chiefs in council shall think it advisable to pay it to the claimant or to those, who may rightfully claim under said claimant, and shall so recommend it. And as the King, Levi Colbert, and the Delegation, who have signed this agreement, and to whom certain important and interesting duties pertaining to the nation, are assigned, may die, resign, or remove, so that their people may be without the benefit of their services, it is stipulated, that as often as any vacancy happens, by death, resignation, or otherwise, the chiefs shall select some discreet person of their nation to fill the occurring vacancy, who, upon a certificate of qualification, discretion and capability, by the agent, shall be appointed by the Secretary of War; whereupon, he shall possess all the authority granted to those who are here named, and the nation will make to the person so appointed, such reasonable compensation, as they with the assent of the agent and the Secretary of War, may think right, proper and reasonable to be allowed.

Grant to each head of family.

ART. V. It is agreed that the fourth article of the "Treaty of Pontitock," be so changed, that the following reservations be granted in fee: To heads of families, being Indians, or having Indian families, consisting of ten persons, and upwards, four sections of land are reserved. To those who have five and less than ten persons, three sections. Those who have less than five, two sections. Also those who own more than ten slaves, shall be entitled to one additional section; and those owning ten and less than ten to half a section. These reservations shall be confined, to the sections or fractional sections on which the party claiming lives, or to such as are contiguous or adjoining to the sections resided upon, subject to the following restrictions and conditions:

Firstly. In cases where there are interferences arising, the oldest occupant or settler, shall have the preference, or,

Secondly. Where the land is adjudged unfit for cultivation, by the Agent, and three of the seven persons, named in the fourth article above, the party entitled, shall be, and is, hereby authorized, to locate his claim upon other lands, which may be unappropriated, and not subject to any other claim; and where two or more persons, insist upon the entry of the same unappropriated section or fractional section, the priority of right shall be determined by lot; and where a fractional section is taken, leaving a balance greater or less than the surveyed subdivision of a section, then the deficiency shall be made up, by connecting all the deficiencies so arising; and the Register and Receiver thereupon, shall locate full or fractional sections, fit for cultivation, in the names respectively of the different persons claiming which shall be held by them as tenants in common, according to the respective inter-

ests of those who are concerned; and the proceeds when sold by the parties claiming, shall be divided according to the interests, which each may have in said section or fractional section, so located, or the same may be divided agreeably to quality or quantity.

Reservations of a section to each, for persons entitled

ART. VI. Also reservations of a section to each, shall be granted to persons male and female, not being heads of families, who are of the age of twenty-one years, and upwards, a list of whom, within a reasonable time shall be made out by the seven persons herein before mentioned, and filed with the Agent, upon whose certificate of its believed accuracy, the Register and Receiver, shall cause said reservations to be located upon lands fit for cultivation, but not to interfere with the settlement rights of others. The persons thus entitled, are to be excluded from the estimated numbers contained in any family enumeration, as is provided for in the fifth article preceding; and as to the sale, lease, or disposition of their reserves, they are to be subject to the conditions and restrictions, set forth in the fourth article. In these and in all other reserves where the party owning or entitled, shall die, the interest in the same shall belong to his wife, or the wife and children, or to the husband, or to the husband and children, if there be any; and in cases of death, where there is neither husband, wife, nor children left, the same shall be disposed of for the general benefit: and the proceeds go into the general Chickasaw fund. But where the estate as is prescribed in this article, comes to the children, and having so come, either of them die, the survivor or survivors of them, shall be entitled to the same. But this rule shall not endure longer than for five years, nor beyond the period when the Chickasaws may leave their present for a new home.

Interest of married white men with Indian women

ART. VII. Where any white man, before the date hereof has married an Indian woman, the reservation he may be entitled to under this treaty, she being alive, shall be in her name, and no right of alienation of the same shall pertain to the husband unless he divest her of the title, after the mode and manner that feme coverts, usually divest themselves of title to real estate, that is, by the acknowledgment of the wife which may be taken before the Agent, and certified by him, that she consents to the sale freely, and without compulsion from her husband, who shall at the same time certify that the head of such family is prudent, and competent to care of and manage his affairs; otherwise the proceeds of said sale shall be subject to the provisions and restrictions contained in the fourth article of this agreement. Rights to reservations as are herein, and in other articles of this agreement secured, will pertain to those who have heretofore intermarried with the Chickasaws and are residents of the nation.

Provision for orphans of

ART. VIII. Males and females below the age of twenty-one years, whose father being dead, the mother again has married, or who have neither father nor mother, shall each be entitled to half a section of land, but shall not be computed as parts of families under the fifth article, the same to be located under the direction of the Agent, and under the supervision of the Secretary of War, so as not to interfere with any settlement right. These lands may be sold upon a recommendation of a majority of the seven persons, heretofore named in this agreement, setting forth that it will prove advantageous to the parties interested; subject however, to the approval of the President, or such other person as he shall designate. If sold, the funds arising shall be retained, in the possession of the Government, or if the President deem it advisable they shall be invested in stocks for the benefit of the parties interested, if there be a sufficient sum to be invested, (and it can be invested,) until said persons marry or come of age, when the amount shall be paid over to those who are entitled to receive it, provided a majority of the seven persons, with the Agent, shall certify, that in their opinion, it will be to their interest and advantage,

them, and in that case, the proceeds shall be paid over to the party or parties entitled to receive them.

Provision in case of sectional lines

ART. IX. But, in running the sectional lines, in some cases it will happen, that the spring and the dwelling house, or the spring and the cleared land, or the cleared land and the dwelling house of settlers, may be separated by sectional lines, whereby manifest inconveniences and injury will be occasioned; it is agreed, that when any of those occurrences arise, the party shall be entitled as parts and portions of his reservations, to the adjoining section or fraction, as the case may be, unless there be some older occupant, claiming a preference; and in that event, the right of the party shall extend no farther than to give to the person, thus affected and injured, so much of his separated property, as will secure the spring; also, where a sectional line shall separate any improvement, dwelling house, kitchen or stable, so much of the section, which contains them, shall be added into the occupied section, as will secure them to their original owner; and then and in that case, the older occupant being deprived of preference, shall have his deficiency thus occasioned, made up to him by some fractional section, or after the mode pointed out in the latter part of the fifth article of this treaty.

Special reservations to individuals

ART. X. Reservations are admitted to the following persons, in addition to those which may be claimed under the fifth article of this Treaty to wit:—Four sections to their beloved and faithful old Chief Levi Colbert; To George Colbert, Martin Colbert, Isaac Alberson, Henry Love and Benj. Love, in consideration of the trouble they have had in coming to Washington, and of the farther trouble hereafter to be encountered in taking care of the interests of their people, under the provisions of this treaty, one section of land to each. Also there is a fractional section, between the residence of George Colbert, and the Tennessee river, upon which he has a ferry, it is therefore consented, that said George Colbert, shall own and have so much of said fraction, as may be contained in the following lines, to wit:— beginning near Smith's ferry at the point where the base meridian line and the Tennessee river come in contact, thence south so far as to pass the dwelling-house, (and sixty yards beyond it,) within which is interred the body of his wife,— thence east of the river and down the same to the point of begining. Also there shall be reserved to him an island, in said river, nearly opposite to this fraction, commonly called Colberts Island. A reservation also of two sections is admitted to Ish-ta-ho-la-pa the King of the Chickasaw nation. And to Min-ta-ho-yea the mother of Charles Colbert one section of land. Also one section, each, to the following persons:—Im-mub-bee, Ish-tim-o-hut-ka, Ah-to-ho-wah, Pis-tah-lah-tubbe, Capt. Samuel Seley and William McGilvery. To Col. Benj. Reynolds their long tried and faithful Agent, who has guarded their interests and twice travelled with their people far west, beyond the Mississippi, to aid them in seeking and finding a home, there is granted two sections of land. Jointly to William Cooper and John Davis, lawyers of Mississippi who have been faithful to the Indians, in giving them professional advice, and legal assistance, and who are to continue to do so, within the States of Tennessee, Alabama and Mississippi, while the Chickasaw people remain in said States, one section is granted. To Mrs. Margt. Allen wife of the subagent in her own right, half a section. These reservations to Benj. Reynolds, William Cooper, James Davis and Margt. Allen, are to be located so as not to interfere with the Indian reservations.

Sale of said reserves after the Chickasaws remove

ART. XI. After the reservations are taken and located, which shall be the case as speedily as may be after the surveys are completed, of which the Register and Receiver shall give notice, the residue of the Chickasaw country shall be sold, as public lands of the United States are sold, with this difference: The lands as surveyed shall be offered at

public sale at a price not less than one dollar and a quarter per acre; and thereafter for one year those which are unsold, and which shall have been previously offered at public sale, shall be liable to private entry and sale at that price: Thereafter, and for one year longer they shall be subject to entry and private sale, at one dollar per acre: Thereafter and during the third year, they shall be subject to sale and entry, at fifty cents per acre; Thereafter, and during the fourth year, at twenty-five cents per acre; and afterwards at twelve and a half cents per acre. But as it may happen, in the fourth and after years, that the expenses may prove greater than the receipts, it is agreed, that at any time after the third year, the Chickasaws may declare the residue of their lands abandoned to the United States, and if so, they shall be thenceforth acquitted of all and every expense on account of the sale of the same.

And that they may be advised of these matters it is stipulated, that the Government of the United States, within six months after any public sale takes place, shall advise them of the receipts and expenditures, and of balances in their favor; and also at regular intervals of six months, after the first report is made, will afford them information of the proceeds of all entries and sales. The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall from time to time be invested in some secure stocks, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom, annually to be paid to the Chickasaws.

Selected sales to be made.

ART. XII. When any portion of the country is fully surveyed, the President may order the same to be sold, but will allow six months, from the date of the first notice to the first sale; and three months' notice of any subsequent intended public sale, within which periods of time, those who run claim reservations, in the offered ranges of country, shall file their applications and entries with the Register and Receiver; that the name of the owner or claimant of the same, may be entered and marked on the general plat, at the office, whereby mistakes in the sales may be avoided, and injuries be prevented.

Provision for their removal.

ART. XIII. If the Chickasaws shall be so fortunate as to procure a home, within the limits of the United States, it is agreed, that with the consent of the President and Senate so much of their invested stocks, as may be necessary to the purchase of a country for them to settle in, shall be permitted to them to be sold, or the United States will advance the necessary amount, upon a guarantee and pledge of an equal amount of their stocks: also, as much of them may be sold, with the consent of the President and Senate, as shall be adjudged necessary for establishing schools, mills, blacksmiths shops; and for the education of their children; and for any other needful purpose, which their situation and condition, may make, and by the President and Senate be considered, necessary; and on the happening of such a contingency, and information thereof being given of an intention of the whole or any portion of the nation to remove; the United States will furnish competent persons, safely to conduct them to their future destination, and also supplies necessary to the same, and for one year after their arrival at the west, provided the Indians shall desire supplies, to be furnished for so long a period: the supplies so afforded, to be chargeable to the general Chickasaw account, provided the funds of said nation shall be found adequate to the expenses which under this and other articles of this agreement may be required.

Certain articles of the treaty of Pontitock to remain in force.

ART. XIV. It is understood and agreed, that articles twelve and thirteen of the "Treaty of Pontitock," of the twentieth day of October, one thousand, eight hundred and thirty-two, and which was concluded, with Genl. John Coffee shall be retained; all the other articles of said

treaty, inconsistent in any respect with the provisions of this, are declared to be revoked. Also so much of the supplemental treaty as relates to Colbert Moore; to the bond of James Colbert transferred to Robert Gordon; to the central position of the Land Office; to the establishment of mail routes through the Chickasaw country; and as it respects the privilege given to John Donely; be, and the same are declared to be in full force.

Boundaries of cession of 1818 to be run and marked.

ART. XV. By the sixth article of a treaty made with the Chickasaw nation, by Andrew Jackson and Isaac Shelby, on the nineteenth day of October, one thousand eight hundred and eighteen, it was provided that a Commissioner should be appointed, to mark the southern boundary of said cession; now it is agreed that the line which was run and marked by the Commissioner on the part of the United States, in pursuance of said treaty, shall be considered the true line to the extent that the rights and interests of the Chickasaws are concerned, and no farther.

Appropriation of 1832 to be applied to this treaty.

ART. XVI. The United States agree that the appropriation made by Congress, in the year one thousand eight hundred and thirty-three, for carrying into effect "the treaty with the Chickasaws," shall be applicable to this; to be reimbursed by them: and their agent may receive and be charged with the same, from time to time, as in the opinion of the Secretary of War, any portion may be wanted for national purposes, by the Chickasaws; of which nature and character, shall be considered their present visit to Washington City.

Done at the city of Washington, on the 24th day of May, one thousand eight hundred and thirty-four.

Jno. H. Eaton,
commissioner on the part of the United States.

George Colbert, his x mark, [L. S.]
Isaac Albertson, his x mark, [L. S.]
Martin Colbert, [L. S.]
Henry Love, [L. S.]
Benjamin Love, [L. S.]

Witnesses—
Charles F. Little, secretary to commissioner,
Ben. Reynolds, Indian agent,
G. W. Long,
James Standefer,
Thomas S. Smith,
Saml. Swartwout,
Wm. Gordon,
F. W. Armstrong, c. agent,
John M. Millard.

The undersigned, appointed by the Chickasaw nation of Indians in the two-fold capacity of a delegate and interpreter, hereby declares that in all that is set forth in the above articles of convention and agreement, have been by him fully and accurately interpreted and explained, and that the same has been approved by the entire delegation.

May 24, 1834.

Benjamin Love, delegate and interpreter.
Charles F. Little, secretary to commissioner.
Ben. Reynolds, Indian agent.

May 24, 1834
7 Stat., 478.

Articles supplementary to those concluded and signed, by the United States Commissioner, and the Chickasaw delegation on the 24th day of May, one thousand eight hundred and thirty-four; which being agreed to by the President and Senate of the United States, are to stand as part of said treaty.

Provision in favor of Levi Colbert, etc.

ART. I. It is represented that the old chiefs Levi Colbert and Isaac Alberson, who have rendered many and valuable services to their nation, desire on account of their health, to visit some watering place, during the present year, for recovery and restoration; it is agreed that there be paid to the agent for these purposes, and to discharge some debts which are due and owing from the nation, the sum of three thousand dollars, out of the appropriation of one thousand eight hundred and thirty-three, for carrying into effect the "Treaty of Pontitock," which said sum so far as used is to be hereafter reimbursed to the nation, by said Levi Colbert and Isaac Alberson, and by the nation to the United States, as other advances are to be reimbursed, from the sale of their lands.

Chickasaw people desire education by the United States.

ART. II. The Chickasaw people express a desire that the Government shall at the expense of the United States, educate some of their children, and they urge the justice of their application, on the ground, that they have ever been faithful and friendly to the people of this country,—that they have never raised the tomahawk, to shed the blood of an American, and have given up heretofore to their white brothers, extensive and valuable portions of their country, at a price wholly inconsiderable and inadequate; and from which the United States have derived great wealth and important advantages; therefore, with the advice and consent of the President and Senate of the United States, it is consented, that three thousand dollars for fifteen years, be appropriated and applied under the direction of the Secretary of War, for the education and instruction within the United States, of such children male and female or either, as the seven persons named in the treaty to which this is a supplement, and their successors, with the approval of the agent, from time to time may select and recommend.

A further reserve to be ceded to United States.

ART. III. The Chickasaw nation desire to close finally, all the business they have on the east side of the Mississippi, that their Great Father, may be no more troubled with their complaints, and to this end, they ask the Government to receive from them a tract of land, of four miles square, heretofore reserved under the 4th article of their "Treaty of 1818," and to pay them within three months, from the date of this arrangement, the Government price of one dollar and a quarter per acre, for said reserve; and accordingly the same is agreed to, provided a satisfactory relinquishment of title from the parties interested, be filed with the Secretary of War, previous to said payment being made.

Money stolen from Carnegie.

ART. IV. Benj. Reynolds, agent at the time of paying their last annuity, had stolen from him by a negro slave of the Chickasaws, a box containing one thousand dollars; the chiefs of the Chickasaw people satisfied of the fact, and hence unwilling to receive the lost amount from their agent, ask, and it is agreed, that the sum so stolen and lost, shall be passed to the credit of their nation by the United States, to be drawn on hereafter for their national purposes.

Another clerk to be appointed.

ART. V. The Chickasaw people are aware that one clerk is insufficient to the bringing of their lands early into market; and rather than encounter the delay which must ensue, they prefer the increased expense of an additional one. It is therefore stipulated that the President shall appoint another clerk, at the same annual compensation, agreed upon by the "Treaty of Pontitock;" who shall be paid after the manner prescribed therein. But whenever the President shall be of opinion that the services of any officer employed under this treaty, for the sale of lands can be dispensed with; he will in justice to the Chickasaws, and to save them from unnecessary expenses, discontinue the whole, or such as can be dispensed with.

Signed the 24th of May, 1834.

Jo. H. Eaton, commissioner on the part of the United States.	Martin Colbert,	[L. S.]
George Colbert, his x mark,	Henry Love,	[L. S.]
Isaac Alberson, his x mark,	Benjamin Love,	[L. S.]

Witnesses:

Charles F. Little, secretary to commissioner,	Thomas S. Smith,
Ben. Reynolds, Indian agent.	Saml. Swartwout,
G. W. Long,	Wm. Gordon,
James Standefer,	F. W. Armstrong, C. agent,
	John M. Millard.

TREATY WITH THE MIAMI, 1834.

Oct. 23, 1834
7 Stat., 574
Ratification, Dec. 27, 1837

Articles of a treaty between the United States and the Miami tribe of Indians, concluded at the Forks of the Wabash, in the State of Indiana, on the 23d day of October, 1834, by and between William Marshall, commissioner of the United States, and the chiefs and warriors of said tribe.

The first cession.

ARTICLE 1. The Miami tribe of Indians agree to cede to the United States the following described tracts of land within the State of Indiana, being a part of reservations made to said tribe from former cessions, now conveyed for and in consideration of the payments stipulated to be made to them in the 2d article of this treaty of cession.

One tract of land, thirty-six sections, at Flat Belly's village, a reserve made by the treaty of Wabash of 1826.

Also, one tract of land, about twenty-three thousand acres more or less, a reserve made at Wabash treaty in 1826, of five miles in length on the Wabash river, extending back to Eel river.

Also, one other tract of ten sections at Racoon village, and a tract of ten sections at Mudd creek on Eel river, reserves made at Wabash treaty of 1826.

Also, one reserve of two miles square, on the Salamany river at the mouth of At-che-pong-quaw creek, reserve made at the treaty of St. Mary's of 1818.

Also, one other tract being a portion of the ten mile square reserve, made at the treaty of St. Mary's of 1818, opposite the mouth of the river Aboutte, commencing at the northeast corner of said reserve, thence south with the eastern boundary of the same ten miles to the southeast corner of the reserve, thence west with the southern boundary one mile, thence north nine miles, thence west nine miles, thence north one mile to the northwest corner of said reserve, thence to the place of beginning.

The Miamies also agree to cede a portion of their big reserve, made at the treaty of St. Mary's of 1818, situated southeast of the Wabash, extending along the Wabash river, from the mouth of Salamany river, to the mouth of Eel river. The part now ceded shall be embraced within the following bounds to wit: commencing on the Wabash river, opposite the mouth of Eel river, running up said Wabash river eight miles, thence south two miles, thence westerly one mile, thence south to the southern boundary of said reserve, thence along said boundary line seven miles to the southwest corner, thence northerly with the western boundary line to the place of beginning.

7. Paypah, Moreshee
8. Tontagomee
9. Wasee
10. Wahpatoosins.

HENRY R. SCHOOLCRAFT,
Commissioner.

Schedule B.

To Wawasee	$400 00
Ke shoosh be nee qua, sister of Wawasee	400 00
Kewaik-te-quet	400 00
Peter Provencal	400 00
Leon, or Ogeema ge kis to	400 00
Moran, or Chonquequeenot	200 00
Kesh-e-go-qua	200 00
Wetingasa, son of Joseph Chenot	400 00
Odah-pah-kee-qua and children	800 00
Pee-a-see	400 00
Ochustunnega	400 00
Bourassa's wife, at River au Sable	400 00
Nah-je-a-qua-ma	400 00
Mottoway-Sunegee	400 00
Chomie	4007 00
Mah in gun	800 00
Ma cuse	800 00
J. P. Simonton	800 00
Wabi-bikindibi, or Henry Conner	3,243 75
Peepeganwince	200 00

Ogima Keegalo,
Shawon Kapenayse,
Nanne Okchegestee,
Mark Beach,
Mocksuk, Kosh.

Peteway, Wretum,
Pahamoshee,
Tontagomee,
Wasee,
Wapatoosins.

Signed in presence of—

Henry Whiting, major, U. S. Army.
E. Backus, U. S. Army.
J. P. Simonton, captain, U. S. Army.

Levi Cook, mayor of the city of Detroit.
Jno. Hulbert.

Francis Willett Shearman, Secretary.

(To the Indian names are subjoined marks.)

TREATY WITH THE CHOCTAW AND CHICKASAW, 1837.

Jan. 17, 1837
11 Stats., 573
Proclamation, May 23, 1837

Articles of convention and agreement made on the seventeenth day of January, 1837, between the undersigned chiefs and commissioners duly appointed and empowered by the Choctaw tribe of red people, and John McLish, Pitman Colbert, James Brown, and James Perry, deputies of the Chickasaw tribe of Indians, duly authorized by the chiefs and head-men of said people for that purpose, at Doaksville, near Fort Towson, in the Choctaw country.

Chickasaws may form a district in the Choctaw country.

ARTICLE 1. It is agreed by the Choctaws that the Chickasaws shall have the privilege of forming a district within the limits of their country, to be held on the same terms that the Choctaws now hold it, except the right of disposing of it, (which is held in common with the Choctaws and Chickasaws,) to be called the Chickasaw district of the Choctaw Nation; to have an equal representation in their general council, and to be placed on an equal footing in every other respect with any of the other districts of said nation, except a voice in the management of the consideration which is given for these rights and privileges; and the Chickasaw people to be entitled to all the rights and privileges of Choctaws, with the exception of participating in the Choctaw annuities and the consideration to be paid for these rights and privileges, and to be subject to the same laws to which the Choctaws are; but the Chickasaws reserve to themselves the sole right and privilege of controlling and managing the residue of their funds as far

as is consistent with the late treaty between the said people and the Government of the United States, and of making such regulations and electing such officers for that purpose as they may think proper.

Boundaries of district.

ARTICLE 2. The Chickasaw district shall be bounded as follows, viz: beginning on the north bank of Red River, at the mouth of Island Bayou, about eight or ten miles below the mouth of False Washitta; thence running north along the main channel of said bayou to its source; thence along the dividing ridge between the Washitta and Low Blue Rivers to the road leading from Fort Gibson to Fort Washitta; thence along said road to the line dividing Mushu-la-tubbee and Push-ma-taha districts; thence eastwardly along said district line to the source of Brushy Creek; thence down said creek to where it flows into the Canadian River, ten or twelve miles above the mouth of the south fork of the Canadian; thence west along the main Canadian River to its source, if in the limits of the United States, or to those limits; and thence due south to Red River, and down Red River to the beginning.

Payment for the district.

ARTICLE 3. The Chickasaws agree to pay the Choctaws, as a consideration for these rights and privileges, the sum of five hundred and thirty thousand dollars. Thirty thousand of which shall be paid at the time and in the manner that the Choctaw annuity of 1837 is paid, and the remaining five hundred thousand dollars to be invested in some safe and secure stocks, under the direction of the Government of the United States, redeemable within a period of not less than twenty years; and the Government of the United States shall cause the interest arising therefrom to be paid annually to the Choctaws in the following manner: twenty thousand dollars of which to be paid as the present Choctaw annuity is paid, for four years, and the residue to be subject to the control of the general council of the Choctaws; and after the expiration of the four years the whole of said interest to be subject to the entire control of the said council.

Difficulties to be settled by the Choctaw agent.

ARTICLE 4. To provide for the future adjustment of all complaints or dissatisfaction which may arise to interrupt the peace and harmony which have so long and so happily existed between the Choctaws and Chickasaws, it is hereby agreed by the parties that all questions relative to the construction of this agreement shall be referred to the Choctaw agent to be by him decided; reserving, however, to either party, should it feel itself aggrieved thereby, the right of appealing to the President of the United States, whose decision shall be final and binding. But as considerable time might elapse before the decision of the President could be had, *in the mean time* the decision of the said agent shall be binding.

May appeal to President.

Rights and privileges.

ARTICLE 5. It is hereby declared to be the intention of the parties hereto, that equal rights and privileges shall pertain to both Choctaws and Chickasaws to settle in whatever district they may think proper, and to be eligible to all the different offices of the Choctaw Nation, and to vote on the same terms in whatever district they may settle, except that the Chickasaws are not to vote *in anywise* for officers in relation to the residue of the Chickasaw fund.

Treaty.

In testimony whereof, the parties hereto have hereunto subscribed their names and affixed their seals, at Doaksville, near fort Towson in the Choctaw country, on the day and year first above written.

In the presence of—

Wm. Armstrong, Acting Superintendent Western Territory,
Henry R. Carter, Conductor of the Chickasaw Delegation
Josiah S. Doak,
Vincent B. Tims,
Daniel McCurtain, United States Interpreter,
P. J. Humphreys,
J. T. Sprague, Lieutenant U. S. Marine Corps,
Thomas Laffoor, his x mark, Chief of Oaklahdays district,
Nitakechubee, his x mark, Chief of Pushmataha district,
Joseph Kincaid, his x mark, Chief of Mushulatubbee district.

Commissioners of the Cheetaw Nation:
P. P. Pitchlynn, [L. S.]
George W. Haskins, [L. S.]
Israel Folsom, [L. S.]
R. M. Jones, [L. S.]
Silas D. Fisher, [L. S.]
Samuel Wrnester, [L. S.]
John McKenney, his x mark,
Eyachahofaa, his x mark,
Nathaniel Folsom, his x mark,
Lewis Bresheare, his x mark,
James Fletcher, his x mark,
George Pusley, his x mark.

Captains:
Ouk-chi-a, his x mark.
Thomas Hays, his x mark,
Pis-tam-bee, his x mark,
Ufo-lah-tash-o-ma, his x mark,
Eyo-tah, his x mark,
Isaac Perry, his x mark,
No-wah-hum-bee, his x mark.
Chickasaw delegation:
J. McLish,
Pitman Colbert,
James Brown, his x mark,
James Perry, his x mark.

TREATY WITH THE POTAWATOMI, 1837.

Articles of a treaty concluded in the city of Washington on the eleventh day of February eighteen hundred and thirty-seven between John T. Douglass, commissioner on the part of the United States and Chechaus-kose, Ah-kaus We-sau-se or Louison, Mack-kose and Qui-qui-to, chiefs of the Potawatomie tribe of Indians.

ARTICLE 1. The chiefs and head men above named do, for themselves and their respective bands sanction and give their assent to the provisions of the treaties concluded between A. C. Pepper, commissioner on the part of the United States and certain chiefs and young men of the Potawatomie tribe of Indians, on the 5th day of August and 23d day of September 1836, in which were ceded to the United States certain lands in the State of Indiana, in which the chiefs and head men above named have an interest, the same having been reserved for them and their bands respectively in the treaties of October 26th and 27th 1832. And the chiefs and head men above named, for themselves and their bands, do hereby cede to the United States all their interest in said lands, and agree to remove to a country that may be provided for them by the President of the United States, southwest of the Missouri river, within two years from the ratification of this treaty.

ART. 2. The United States agree that the several sums, for the payment of which provision is made in the treaties of August and September 1836, referred to in the preceding article, shall be paid to the respective chiefs and bands, for whose benefit the lands, ceded by said treaties, were reserved.

ART. 3. The United States further agree to convey by patent to the Potawatomies of Indiana, a tract of country, on the Osage river southwest of the Missouri river, sufficient in extent, and adapted to their habits and wants; remove them to the same; furnish them with one year's subsistence after their arrival there, and pay the expenses of this treaty, and of the delegation now in this city.

ART. 4. It is further stipulated, that the United States will purchase the "five sections in the prairie, near Rock Village" reserved for Qui-qui-to, in the second article of the treaty of October 20th 1832 for the sum of $4,486; to be paid to said chief at such times and places as the President of the United States may think proper.

ART. 5. This treaty to be obligatory upon the contracting parties when ratified by the President and Senate of the United States.

In witness whereof, the contracting parties have hereunto set their hands and seals, the day and year above written.

John T. Douglass, Commissioner, [L. S.]
Qui-qui-taw, his x mark, [L. S.]
Che-chaw-kose, his x mark, [L. S.]
Ah-kaus, his x mark, [L. S.]

We-sau-se, or Louison, his x mark. [L. S.]
Mack-kose, his x mark. [L. S.]
Sin-qui-wangh, his x mark. [L. S.]
Po-ga-kose, his x mark. [L. S.]
John C. Burnett,
Abram B. Burnett,
William Turner,
Interpreters.

Signed in presence of—
G. C. Johnson,
Isaac McCoy.

TREATY WITH THE KIOWA, ETC., 1837.

Treaty with the Kioways, Ka-ta-ka and Ta-wa-ka-ro, Nations of Indians.

Whereas a treaty of peace and friendship was made and signed on the 24th day of August 1835, between Montfort Stokes and Brigadier General Matthew Arbuckle, commissioners on behalf of the United States on the one part; and the chiefs, and head-men and representatives of the Comanche, Witchitaw, Cherokee, Muscogee, Choctaw, Osage, Seneca and Quapaw nations or tribes of Indians on the other part; and whereas the said treaty has been duly ratified by the Government of the United States; now know all whom it may concern, that the President of the United States, by letter of appointment and instructions of the 7th day of April 1837, has authorized Col. A. P. Chouteau to make a convention or treaty between the United States and any of the nations or tribes of Indians of the Great Western Prairie; we the said Montfort Stokes, and A. P. Chouteau, commissioners of Indian treaties, have this day made and concluded a treaty of peace and friendship, between the United States of America, and the chiefs, headmen and representatives of the Kioway, Ka-ta-ka, and Ta-wa-ka-ro nations of Indians, on the following terms and conditions, that is to say:

ARTICLE 1st. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the Kioway, Ka-ta-ka, and Ta-wa-ka-ro nations and their associated bands or tribes of Indians, and between these nations or tribes and the Muscogee and Osage nations or tribes of Indians.

ARTICLE 2d. Every injury or act of hostility by one or either of the contracting parties on the other, shall be mutually forgiven and forever forgot.

ARTICLE 3d. There shall be a free and friendly intercourse between all the contracting parties hereto; and it is distinctly understood and agreed by the Kioway, Ka-ta-ka and Ta-wa-ka-ro nations, and their associated bands or tribes of Indians, that the citizens of the United States are freely permitted to pass and repass through their settlements or hunting ground without molestation or injury, on their way to any of the provinces of the Republics of Mexico or Texas, or returning therefrom, and that the nations or tribes named in this article further agree to pay the full value of any injury their people may do to the goods or property of the citizens of the United States, taken or destroyed when peaceably passing through the country they inhabit or hunt in, or elsewhere. And the United States hereby guarantee to any Indian or Indians of the Kioway, Ka-ta-ka and Ta-wa-ka-ro nations, and their associated bands or tribes of Indians, a full indemnification for any horses or other property which may be stolen from them, *Provided* That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States, and within the limits thereof.

Ke-cho-e-tim-me, headman, his x mark. [L. S.]
Haw-taw-gaw-me, headman, his x mark. [L. S.]
Way-me-le-go-she, headman, his x mark [L. S.]
Pay-me-ge-wang, headman, his x mark [L. S.]

Lac Du Flambeau Band:
Aw-me-se, or the Wasp, 1st chief, his x mark [L. S.]
Ke-wish-te-no, 2d chief, his x mark, [L. S.]
Me-gwe-see, or the Eagle, 2d chief, his x mark. [L. S.]
Kay-kay-e-o-gwaw-nay-aw-she, headman, his x mark. [L. S.]
O-che-shog, headman, his x mark [L. S.]
Nay-she-kay-gwaw-nay-be, headman, his x mark. [L. S.]
O-gaw-way-wis, or the Waiter, 1st chief, his x mark. [L. S.]
Que-to-zance, or the White Feet, 2d chief, his x mark. [L. S.]
Ne-gig, or the Otter, 2d chief, his x mark [L. S.]
Nay-maw-sho-ge-shick-may-be, headman, his x mark. [L. S.]
Quay-quay-ke-osh, headman, his x mark [L. S.]

Bois Forte Band:
Kay-bash-e-gaw-daw-way, or Clear Round the Prairie, 1st chief, his x mark. [L. S.]
Way-zaw-we-ge-shick-way-sking, headmen, his x mark. [L. S.]
O-saw-we-pe-nay-she, headman, his x mark [L. S.]

The Mississippi Bands:
Que-we-san-se, or Help in the Day, head chief, his x mark. [L. S.]
Caw-mawn-daw-waw-wis-ze, or the Berry Hunter, 1st chief, his x mark, [L. S.]
Waw-bow-jeg, or the White Fisher, 2d chief, his x mark. [L. S.]
Ou-taw-waw, 2d chief, his x mark. [L. S.]
Que-we-zhance-is, or the Bad Boy, 2d chief, his x mark. [L. S.]
Bye-a-jick, or the Lone Man, 2d chief, his x mark [L. S.]
I-yaye-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark. [L. S.]
Maw-gaw-day, or the Bear's Heart, 2d chief, his x mark. [L. S.]
Ke-way-she-no-go-nay-be, or the Northern Feather, 2d chief, his x mark. [L. S.]
Me-sqnaw-shee, headman, his x mark. [L. S.]
Naw-gaw-ne-gaw-bo, headman, his x mark. [L. S.]
Wawne-be-le-yea, headman, his x mark. [L. S.]
Waish-kay, headman, his x mark [L. S.]
Caw-way-caw-ne-ge-skung, headman, his x mark. [L. S.]
My-yaw-ge-way-we-donk, or the One who carries the Voice, 2d chief, his x mark. [L. S.]

John F. Godfroy,
Gen. Johnston,
S. A. Marvin,
Louis Codot,
Paul H. Beaulieu,
Henry Blatchford,
Peter Floy,
} Interpreters.

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
B. H. Conant,
E. W. Muldrough,
Richard Godfroy,
D. S. Cash,
H. H. McCullough,
E. Smith Lee,
Wm. F. Vandeseel,
L. H. Wheeler.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1854.

Nov. 4, 1854
10 Stat., 1126.
Ratified Feb. 8, 1855.
Proclaimed Apr. 10, 1855.

Preamble.

Whereas a convention and agreement was made and entered into by the Choctaw and Chickasaw Indians, at Doaksville, near Fort Towson, in the Choctaw country, on the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven; and, whereas, difficulties have arisen between said tribes in regard to the line of boundary, between the Chickasaw district and other districts of the Choctaw nation, described in article second of said convention and agreement; and, whereas, it is the desire of the said tribes, that there shall no longer exist any dispute in regard to the boundary of the Chickasaw district, the undersigned, Thomas J. Pitchlynn, Edmund McKenny, R. M. Jones, Daniel Folsom, and Samuel Garland, commissioners duly appointed and empowered by the Choctaw tribe of red people; and Edmund Pickens, Benjamin S. Love, James T. Gaines, Sampson Folsom, and Edmund Perry, commissioners duly appointed and empowered by the Chickasaw tribe of Indians, to settle all matters in dispute between their respective tribes, which require new articles of agreement between them, have solemnly made the following articles of convention and agreement, on the fourth day of November, A. D. one thousand eight hundred and fifty-four, at Doaksville, near Fort Towson, in the Choctaw country, subject to the approval of the President and the Senate of the United States.

Boundaries of the Chickasaw district.

ARTICLE 1. It is agreed by the Choctaw and Chickasaw tribes of Indians, in lieu of the boundaries established under article second of the convention and agreement entered into between said tribes, January 17th, A. D. 1837, the Chickasaw district of the Choctaw nation shall be bounded as follows, viz: Beginning on the north bank of the Red River, at the mouth of Island Bayou, where it empties into the Red River, about twenty-six miles on a straight line, below the mouth of False Washitta, thence running a northwesterly course, along the main channel of said bayou to the junction of three prongs of said bayou nearest the dividing ridge between Washitta and Low Blue rivers, as laid down upon Capt. R. L. Hunter's map; thence, northerly along the eastern prong of Island Bayou to its source; thence, due north to the Canadian River, thence west, along the main Canadian, to one hundred degrees of west longitude; thence south to Red River, and down Red River to the beginning: *Provided, however*, if the line running due north from the eastern source of Island Bayou to the main Canadian shall not include Allen's or Wa-pa-nucka academy within the Chickasaw district, then an offset shall be made from said line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

Line how to be run and marked.

ARTICLE 2. It is agreed by the Choctaws, that the Chickasaws employ a surveyor or engineer to run out and mark the eastern line of the Chickasaw district, and by the Chickasaws that they will pay all expenses incurred in running out and marking said line; and it is mutually agreed that the chiefs of each district of the Choctaw nation shall appoint one commissioner to attend and supervise the running and marking of said line; the chief of the Chickasaw district giving them at least thirty days' notice of the time when the surveyor or engineer will proceed to run out and mark the line agreed upon; which shall be plainly marked upon trees, where there is timber, and by permanent monuments of stone, at every mile, where there is not sufficient timber upon which the line can be marked in a permanent manner, before the first day of August, A. D. one thousand eight hundred and fifty-five.

In testimony whereof, the parties to this convention and agreement have hereunto subscribed their names and affixed their seals.

Done in triplicate at Doaksville, near Fort Towson, Choctaw Nation, the day and year first above written.

Thos. J. Pitchlynn, [L. S.]
Edmund McKenny, [L. S.]
R. M. Jones, [L. S.]
Daniel Folsom, [L. S.]
Samuel Garland, [L. S.]
Commissioners on the part of Choctaws.

Edmund Pickens [L. S.]
Benjamin S. Love, [L. S.]
James T. Gaines, [L. S.]
Sampson Folsom, [L. S.]
Edmund Perry, [L. S.]
Commissioners on the part of the Chickasaws.

In presence of:
Geo. W. Harkins,
Peter Folsom,
Nicholas Cochnauer,
Jackson Frazier,
Chiefs of the Choctaw Nation.
Douglas H. Cooper, United States Indian agent.
William K. McKean.

Speaking Eagle, his x mark.	[L. S.]	Kole-kole-til-ky, his x mark.	[L. S.]
Wat-ti-wat ti-wah-hi, his x mark.	[L. S.]	In-mat-tute-kah-ky, his x mark.	[L. S.]
Ilvah-tu-tah-kun, his x mark.	[L. S.]	Muh-see rhee, his x mark.	[L. S.]
Tus-wish-wese, his x mark.	[L. S.]	George, his x mark.	[L. S.]
Wahpt-tah-shoosho, his x mark.	[L. S.]	Nicke-el-li-may-ho, his x mark.	[L. S.]
Beaf Necklace, his x mark.	[L. S.]	Say-i-ee-oose, his x mark.	[L. S.]
Koos-koos-tus-kut, his x mark.	[L. S.]	Wis-tasse-ent, his x mark.	[L. S.]
Levi, his x mark.	[L. S.]	Ky-ky-soo-te-lum, his x mark.	[L. S.]
Pee-on-pe-whi-hi, his x mark.	[L. S.]	Ko-ko-whay-nee, his x mark.	[L. S.]
Pee-on-pee-jeeteim, his x mark.	[L. S.]	Kwin-to-kow, his x mark.	[L. S.]
Pee-pe-me-kah, his x mark.	[L. S.]	Poe-wee-an-ap-tah, his x mark.	[L. S.]
Hah-hah-etlil at-me, his x mark.	[L. S.]	Wee-at-te-nat-il-pilp, his x mark.	[L. S.]
Wee-yoke-sin-ate, his x mark.	[L. S.]	Pee-on-pe-nil-pilp, his x mark.	[L. S.]
Wee-ah-ki, his x mark.	[L. S.]	Wah-tass-tum-manner, his x mark.	[L. S.]
Nicahdsin, his x mark.	[L. S.]	Tu-wee-si-ee, his x mark.	[L. S.]
Suck-op-tic, his x mark.	[L. S.]	Lu-ee-sin-kah-koose-sin, his x mark.	[L. S.]
Ip nal lum-moose, his x mark.	[L. S.]	Hah-tal-ee-kin, his x mark.	[L. S.]
Jnson, his x mark.	[L. S.]		

Signed and sealed in presence of us—

James Doty, secretary of treaties, W. T.
Wm. C. McKay, secretary of treaties, O. T.
W. H. Tappan, sub-Indian agent,
William Craig, interpreter,
A. D. Parnham, interpreter,
Wm. McBean,
Geo. C. Bomford,
D. Chisholm, C. M. T.
Mic. Cles. Pandosy,
Lawrence Kip,
W. H. Pearson.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1855.

June 22, 1855.
11 Stats., 611.
Ratified Feb. 21, 1856.
Proclaimed Mar. 1, 1856.

Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws:

Preamble.

Whereas, the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a re-adjustment of their relations to each other and to the United States: and

Whereas the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and

Vide, p. 705.

Whereas, the Choctaws contend, that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment, and whereas, it is necessary for the simplification and better understanding

of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument:

Now, therefore, the United States of America, by their commissioner, George W. Manypenny, the Choctaws, by their commissioners, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, and the Chickasaws, by their commissioners, Edmund Pickens and Sampson Folsom do hereby agree and stipulate as follows, viz:

Territory. Boundaries of Choctaw and Chickasaw country.

ARTICLE 1. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz: Beginning at a point on the Arkansas River, one hundred paces east of old Fort Smith, where the western boundary-line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas River; thence down said river to the place of beginning.

Vide sale of Choctaw lands guaranteed by 1st article.

And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however*, No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same.

Proviso. Not to be sold without consent of both tribes.

Boundaries of district for the Chickasaws.

ARTICLE 2. A district for the Chickasaws is hereby established, bounded as follows, to wit: Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles in a straight line, below the mouth of False Washitta; thence running a northwesterly course, along the main channel of said bayou, to the junction of the three prongs of said bayou, nearest the dividing ridge between Washitta and Low Blue Rivers, as laid down on Capt. R. B. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River; and thence down Red River to the beginning: *Provided, however*, If the line running due north, from the eastern source of Island Bayou, to the main Canadian shall not include Allen's or Wa-pa nacka Academy, within the Chickasaw District, then, an offset shall be made from said line, so as to leave said academy two miles within the Chickasaw district, north, west and south from the lines of boundary.

Choctaw district.

ARTICLE 3. The remainder of the country held in common by the Choctaws and Chickasaws, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

Laws of Choctaw and Chickasaw Governments to remain in force until, &c.

ARTICLE 4. The government and laws now in operation and not incompatible with this instrument, shall be and remain in full force and effect within the limits of the Chickasaw district, until the Chickasaws shall adopt a constitution, and enact laws, superseding, abrogating, or changing the same. And all judicial proceedings within said district, commenced prior to the adoption of a constitution and laws by the Chickasaws, shall be conducted and determined according to existing laws.

Citizens of either tribe may settle in the other, &c.

ARTICLE 5. The members of either the Choctaw or the Chickasaw tribe, shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of citizens thereof: but no member of either tribe

shall be entitled to participate in the funds belonging to the other tribe. Citizens of both tribes shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures.

Jurisdiction of courts of each tribe over offenders.

ARTICLE 6. Any person duly charged with a criminal offence against the laws of either the Choctaw or the Chickasaw tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered, upon the demand of the proper authorities of the tribe, within whose jurisdiction the offence shall be alleged to have been committed.

Rights of Choctaws and Chickasaws.

ARTICLE 7. So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction, over persons and property, within their respective limits; excepting, however, all persons, with their property, who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe, and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from, and kept out of the same, by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the Government, and their families; those peacefully travelling, or temporarily sojourning in the country or trading therein, under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States agent, to reside within their limits, without becoming citizens or members of either of said tribes.

Payment to Choctaws and Chickasaws for certain lands.

ARTICLE 8. In consideration of the foregoing stipulations, and immediately upon the ratification of this convention, there shall be paid to the Choctaws, in such manner as their national council shall direct, out of the national fund of the Chickasaws held in trust by the United States, the sum of one hundred and fifty thousand dollars.

Cession of lands west of 98° west longitude.

ARTICLE 9. The Choctaw Indians do hereby absolutely and forever quit claim and relinquish to the United States all their right, title, and interest in, and to any and all lands, west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein; excluding, however, all the Indians of New Mexico, and also those whose usual ranges at present are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those lands whose permanent ranges are south of the Canadian, or between it and the Arkansas; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time be prescribed by the President for their government: *Provided, however*, The territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

Payment for lands ceded.

ARTICLE 10. In consideration of the foregoing relinquishment and lease, and as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, and to the Chickasaws the sum of two hundred thousand dollars, in such manner as their general councils shall respectively direct.

Certain claims to be submitted to the Senate for adjudication.

ARTICLE 11. The Government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh, eighteen hundred and thirty and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States.

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims national and individual against the United States; and, if so, how much.

Disposition of proceeds of lands ceded.

ARTICLE 12. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just—the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States. But should the Senate allow a gross sum, in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

Annuities to be paid.

ARTICLE 13. The amounts secured by existing treaty stipulations viz: permanent annuity of three thousand dollars, under the second article of the treaty of eighteen hundred and five; six hundred dollars per annum for the support of light-horse men under the thirteenth article of the treaty of eighteen hundred and twenty; permanent annuity of six thousand dollars for education; under the second article of the treaty of eighteen hundred and twenty-five; six hundred dollars per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of eighteen hundred and twenty; and three hundred and twenty dollars permanent provision for iron and steel, under the ninth article of the treaty of eighteen hundred and twenty-five—shall continue to be paid to, or expended for the benefit of, the Choctaws as heretofore; or the same may be applied to such objects of general utility as may, from time to time, be designated by the general council of the tribe, with the approbation of the Government of the United States. And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held: together with the sum of five hundred thousand dollars out of the amount payable to them under articles eighth and tenth of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws, by the Senate, under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less

than five per centum; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the general council of the Choctaws, to the support of their government for purposes of education, and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Protection of tribes from domestic strife and foreign invasion.

ARTICLE 14. The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

Fugitives from justice to be delivered up.

ARTICLE 15. The Choctaws and Chickasaws shall promptly apprehend and deliver up all persons accused of any crime or offence against the laws of the United States, or of any State thereof, who may be found within their limits, on demand of any proper officer of a State, or of the United States.

Payment for timber.

ARTICLE 16. All persons licensed by the United States to trade with the Choctaws or Chickasaws shall be required to pay to the respective tribes a moderate annual compensation for the land and timber used by them; the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent.

Military posts, roads, and agencies may be established.

ARTICLE 17. The United States shall have the right to establish and maintain such military posts, post-roads, and Indian agencies, as may be deemed necessary within the Choctaw and Chickasaw country, but no greater quantity of land or timber shall be used for said purposes, than shall be actually requisite; and if, in the establishment or maintenance of such posts, post-roads, and agencies, the property of any Choctaw or Chickasaw shall be taken, injured, or destroyed, just and adequate compensation shall be made by the United States. Only such persons as are, or may be in the employment of the United States, or subject to the jurisdiction and laws of the Choctaws, or Chickasaws, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian agencies. And no offender against the laws of either of said tribes, shall be permitted to take refuge therein.

Right of way for railroads or telegraphs.

ARTICLE 18. The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Choctaw and Chickasaw country; but for any property taken or destroyed in the construction thereof, full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the president of the United States shall direct.

West boundary to be run and marked.

ARTICLE 19. The United States shall, as soon as practicable, cause the eastern and western boundary lines of the tract of country described in the 1st article of this convention, and the western boundary of the Chickasaw district, as herein defined, to be run and permanently marked.

Amnesty to be granted for past offences.

ARTICLE 20. That this convention may conduce as far as possible to the restoration and preservation of kind and friendly feeling among the Choctaws and Chickasaws, a general amnesty of all past offences, committed within their country, is hereby declared.

Only one agent to be appointed.

And in order that their relations to each other and to the United States may hereafter be conducted in a harmonious and satisfactory manner, there shall be but one agent for the two tribes.

This treaty to supersede all former treaties, &c.

ARTICLE 21. This convention shall supersede and take the place of all former treaties between the United States and the Choctaws, and also, of all treaty stipulations between the United States and the Chickasaws, and between the Choctaws and Chickasaws, inconsistent with this agreement, and shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

When to take effect.

Expenses of commissioners.

ARTICLE 22. It is understood and agreed that the expenses of the respective commissioners of the two tribes, signing these articles of agreement and convention, in coming to, and returning from this city, and while here, shall be paid by the United States.

In testimony whereof, the said George W. Manypenny, commissioner on the part of the United States, and the said commissioners on the part of the Choctaws and of the Chickasaws, have hereunto set their hands and seals.

Done in triplicate at the city of Washington, on this twenty-second day of June, in the year of our Lord one thousand eight hundred and fifty-five.

George W. Manypenny, United States Commissioner.	[L. S.]
P. P. Pitchlynn,	[L. S.]
Israel Folsom,	[L. S.]
Sam'l Garland,	[L. S.]
Dickson W. Lewis,	[L. S.]
Choctaw Commissioners.	
Edmund Pickens, his x mark.	[L. S.]
Sampson Folsom,	[L. S.]
Chickasaw Commissioners.	

Executed in presence of—

A. O. P. Nicholson,
James G. Berret,
Douglas H. Cooper, United States Indian agent.

And whereas the said treaty having been submitted to the general council of the Chickasaw tribe, the general council did, on the third day of October, A. D. one thousand eight hundred and fifty-five, assent to, ratify, and confirm the same, with the following amendment: "Add to the 10th article, By commissioners to be appointed by the contracting parties hereto" by an instrument in writing, in the words and figures following, to wit:

Account of Chickasaws.

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens, and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, "to wit:" Whereas, the political connection heretofore existing between the Choctaw and Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing

to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are of right entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment; and whereas it is necessary, for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument; and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting parties from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes of Indians and by the President and Senate of the United States."

Now, therefore, be it known, that the Chickasaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same, as stipulated and required, with the following amendment: "Add to the nineteenth article, 'By commissioners to be appointed by the contracting parties hereto.'"

Done and approved at Tishomingo, in the Chickasaw district of the Choctaw nation, this third day of October, in the year of our Lord, one thousand eight hundred and fifty-five.

Joel Kemp, President.
D. Colbert, F. C.

Passed the council.

Attest:

Cyrus Harris, clerk of the council.

And whereas the Chickasaws, in general council assembled, did, on the 13th day of December, A. D. 1855, recede from and rescind the said amendment, and did ratify and confirm the said treaty, and every part thereof, by an instrument in writing, in the words and figures following, to wit:

Whereas the Chickasaws, in general council assembled, after having duly considered the stipulations contained in a certain convention and agreement, made and entered into at the city of Washington, on the 22d day of June, A. D. 1855, between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, did, on the third day of October, A. D. 1855, at Tishomingo, in the Chickasaw district, Choctaw nation, assent to, ratify, and confirm each and every part of said convention and agreement, with the following amendment, viz: "Add to the 19th article, 'By commissioners to be appointed by the contracting parties hereto.'" And whereas, said amendment was not duly considered and concurred in by the Choctaws in general council assembled: but said agreement and convention, and every part thereof, was assented to, ratified, and confirmed by said council without amendment. Now, therefore, be it known, that the Chickasaws, in general council assembled, having reconsidered said proposed amendment, do hereby recede from, and rescind the same, hereby assenting to, ratifying, and confirming said agreement and convention, and every part thereof.

Done and approved at the council-house at Tishomingo, Chickasaw district, Choctaw nation, this 13th day of December, A. D. 1855.

Approved December 13, 1855.

J. McCoy, President of the Council.
Dougherty Colbert, F. C.

Attest

Cyrus Harris, Secretary.

Signed in presence of —

Jackson Frazier, Chief Chickasaw District, Choctaw nation.
Douglas H. Cooper, United States Indian agent.

And whereas the said treaty having been submitted to the general council of the Choctaw tribe, the said general council did, on the 16th day of November, A. D. one thousand eight hundred and fifty-five, consent to and ratify the same by an instrument in the words and figures following, to wit:

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, viz: "Whereas the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States arising under the various provisions of said treaty, shall be referred to the Senate of the United States, for final adjudication and adjustment; and whereas it is necessary, for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument;" and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting [parties] from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes and by the President and Senate of the United States."

Now, therefore, be it known, that the Choctaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same as stipulated and required.

Done and approved at the council-house, at Fort Towson, in the Choctaw nation, this sixteenth day of November, in the year of our Lord one thousand eight hundred and fifty-five.

Tandy Walker,
President of the Senate.
Kennedy M. Curtain,
Speaker of the House of Representatives.

Approved:

Geo. W. Harkins,
Chief of Alpuck District.
N. Cochnower,
Chief of Pushmataha District.
Adam Christy,
Speaker, and Acting Chief of Moosholatubbee District.

Signed in presence of—
Douglas H. Cooper, U. S. Indian Agent for Choctaw Tribe.

TREATY WITH THE TRIBES OF MIDDLE OREGON, 1855.

June 25, 1855.
12 Stats., 963.
Ratified March 8, 1859.
Time limited April 18, 1859.

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and head-men of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Symtustus, Locke-qui-sa, Shick-a-ne, and Kuck-up, chiefs of the Tuh or Upper De Chutes band of Walla-Wallas; Stocket-ly and Ino, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talkish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-Spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Killa, chiefs of the Dalles band of the Wascos; Tah-simph, chief of the Ki-gal-twal-la band of Wascos; and Wal-la-chin, chief of the Dog River band of Wascos.

Cession of lands to the United States.

ARTICLE 1. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit:

Boundaries.

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head-waters of Willow Creek; thence west to the head-waters of said creek; thence down said stream to its junction with the Columbia River; and thence down the channel of the Columbia River to the place of beginning. *Provided, however*, that so much of the country described above as is contained in the following boundaries, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation, to wit:

Reservation.

Boundaries.

Commencing in the middle of the channel of the De Chutes River opposite the eastern termination of a range of high lands usually known as the Mutton Mountains; thence westerly to the summit of said range, along the divide to its connection with the Cascade Mountains; thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Chutes River, heading in this peak, to its junction with De Chutes River; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without the concurrent permission of the agent and superintendent.

Where to be surveyed.

The said bands and tribes agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the United States other than is provided for by this treaty; and, until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually inclosed by said Indians. *Provided, however*, That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this treaty shall have been commenced, that if the three principal bands, to wit: the Waseopum, Tiah, or Upper De Chutes, and the Lower De Chutes bands of Walla-Wallas shall express in council, a desire that some other reservation may be selected for them, that the three bands named may select each three persons of their respective bands, who with the superintendent of Indian affairs or agent, as may by him be directed, shall proceed to examine, and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this treaty. *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them. *And provided, also*, That if any land or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country described as aforesaid as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also*, That where substantial improvements have been made by any members of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefor; or, in lieu of said payment, improvements of equal extent and value at their option shall be made for them on the tracts assigned to each respectively.

Agent to reside with the Indians.

Power to set apart reservations.

Right to fish, hunt, &c.

Use of unclaimed lands.

Privileges to Indians not taking advantage of treaty.

Allowance for improvements.

ARTICLE 2. In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit:

Payments by the United States.

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

and Arrapahoe tribes of Indians, for and with the United States, by the provisions of said treaty of October 14th, A. D. 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Arrapahoe, and Apache Indians, and on their part shall be done, observed and performed to, with and for the United States in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Arrapahoe, and Apache Indians.

In testimony whereof, the undersigned, Commissioners on the part of the United States, and the chiefs and headmen of said tribes, have hereunto set their hands and seals at the council-ground on the Little Arkansas, in the State of Kansas, this 17th day of October, A. D. 1865.

John B. Sanborn, [SEAL.]
Wm. S. Harney, [SEAL.]
James Steele, [SEAL.]
Wm. W. Bent, [SEAL.]
Kit Carson, [SEAL.]
Thos. Murphy, [SEAL.]
J. H. Leavenworth, [SEAL.]

Commissioners on the part of the United States.

Kos-tzion-kon, or Poor Bear, head chief, his x mark [SEAL.]
Bacche-ich, or Iron shirt, his x mark. [SEAL.]
Ach-ton-ma-to-qua, or the Old Foot Man, chief, his x mark. [SEAL.]
Kan-tin-ka, or the Crow, chief, his x mark [SEAL.]
Mah-wy-yah, or The Wolf Shows, chief, his x mark [SEAL.]
Nah-ta-tan, or The Chief, his x mark. [SEAL.]

On the part of the Arrapahoes.

Moke-ta-ve-to, or Black Kettle, head chief, his x mark. [SEAL.]
Oh-to-ah-ne-so-to-wun, or Seven Bulls, chief, his x mark [SEAL.]
Hark-kick-o-tue, or Little Robe, chief, his x mark. [SEAL.]
Moke-tah-ve-vo-hoe, or Black White Man, chief, his x mark [SEAL.]

Man-a-nee-tuck, or Eagle's Head, headman, his x mark. [SEAL.]
O-to-ah-nis-to, or Bull that Hears, headman, his x mark. [SEAL.]

On the part of the Cheyennes.

Oh-hoas-tee, or Little Raven, head chief, his x mark. [SEAL.]
Oh-ha-mah-hah, or Stumick, chief, his x mark. [SEAL.]
Poh-mi-tah-toy, or Big Mouth, chief, his x mark. [SEAL.]
An-ger-ka-tan-nah, or Spotted Wolf, chief, his x mark. [SEAL.]
Ah-nah-wat-tan, or Black Man, headman, his x mark [SEAL.]
Nah-o-mah-eha, Chief in Every thing, headman, his x mark. [SEAL.]
Ohit-e-tank, or Haversack, headman, his x mark. [SEAL.]

On the part of the Arrapahoes.

Signed and sealed in presence of
W. R. Irwin, Secretary
D. C. McNeil

TREATY WITH THE COMANCHE AND KIOWA, 1865.

Articles of a treaty made and concluded at the council-ground on the Little Arkansas River eight miles from the mouth of said river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, Commissioners on the part of the United States, and the undersigned chiefs and headmen of the several bands of Comanche Indians specified in connection with their signatures, and the chiefs and headmen of the Kiowa tribe of Indians, the said chiefs and head-men by the said bands and tribes being thereunto duly authorized.

Peace and friendship.

ARTICLE 1. It is agreed by the parties to this treaty that hereafter perpetual peace shall be maintained between the people and Government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other and with all other Indians who sustain friendly relations with the Government of the United States.

Depredations.

For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by the Indians on friendly terms with the United States, against the tribe or tribes or the individual members of the tribe or tribes who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints, through their agent, to the President of the United States, and thereupon an impartial arbitration shall be had under his direction, and the award this made shall be binding on all parties interested, and the Government of the United States will in good faith enforce the same.

Delivery of offenders against treaty stipulations.

And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons members of their tribe, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

Boundaries.

ARTICLE 2. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter from time to time be designated by the President of the United States for that purpose, viz: commencing at the northeast corner of New Mexico, thence south to the southeast corner of the same; thence northeastwardly to a point on main Red River opposite the mouth of the North Fork of said river; thence down said river to the 98th degree of west longitude; thence due north on said meridian to the Cimarone river; thence up said river to a point where the same crosses the southern boundary of the State of Kansas; thence along said southern boundary of Kansas to the southwest corner of said State; thence west to the place of beginning, shall be and is hereby set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as have heretofore resided within said limits, or as they may from time to time agree to admit among them, and that no white person except officers, agents, and employés of the Government shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages. The Indians parties hereto on their part expressly agree to remove to and accept as their permanent home the country embraced within said limits, whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting purposes without the consent in writing of their agent or other authorized person, specifying the purpose for which such leave is granted, and such written consent in all cases shall be borne with them upon their excursions, as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employés, and citizens of the United States, as their sufficient safeguard and protection against injury or damage to person or property, by any and all persons whomsoever. It is further agreed by the Indians parties hereto, that when absent from their reservation, they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the Government of the United States; that they will not while so absent encamp, by day or night, within ten miles of any of the main travelled routes of roads through the country to which they go, or of the military posts,

towns, or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages, and that henceforth they will and do hereby relinquish all claims or rights in and to any portion of the United States or territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country north of the Cimarone River and west of the eastern boundary of New Mexico.

Claims to lands relinquished.

The Indians parties hereto to have removed to the reservation provided for by the preceding article.

ARTICLE 3. It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article, in pursuance of the stipulations thereof, said Indians shall be and they are hereby, expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies south of the Arkansas River, as well as the country embraced within the limits of the reservation provided for by the preceding article, and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving said reservation: *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns, and villages, shall be in full force as to the privileges granted by this article: *And provided further*, That they, the said Indians, shall and will at all times, and without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile band or bands of Indians whatever.

Privileges.

United States may build roads through reservation, and establish military posts.

ARTICLE 4. It is further agreed by the parties hereto that the United States may lay out and build through the reservation, provided for by Article 2 of this treaty, roads or highways as may be deemed necessary, and may also establish such military posts within the same as may be found necessary, in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now or may from time to time be prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation, and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however*, That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as, in the judgment of the Congress of the United States, may be deemed just and proper.

Damages to be ascertained and made good.

Annuities to Indians, &c., in goods, &c., for 30 years.

ARTICLE 5. The United States agree that they will expend annually, during the period of forty years, from and after the ratifications of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservations, as provided for by article two of this treaty, an amount which shall be equal to ten dollars per capita for each person entitled to participate in the beneficial provisions of this treaty; and from and after the time when such removal shall have been accomplished, an amount which shall be equal to fifteen dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: One-third thereof during the spring, and two-thirds thereof during the autumn of each year.

Amount of annuities.

For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is four thousand, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

Indians, parties to the treaty to use their endeavors to induce others to become parties thereto.

ARTICLE 6. The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

Execution.

In testimony whereof, the said Commissioners on the part of the United States, and the chiefs and headmen of the said bands of Comanche Indians and of the Kiowa tribe of Indians, hereinbefore referred to, and designated in connection with their signatures, have hereunto subscribed their names and affixed their seals on the day and year first above written.

John B. Sanborn, [SEAL.]
Wm. S. Harney, [SEAL.]
Kit Carson, [SEAL.]
Wm. W. Bent, [SEAL.]
James Steele, [SEAL.]
Thos. Murphy, [SEAL.]
J. H. Leavenworth. [SEAL.]

Commissioners on the part of the United States.

Signed and sealed in presence of—
W. R. Irwin, secretary.
Wm. T. Kittridge.
D. C. McNeil.
Jas. S. Boyd.

Tabe-nan-i-kah, or Rising Sun, chief of Yamparica, or Root Eater band of Camanches, for Pabby-wah-say-mer and Ho-to-ya-ko-wah's bands, his x mark. [SEAL.]

Esh-e-tave pe-ah, or Female Buffalo, headman of Yamparica band of Camanches, his x mark. [SEAL.]

Ash-ah-kah-ker, or Milky Way, chief of Penne-tah-ka, or Sugar Eater band of Camanches, and for Cochet-e-ka, or Buffalo Eater band, his x mark. [SEAL.]

Quer-ah-he-vah, or Eagle Drinking, head chief of Ne-con-sa-ne or Tee-bo-bo band of Camanches, his x mark. [SEAL.]

Ta-hay-er-quop, or Horse's Back, second chief of Ne-con-sa-ne or Tee-bo-bo band of Camanches, his x mark. [SEAL.]

Pe-ha-ra-wa-quop, or Buffalo Hump, third chief of Penne-tah-ka, or Sugar Eater band of Camanches, his x mark. [SEAL.]

Ho-to-ya-ko-le-wot, or Over the Buttes, chief of Yamparica band, his x mark. [SEAL.]

Parry-wah-say mer, or Ten Bears, chief of Yamparica band, his x mark. [SEAL.]

Pe-ah-wah-to-ko-le, or Iron Mountain, chief of Yamparica band of Camanches, his x mark. [SEAL.]

Ne-wah-quas-sah, or Iron Shirt, chief of Pen-ne-ti band, or River Eater band of Camanches his x mark. [SEAL.]

To-sa-wi, or Silver Branch, head chief of Penne-tah-ka band of Camanches, his x mark [SEAL.]

Quoil-park, or Lone Wolf, his x mark. [SEAL.]

Wah-to-lo-kenk, or Black Eagle, his x mark [SEAL.]

Zipe-ki-yah, or Big Bear, his x mark [SEAL.]

Sa-tan-ta, or White Bear, his x mark. [SEAL.]

Tom-a-con Se, or Kicking Eagle, his x mark [SEAL.]

Sette-ma-kah, or Bear Runs over a Man, his x mark. [SEAL.]

Kaw-pe-ah, or Plumed Lance, his x mark. [SEAL.]

To-hau-sen, or Little Mountain, his x mark [SEAL.]

Se-tank, or Sitting Bear, his x mark. [SEAL.]

Pawner, or Poor Man, his x mark. [SEAL.]

Ta-ki-bell, or Striking Saddle Cloth, chief for the Kiowa tribe, his x mark. [SEAL.]

Article 6. It is further agreed that all payments of annuities to the Bois Forte band of Chippewas shall be made upon their reservation if, upon examination, it shall be found practicable to do so.

Article 7. It is agreed by and between the parties hereto that, upon the ratification of this treaty, all former treaties existing between them inconsistent herewith shall be, and the same are hereby, abrogated and made void to all intents and purposes; and the said Indians hereby relinquish any and all claims for arrears of payments claimed to be due under such treaties, or that are hereafter to fall due under the provisions of the same; except that as to the third clause of the twelfth article of the treaty of September 30, 1854, providing for a blacksmith, smith-shop, supplies, and instructions in farming, the same shall continue in full force and effect, but the benefits thereof shall be transferred to the Chippewas of Lake Superior.

Article 8. The United States also agree to pay the necessary expenses of transportation and subsistence of the delegates who have visited Washington for the purpose of negotiating this treaty, not exceeding the sum of ten thousand dollars.

In testimony whereof, the undersigned, Commissioners on behalf of the United States, and the delegates on behalf of the Bois Forte band of Chippewas, have hereunto set their hands and seals the day and year first above written.

D. N. Cooley, Commissioner of Indian Affairs. [L. S.]
E. B. L. Taylor, Special Commissioner. [L. S.]
Gaboshcoshaway, or Going through the Prairie, his x mark. [L. S.]
Babawmadjeweshcung, or Mountain Traveller, his x mark. [L. S.]
Adawawnequaboence, or Twin-haired Bird, his x mark. [L. S.]
Sagwabaenuggishcung, or He who Tries the Earth, his x mark. [L. S.]
Nenoung, or The Four Fingers, his x mark. [L. S.]
Wabawgamawgau, or The Tomahawk, his x mark. [L. S.]
Gamawwabamina, or He who is Looked at, his x mark. [L. S.]
Gawnandawawinze, or Berry Hunter, his x mark. [L. S.]
Abetang, or He who Inhabits, his x mark. [L. S.]

In presence of

Luther E. Webb, United States Indian agent for Chippewas, Lake Superior. [L. S.]
Joseph D. Gurnoe, United States interpreter, Lake Superior. [L. S.]
J. C. Ramsey.
Benj'n Thompson.
Peter Roy.
D. Geo. Morrison. [L. S.]
Vincent Roy, jr.
W. H. Watson.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1866.

Articles of agreement and convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the City of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, special commissioners on the part of the United States, and Allen Wright, James Riley, and John Page, commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, commissioners on the part of the Chickasaws.

Article 1. Permanent peace and friendship are hereby established between the United States and said nations; and the Choctaws and Chickasaws do hereby bind themselves respectively to use their influence and to make every exertion to induce Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

Article 2. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

Article 3. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

Article 4. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree, that while the said freedmen, now in the Choctaw and Chickasaw Nations, remain in said nations, respectively, they shall be entitled to as much land as they

Annuities to be paid upon the reservation if, etc.

ARTICLE 6. It is further agreed that all payments of annuities the Bois Forte band of Chippewas shall be made upon their reservati if, upon examination, it shall be found practicable to do so.

Inconsistent provisions of former treaties abrogated.

ARTICLE 7. It is agreed by and between the parties hereto tha upon the ratification of this treaty, all former treaties existing betwe them inconsistent herewith shall be, and the same are hereby, abr gated and made void to all intents and purposes; and the said India hereby relinquish any and all claims for arrears of payments claim to be due under such treaties, or that are hereafter to fall due unde the provisions of the same; except that as to the third clause of t twelfth article of the treaty of September 30, 1854, providing for blacksmith, smith-shop, supplies, and instructions in farming, t same shall continue in full force and effect, but the benefits there shall be transferred to the Chippewas of Lake Superior.

Part of 11 treaty of Sept. 30, 1854, to remain in full force.

Payment of expenses of delegation to Washington.

ARTICLE 8. The United States also agree to pay the necessa expenses of transportation and subsistence of the delegates who ha visited Washington for the purpose of negotiating this treaty, n exceeding the sum of ten thousand dollars.

In testimony whereof, the undersigned, Commissioners on behalf o the United States, and the delegates on behalf of the Bois Forte ban of Chippewas, have hereunto set their hands and seals the day and yea first above written.

D. N. Cooley, Commissioner of Indian Affairs. [L. S.]
E. E. L. Taylor, Special Commissioner. [L. S.]
Gabaabeodaway, or Going through the Prairie, his x mark. [L. S.]
Babawmadjewetcang, or Mountain Traveller, his x mark. [L. S.]
Adawawnoquabenace, or Twin-haired Bird, his x mark. [L. S.]
Sagwadacumegishcang, or He who Tries the Earth, his x mark. [L. S.]
Nuoning, or The Four Fingers, his x mark. [L. S.]
Wabawgamawgan, or The Tomahawk, his x mark. [L. S.]
Gamawabamina, or He who is Looked at, his x mark. [L. S.]
Gawmandawawinzo, or Berry Hunter, his x mark. [L. S.]
Abetang, or He who Inhabits, his x mark. [L. S.]

In presence of—

Luther E. Webb, [L. S.]
United States Indian agent for Chippewas, Lake Superior.
Joseph D. Gurnoe, [L. S.]
United States interpreter, Lake Superior.

J. C. Ramsey.
Benj'n Thompson.
Peter Roy.
D. Geo. Morrison. [L. S.]
Vincent Roy, jr.
W. H. Watson.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1866.

Apr. 28, 1866.
14 Stats., 769.
Ratified June 28, 1866.
Proclaimed July 10, 1866

Articles of agreement and convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the City of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, special commissioners on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, commissioners on the part of the Chickasaws.

Peace and friendship.

ARTICLE 1. Permanent peace and friendship are hereby established between the United States and said nations; and the Choctaws and Chickasaws do hereby bind themselves respectively to use their influence

and to make every exertion to induce Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

Slavery and involuntary servitude to cease.

ARTICLE 2. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

Cession of the leased district to the United States.

ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter,—less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

Purchase money to be invested by the United States and held in trust until, etc.

Rights of negroes and freedmen.

ARTICLE 4. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree, that while the said freedmen, now in the Choctaw and Chickasaw Nations, remain in said nations, respectively, they shall be entitled to as much land as they

may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid.

Amnesty for past offenses.

ARTICLE 5. A general amnesty of all past offenses against the laws of the United States, committed before the signing of this treaty by any member of the Choctaw or Chickasaw Nations, is hereby declared; and the United States will especially request the States of Missouri, Kansas, Arkansas, and Texas to grant the like amnesty as to all offenses committed by any member of the Choctaw or Chickasaw Nation. And the Choctaws and Chickasaws, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their respective governments, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who may have remained friendly to the United States, but they shall enjoy equal privileges with other members of said tribes, and all laws heretofore passed inconsistent herewith are hereby declared inoperative. The people of the Choctaw and Chickasaw Nations stipulate and agree to deliver up to any duly authorized agent of the United States all public property in their possession which belong to the late "so-called Confederate States of America," or the United States, without any reservation whatever; particularly ordnance, ordnance-stores, and arms of all kinds.

Right of way through reservation for railroads.

ARTICLE 6. The Choctaws and Chickasaws hereby grant a right of way through their lands to any company or companies which shall be duly authorized by Congress, or by the legislatures of said nations, respectively, and which shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad through the Choctaw and Chickasaw Nations from the north to the south thereof, and from the east to the west side thereof, in accordance with the provisions of the 18th article of the treaty of June twenty-second, one thousand eight hundred and fifty-five, which provides that for any property taken or destroyed in the construction thereof full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct. But such railroad company or companies, with all its or their agents and employés shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose. And it is also stipulated and agreed that the nation through which the road or roads aforesaid shall pass may subscribe to the stock of the particular company or companies such amount or amounts as they may be able to pay for in alternate sections of unoccupied lands for a space of six miles on each side of said road or roads, at a price per acre to be agreed upon between said Choctaw and Chickasaw Nations and the said company or companies, subject to the approval of the President of the United States: *Provided, however*, That said land, thus subscribed, shall not be sold, or demised, or occupied by any one not a citizen of the Choctaw or Chickasaw Nations, according to their laws and recognized usages: *Provided*, That the officers, servants, and employés of such companies necessary to the construction and management of said road or roads shall not be excluded from such occupancy as their respective functions may require, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior: *And provided also*, That the stock thus subscribed by either of said nations shall have the force and effect of a first-mortgage bond on all that part of said road, appurtenances, and

Damages.

Companies subject to laws, etc.

Indians may subscribe to stock.

Provisos.

equipments situated and used within said nations respectively, and shall be a perpetual lien on the same, and the said nations shall have the right, from year to year, to elect to receive their equitable proportion of declared dividends of profits on their said stock, or interest on the par value at the rate of six per cent. per annum.

When companies to be entitled to patents for the lands.

2. And it is further declared, in this connection, that as fast as sections of twenty miles in length are completed, with the rails laid ready for use, with all water and other stations necessary to the use thereof, as a first-class road, the said company or companies shall become entitled to patents for the alternate sections aforesaid, and may proceed to dispose thereof in the manner herein provided for, subject to the approval of the Secretary of the Interior.

Other lands may be selected in lieu of occupied sections.

3. And it is further declared, also, in case of one or more of said alternate sections being occupied by any member or members of said nations respectively, so that the same cannot be transferred to the said company or companies, that the said nation or nations, respectively, may select any unoccupied section or sections, as near as circumstances will permit, to the said width of six miles on each side of said road or roads, and convey the same as an equivalent for the section or sections so occupied as aforesaid.

Legislation by Congress for rights of persons and property.

ARTICLE 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however*, Such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively.

Assent to the general council authorized.

ARTICLE 8. The Choctaws and Chickasaws also agree that a council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian Territory, may be annually convened in said Territory, to be organized as follows:

Census of the tribes to be taken.

1. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said assembly, a census of each tribe, lawfully resident in said Territory, shall be taken, under the direction of the Superintendent of Indian Affairs, by competent persons, to be appointed by him, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Council to be composed of whom.

2. The council shall consist of one member from each tribe or nation whose population shall exceed five hundred, and an additional member for each one thousand Indians, native or adopted, or each fraction of a thousand greater than five hundred being members of any tribe lawfully resident in said Territory, and shall be selected by the tribes or nations respectively who may assent to the establishment of said general assembly; and if none should be thus formally selected by any nation or tribe, it shall be represented in said general assembly by the chief or chiefs and head-men of said tribes, to be taken in the order of their rank as recognized in tribal usage in the number and proportions above indicated.

Members to which each tribe is entitled.

3. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article; and the persons so to represent the said tribes shall meet at such time and place as he shall designate, but thereafter the time and place of the sessions of the general assembly shall be determined by itself: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that the special sessions may be called whenever, in the judgment of the Secretary of the Interior, the interests of said tribes shall require it.

Time and place of meeting.

Length of session and special sessions.

Powers of general assembly.

4. The general assembly shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in the said Territory, the arrest and extradition of criminals escaping from one tribe to another, the administration of justice between members of the several tribes of the said Territory, and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defence and safety of the nations of the said Territory. All laws enacted by said council shall take effect at the times therein provided, unless suspended by the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States or the laws of Congress, or existing treaty stipulations with the United States; nor shall said council legislate upon matters pertaining to the legislative, judicial, or other organization, laws, or customs of the several tribes or nations, except as herein provided for.

President of council.

5. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence from any cause, the duties of the superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior shall indicate.

Secretary: duty and pay.

6. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and to transmit a true copy thereof, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the sessions of said council shall terminate. He shall be paid five hundred dollars, as an annual salary, by the United States.

Pay and mileage of members.

7. The members of the said council shall be paid by the United States four dollars per diem while in actual attendance thereon, and four dollars mileage for every twenty miles going and returning therefrom by the most direct route, to be certified by the secretary of said council and the presiding officer.

Courts may be established.

8. The Choctaws and Chickasaws also agree that a court or courts may be established in said Territory with such jurisdiction and organization as Congress may prescribe: *Provided*, That the same shall not interfere with the local judiciary of either of said nations.

Delegates from the Territory.

9. Whenever Congress shall authorize the appointment of a Delegate from said Territory, it shall be the province of said council to elect one from among the nations represented in said council.

Superintendent of Indian affairs to be executive.

Title and duties.

10. And it is further agreed that the superintendent of Indian affairs shall be the executive of the said Territory, with the title of "governor of the Territory of Oklahoma," and that there shall be a secretary of the said Territory, to be appointed by the said superintendent; that the duty of the said governor, in addition to those already imposed on the superintendent of Indian affairs, shall be such as properly belong to an executive officer charged with the execution of the laws which the said council is authorized to enact under the provisions of this treaty; and that for this purpose he shall have authority to appoint a marshal of said Territory and an interpreter; the said marshal to appoint such deputies, to be paid by fees, as may be required to aid him in the execution of his proper functions, and be the marshal of the principal court of said Territory that may be established under the provisions of this treaty.

Marshal.

Salary of marshal and secretary.

11. And the said marshal and the said secretary shall each be entitled to a salary of five hundred dollars per annum, to be paid by the United States, and such fees in addition thereto as shall be established by said governor, with the approbation of the Secretary of the Interior, it being understood that the said fee-lists may at any time be corrected and altered by the Secretary of the Interior, as the experience of the system proposed herein to be established shall show to be necessary.

and shall in no case exceed the fees paid to marshals of the United States for similar services.

Salary of interpreter.

The salary of the interpreter shall be five hundred dollars, to be paid in like manner by the United States.

Appointments of marshals and deputies.

12. And the United States agree that in the appointment of marshals and deputies, preference, qualifications being equal, shall be given to competent members of the said nations, the object being to create a laudable ambition to acquire the experience necessary for political offices of importance in the respective nations.

Provisions for the upper house of the council.

13. And whereas it is desired by the said Choctaw and Chickasaw Nations that the said council should consist of an upper and lower house, it is hereby agreed that whenever a majority of the tribes or nations represented in said council shall desire the same, or the Congress of the United States shall so prescribe, there shall be, in addition to the council now provided for, and which shall then constitute the lower house, an upper house, consisting of one member from each tribe entitled to representation in the council now provided for—the relations of the two houses to each other being such as prevail in the States of the United States: each house being authorized to choose its presiding officer and clerk to perform the duties appropriate to such offices; and it being the duty, in addition, of the clerks of each house to make out and transmit to the territorial secretary fair copies of the proceedings of the respective houses immediately after their respective sessions, which copies shall be dealt with by said secretary as is now provided in the case of copies of the proceedings of the council mentioned in this act, and the said clerks shall each be entitled to the same per diem as members of the respective houses, and the presiding officers to double that sum.

Certain sums to remain so invested.

ARTICLE 9. Such sums of money as have, by virtue of treaties existing in the year eighteen hundred and sixty-one, been invested for the purposes of education, shall remain so invested, and the interest thereof shall be applied for the same purposes, in such manner as shall be designated by the legislative authorities of the Choctaw and Chickasaw Nations, respectively.

Treaty obligations, etc., to continue, and payment of annuities to be renewed.

ARTICLE 10. The United States re-affirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and others moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the thirtieth of June, in the year eighteen hundred and sixty-six.

Survey and division of lands in severalty.

ARTICLE 11. Whereas the land occupied by the Choctaw and Chickasaw Nations, and described in the treaty between the United States and said nations, of June twenty-second, eighteen hundred and fifty-five, is now held by the members of said nations in common, under the provisions of the said treaty; and whereas it is believed that the holding of said land in severalty will promote the general civilization of said nations, and tend to advance their permanent welfare and the best interests of their individual members, it is hereby agreed that, should the Choctaw and the Chickasaw people, through their respective legislative councils, agree to the survey and dividing their land on the system of the United States, the land aforesaid east of the ninety-eighth degree of west longitude shall be, in view of the arrangements hereinafter mentioned, surveyed and laid off in ranges, townships, sections, and parts of sections; and that for the purpose of facilitating such surveys and for the settlement and distribution of said land as hereinafter provided, there shall be established at Boggy Depot, in the Choctaw Territory, a land-office; and that, in making the said surveys and conducting the business of the said office, including the appointment of all

Land office established at Boggy Depot.

necessary agents and surveyors, the same system shall be pursued which has heretofore governed in respect to the public lands of the United States, it being understood that the said surveys shall be made at the cost of the United States and by their agents and surveyors, as in the case of their own public lands, and that the officers and employés shall receive the same compensation as is paid to officers and employés in the land-offices of the United States in Kansas.

Maps of survey to exhibit actual occupancies, etc.

ARTICLE 12. The maps of said surveys shall exhibit, as far as practicable, the outlines of the actual occupancy of members of the said nations, respectively; and when they are completed, shall be returned to the said land-office at Boggy Depot for inspection by all parties interested, when notice for ninety days shall be given of such return, in such manner as the legislative authorities of the said nations, respectively, shall prescribe, or, in the event of said authorities failing to give such notice in a reasonable time, in such manner as the register of said land-office shall prescribe, calling upon all parties interested to examine said maps to the end that errors, if any, in the location of said occupancies, may be corrected.

Notice to parties interested to examine the maps.

ARTICLE 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations, may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That, before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land-office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona-fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation, and occupy and commence an improvement on the land selected within the time aforesaid, the said selection shall be cancelled, and the land shall thereafter be discharged from all claim on account thereof.

Lands may be selected for seats of justice, for schools, seminaries, and colleges.

ARTICLE 14. At the expiration of the ninety days aforesaid the legislative authorities of the said nations, respectively, shall have the right to select one quarter-section of land in each of the counties of said nations respectively, in trust for the establishment of seats of justice therein, and also as many quarter-sections as the said legislative councils may deem proper for the permanent endowment of schools, seminaries, and colleges in said nation, provided such selection shall not embrace or interfere with any improvement in the actual occupation of any member of the particular nation without his consent; and provided the proceeds of sale of the quarter-sections selected for seats of justice shall be appropriated for the erection or improvement of public buildings in the county in which it is located.

Each Indian to have a right to one quarter section of land.

ARTICLE 15. At the expiration of the ninety days' notice aforesaid, the selection which is to change the tenure of the land in the Choctaw and Chickasaw Nations from a holding in common to a holding in severalty shall take place, when every Choctaw and Chickasaw shall have the right to one quarter-section of land, whether male or female, adult or minor, and if in actual possession or occupancy of land improved or cultivated by him or her, shall have a prior right to the quarter-section in which his or her improvement lies; and every infant shall have selected for him or her a quarter-section of land in such location as the father of such infant, if there be a father living, and if no father living, then the mother or guardian, and should there be neither father, mother, nor guardian, then as the probate judge of the county, acting for the best interest of such infant, shall select.

Actual occupant.

Infants.

Actual occupant, prior to surveys, may abandon his improvements and select other land.

ARTICLE 16. Should an actual occupant of land desire, at any time prior to the commencement of the surveys aforesaid, to abandon his improvement, and select and improve other land, so as to obtain the prior right of selection thereof, he or she shall be at liberty to do so; in which event the improvement so abandoned shall be open to selection by other parties: *Provided*, That nothing herein contained shall authorize the multiplication of improvements so as to increase the quantity of land beyond what a party would be entitled to at the date of this treaty.

Proviso.

Occupation by missionaries or missionary establishments not to be interfered with.

ARTICLE 17. No selection to be made under this treaty shall be permitted to deprive or interfere with the continued occupation, by the missionaries established in the respective nations, of their several missionary establishments; it being the wish of the parties hereto to promote and foster an influence so largely conducive to civilization and refinement. Should any missionary who has been engaged in mission-

Rights of certain missionaries.

ary labor for five consecutive years before the date of this treaty in the said nations, or either of them, or three consecutive years prior to the late rebellion, and who, if absent from the said nations, may desire to return, wish to select a quarter-section of land with a view to a permanent home for himself and family, he shall have the privilege of doing so, provided no selection shall include any public buildings, schools or seminary; and a quantity of land not exceeding six hundred and forty acres, to be selected according to legal subdivisions in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Choctaw and Chickasaw country for missionary or educational purposes; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent of the legislatures of said nations respectively and approval of the Secretary of the Interior; and whenever such lands or buildings shall be sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Choctaws and Chickasaws, and such other persons as may hereafter become members of their nations, according to their laws, customs, and usages.

Rights of parents in selecting lands for children.

ARTICLE 18. In making a selection for children the parent shall have a prior right to select land adjacent to his own improvements or selection, provided such selection shall be made within thirty days from the time at which selections under this treaty commence.

Mode of selecting lands.

ARTICLE 19. The manner of selecting as aforesaid shall be by an entry with the register of the land-office, and all selections shall be made to conform to the legal subdivisions of the said lands as shown by the surveys aforesaid on the maps aforesaid; it being understood that nothing herein contained is to be construed to confine a party selecting to one section, but he may take contiguous parts of sections by legal subdivisions in different sections, not exceeding together a quarter-section.

Proof of improvements to be made prior to entries.

ARTICLE 20. Prior to any entries being made under the foregoing provisions, proof of improvements, or actual cultivation, as well as the number of persons for whom a parent or guardian, or probate judge of the county proposes to select, and of their right to select, and of his or her authority to select, for them, shall be made to the register and receiver of the land-office, under regulations to be prescribed by the Secretary of the Interior.

Sections 16 and 36 to be reserved for schools.

Proviso.

ARTICLE 21. In every township the sections of land numbered sixteen and thirty-six shall be reserved for the support of schools in said township: *Provided*, That if the same has been already occupied by a party or parties having the right to select it, or it shall be so sterile as

to be unavailable, the legislative authorities of the particular nations shall have the right to select such other unoccupied sections as they may think proper.

Military posts and Indian agencies.

ARTICLE 22. The right of selection hereby given shall not authorize the selection of any land required by the United States as a military post, or Indian agency, not exceeding one mile square, which, when abandoned, shall revert to the nation in which the land lies.

Register to prepare books for selections; open to inspection of parties.

ARTICLE 23. The register of the land-office shall inscribe in a suitable book or books, in alphabetical order, the name of every individual for whom a selection shall be made, his or her age, and a description of the land selected.

Town lots.

ARTICLE 24. Whereas it may be difficult to give to each occupant of an improvement a quarter-section of land, or even a smaller subdivision, which shall include such improvement, in consequence of such improvements lying in towns, villages, or hamlets, the legislative authorities of the respective nations shall have power, where, in their discretion, they think it expedient, to lay off into town lots any section or part of a section so occupied, to which lots the actual occupants, being citizens of the respective nations, shall have pre-emptive right, and, upon paying into the treasury of the particular nation the price of the land, as fixed by the respective legislatures, exclusive of the value of said improvement, shall receive a conveyance thereof. Such occupant shall not be prejudiced thereby in his right to his selection elsewhere. The town lots which may be unoccupied shall be disposed of for the benefit of the particular nation, as the legislative authorities may direct from time to time. When the number of occupants of the same quarter-section shall not be such as to authorize the legislative authorities to lay out the same, or any part thereof, into town lots, they may make such regulations for the disposition thereof as they may deem proper, either by subdivision of the same, so as to accommodate the actual occupants, or by giving the right of prior choice to the first occupant in point of time, upon paying the others for their improvements, to be valued in such way as the legislative authorities shall prescribe, or otherwise. All occupants retaining their lots under this section, and desiring, in addition, to make a selection, must pay for the lots so retained, as in the case of town lots. And any Choctaw or Chickasaw who may desire to select a sectional division other than that on which his homestead is, without abandoning the latter, shall have the right to purchase the homestead sectional division at such price as the respective legislatures may prescribe.

When patents to issue for selected lands.

ARTICLE 25. During ninety days from the expiration of the ninety days' notice aforesaid, the Choctaws and Chickasaws shall have the exclusive right to make selections, as aforesaid, and at the end of that time the several parties shall be entitled to patents for their respective selections, to be issued by the President of the United States, and countersigned by the chief executive officer of the nation in which the land lies, and recorded in the records of the executive office of the particular nation; and copies of the said patents, under seal, shall be evidence in any court of law or equity.

Citizens by adoptions or intermarriage to have same rights.

ARTICLE 26. The right here given to the Choctaws and Chickasaws, respectively, shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations, or who may hereafter become such.

Disputes as to selections of lands, how to be settled.

ARTICLE 27. In the event of disputes arising in regard to the rights of parties to select particular quarter-sections or other divisions of said land, or in regard to the adjustment of boundaries, so as to make them conform to legal divisions and subdivisions such disputes shall be settled by the register of the land-office and the chief executive officer of the nation in which the land lies, in a summary way, after hearing the

parties; and if said register and chief officer cannot agree, the two to call in a third party, who shall constitute a third referee, the decision of any two of whom shall be final, without appeal.

Contiguous selections

ARTICLE 28. Nothing contained in any law of either of the said nations shall prevent parties entitled to make selections contiguous to each other; and the Choctaw and Chickasaw Nations hereby agree to repeal all laws inconsistent with this provision.

Selections not to be encumbered, etc.

ARTICLE 29. Selections made under this treaty shall, to the extent of one quarter section, including the homestead or dwelling, be inalienable for the period of twenty-one years from the date of such selection, and upon the death of the party in possession shall descend according to the laws of the nation where the land lies; and in the event of his or her death without heirs, the said quarter-section shall escheat to and become the property of the nation.

Civilized Indians from Kansas Indians will be received into districts, east of 98°, who shall have same rights, etc.

ARTICLE 30. The Choctaw and Chickasaw Nations will receive into their respective districts east of the ninety-eighth degree of west longitude, in the proportion of one-fourth in the Chickasaw and three-fourths in the Choctaw Nation, civilized Indians from the tribes known by the general name of the Kansas Indians, being Indians to the north of the Indian Territory, not exceeding ten thousand in number, who shall have in the Choctaw and Chickasaw Nations, respectively, the same rights as the Choctaws and Chickasaws, of whom they shall be the fellow-citizens, governed by the same laws, and enjoying the same privileges, with the exception of the right to participate in the Choctaw and Chickasaw annuities and other moneys, and in the public domain, should the same, or the proceeds thereof, be divided per capita among the Choctaws and Chickasaws, and among others the right to select land as herein provided for Choctaws and Chickasaws, after the expiration of the ninety days during which the selections of land are to be made, as aforesaid, by said Choctaws and Chickasaws; and the Choctaw and Chickasaw Nations pledge themselves to treat the said Kansas Indians in all respects with kindness and forbearance, aiding them in good faith to establish themselves in their new homes, and to respect all their customs and usages not inconsistent with the constitution and laws of the Choctaw and Chickasaw Nations respectively. In making selections after the advent of the Indians and the actual occupancy of land in said nation, such occupancy shall have the same effect in their behalf as the occupancies of Choctaws and Chickasaws; and after the said Choctaws and Chickasaws have made their selections as aforesaid, the said persons of African descent mentioned in the third article of the treaty, shall make their selections as therein provided, in the event of the making of the laws, rules, and regulations aforesaid, after the expiration of ninety days from the date at which the Kansas Indians are to make their selections as therein provided, and the actual occupancy of such persons of African descent shall have the same effect in their behalf as the occupancies of the Choctaws and Chickasaws.

Such Kansas Indians may come at once

ARTICLE 31. And whereas some time must necessarily elapse before the surveys, maps, and selections herein provided for can be completed so as to permit the said Kansas Indians to make their selections in their order, during which time the United States may desire to remove the said Indians from their present abiding places, it is hereby agreed that the said Indians may at once come into the Choctaw and Chickasaw Nations, settling themselves temporarily as citizens of the said nations, respectively, upon such land as suits them and is not already occupied.

Documents in land offices to be given to the Choctaw and Chickasaw at two years

ARTICLE 32. At the expiration of two years, or sooner, if the President of the United States shall so direct, from the completion of the surveys and maps aforesaid, the officers of the land-offices aforesaid

shall deliver to the executive departments of the Choctaw and Chickasaw Nations, respectively, all such documents as may be necessary to elucidate the land-title as settled according to this treaty, and forward copies thereof, with the field notes, records, and other papers pertaining to said titles, to the Commissioner of the General Land Office; and thereafter grants of land and patents therefor shall be issued in such manner as the legislative authorities of said nations may provide for all the unselected portions of the Choctaw and Chickasaw districts as defined by the treaty of June twenty-second, eighteen hundred and fifty-five.

Proceedings after selections.

Selected lands to be held in severalty and unselected lands in common.

ARTICLE 33. All lands selected as herein provided shall thereafter be held in severalty by the respective parties, and the unselected land shall be the common property of the Choctaw and Chickasaw Nations, in their corporate capacities, subject to the joint control of their legislative authorities.

Persons prevented from selecting in ninety days may select afterwards.

ARTICLE 34. Should any Choctaw or Chickasaw be prevented from selecting for him or herself during the [illegible] ninety days aforesaid, the failure to do so shall not authorize another to select the quarter-section containing his improvement, but he may at any time make his selection thereof, subject to having his boundaries made to conform to legal divisions as aforesaid.

Same to certificate-holders of other nations.

ARTICLE 35. Should the selections aforesaid not be made before the transfer of the land records to the executive authorities of said nations, respectively, they shall be made according to such regulations as the legislative authorities of the two nations, respectively, may prescribe, to the end that full justice and equity may be done to the citizens of the respective territories.

Selected lands abandoned for seven years, except, etc., may be rented, etc.

ARTICLE 36. Should any land that has been selected under the provisions of this treaty be abandoned and left uncultivated for the space of seven years by the party selecting the same, or his heirs, except in the case of infants under the age of twenty-one years, or married women, or persons non compos mentis, the legislative authorities of the nation where such land lies may either rent the same for the benefit of those interested, or dispose of the same otherwise for their benefit, and may pass all laws necessary to give effect to this provision.

Payment by the United States for lands selected by the Indians.

ARTICLE 37. In consideration of the right of selection hereinbefore accorded to certain Indians other than the Choctaws and Chickasaws, the United States agree to pay to the Choctaw and Chickasaw Nations, out of the funds of Indians removing into said nations respectively, under the provisions of this treaty, such sum as may be fixed by the legislatures of said nations, not exceeding one dollar per acre, to be divided between the said nations in the proportion of one-fourth to the Chickasaw Nation and three-fourths to the Choctaw Nation, with the understanding that at the expiration of twelve months the actual number of said immigrating Indians shall be ascertained, and the amount paid that may be actually due at the rate aforesaid: and should still further immigrations take place from among said Kansas Indians, still further payments shall be made accordingly from time to time.

White persons marrying Indians and residing in the nation, or adopted, to be members of the nation and subject to its laws.

ARTICLE 38. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw.

Licenses to trade.

ARTICLE 39. No person shall expose goods or other articles for sale as a trader without a permit of the legislative authorities of the nation he may propose to trade in; but no license shall be required to authorize any member of the Choctaw or Chickasaw Nations to trade in the

Choctaw or Chickasaw country who is authorized by the proper authority of the nation, nor to authorize Choctaws or Chickasaws to sell flour, meal, meat, fruit, and other provisions, stock, wagons, agricultural implements, or tools brought from the United States into the said country.

Treaty restrictions upon sale of personal property removed.

ARTICLE 40. All restrictions contained in any treaty heretofore made, or in any regulation of the United States upon the sale or other disposition of personal chattel property by Choctaws or Chickasaws are hereby removed.

Witnesses.

ARTICLE 41. All persons who are members of the Choctaw or Chickasaw Nations, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses in all civil and criminal suits and proceedings in any courts of the United States, any law to the contrary notwithstanding.

Surrender of fugitives from justice.

ARTICLE 42. The Choctaw and Chickasaw Nations shall deliver up persons accused of crimes against the United States who may be found within their respective limits on the requisition of the governor of any state for a crime committed against the laws of said State, and upon the requisition of the judge of the district court of the United States for the district within which the crime was committed.

No white persons, except officials, to be permitted to go into said territory, unless, etc.

ARTICLE 43. The United States promise and agree that no white person, except officers, agents, and employés of the Government, and of any internal improvement company, or persons travelling through, or temporarily sojourning in, the said nations, or either of them, shall be permitted to go into said Territory, unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of the said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted, or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of the said nations.

Post-offices and mails.

ARTICLE 44. Post-offices shall be established and maintained by the United States at convenient places in the Choctaw and Chickasaw Nations, to and from which the mails shall be carried at reasonable intervals, at the rates of postage prevailing in the United States.

Former rights and immunities of the Indians to remain in force.

ARTICLE 45. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty.

Money due the Indians under this treaty, how to be paid.

ARTICLE 46. Of the moneys stipulated to be paid to the Choctaws and Chickasaws under this treaty for the cession of the leased district, and the admission of the Kansas Indians among them, the sum of one hundred and fifty thousand dollars shall be advanced and paid to the Choctaws, and fifty thousand dollars to the Chickasaws, through their respective treasurers, as soon as practicable after the ratification of this treaty, to be repaid out of said moneys or any other moneys of said nations in the hands of the United States; the residue, not affected by any provisions of this treaty, to remain in the Treasury of the United States at an annual interest of five per cent., no part of which shall be paid out as annuity, but shall be annually paid to the treasurer of said nations, respectively, to be regularly and judiciously applied, under the direction of their respective legislative councils, to the support of their government, the purposes of education, and such other objects as may be best calculated to promote and advance the welfare and happiness of said nations and their people respectively.

After survey and assignment of the lands severally, annuities and funds to be capitalized, etc.

ARTICLE 47. As soon as practicable after the lands shall have been surveyed and assigned to the Choctaws and Chickasaws in severalty as herein provided, upon application of their respective legislative councils, and with the assent of the President of the United States, all the annuities and funds invested and held in trust by the United States for the benefit of said nations respectively shall be capitalized or converted into money, as the case may be; and the aggregate amounts thereof belonging to each nation shall be equally divided and paid per capita to the individuals thereof respectively, to aid and assist them in improving their homesteads and increasing or acquiring flocks and herds, and thus encourage them to make proper efforts to maintain successfully the new relations which the holding of their lands in severalty will involve: *Provided, nevertheless*, That there shall be retained by the United States such sum as the President shall deem sufficient of the said moneys to be invested, that the interest thereon may be sufficient to defray the expenses of the government of said nations respectively, together with a judicious system of education, until these objects can be provided for by a proper system of taxation; and whenever this shall be done to the satisfaction of the President of the United States, the moneys so retained shall be divided in the manner and for the purpose above mentioned.

To be divided per capita.

Certain sums may be retained.

Payment of $25,000 to Choctaws and $25,000 to Chickasaws for incidental expenses.

ARTICLE 48. Immediately after the ratification of this treaty there shall be paid, out of the funds of the Choctaws and Chickasaws in the hands of the United States, twenty-five thousand dollars to the Choctaw and twenty-five thousand dollars to the Chickasaw commissioners, to enable them to discharge obligations incurred by them for various incidental and other expenses to which they have been subjected, and for which they are now indebted.

Commission to settle claims of loyal Indians driven from their homes.

ARTICLE 49. And it is further agreed that a commission, to consist of a person or persons to be appointed by the President of the United States, not exceeding three, shall be appointed immediately on the ratification of this treaty, who shall take into consideration and determine the claim of such Choctaws and Chickasaws as allege that they have been driven during the late rebellion from their homes in the Choctaw [and Chickasaw] Nations on account of their adhesion to the United States, for damages, with power to make such award as may be consistent with equity and good conscience, taking into view all circumstances, whose report, when ratified by the Secretary of the Interior, shall be final, and authorize the payment of the amount from any moneys of said nations in the hands of the United States as the said commission may award.

Commission to determine the claims of loyal citizens of the United States for damages.

ARTICLE 50. Whereas Joseph G. Heald and Reuben Wright, of Massachusetts, were licensed traders in the Choctaw country at the commencement of the rebellion, and claim to have sustained large losses on account of said rebellion, by the use of their property by said nation, and that large sums of money are due them for goods and property taken, or sold to the members of said nation, and money advanced to said nation; and whereas other loyal citizens of the United States may have just claims of the same character: It is hereby agreed and stipulated that the commission provided for in the preceding article shall investigate said claims, and fully examine the same; and such sum or sums of money as shall by the report of said commission, approved by the Secretary of the Interior, be found due to such persons, not exceeding ninety thousand dollars, shall be paid by the United States to the persons entitled thereto, out of any money belonging to said nation in the possession of the United States: *Provided*, That no claim for goods or property of any kind shall be allowed or paid, in whole or part, which shall have been used by said nation or any member thereof in aid of the rebellion, with the consent of said claimants: *Provided also*, That if the aggregate of said claims thus

Provisos.

allowed and approved shall exceed said sum of ninety thousand dollars, then that sum shall be applied pro rata in payment of the claims so allowed.

Inconsistent treaty provisions declared null.

ARTICLE 51. It is further agreed that all treaties and parts of treaties inconsistent herewith be, and the same are hereby, declared null and void.

In testimony whereof, the said Dennis N. Cooley, Elijah Sells, and E. S. Parker, commissioners in behalf of the United States, and the said commissioners on behalf of the Choctaw and Chickasaw nations, have hereunto set their hands and seals the day and year first above written.

D. N. Cooley, Commissioner of Indian Affairs. [SEAL.]
Elijah Sells, superintendent of Indian affairs, [SEAL.]
E. S. Parker, special commissioner, [SEAL.]
Commissioners for United States.

Alfred Wade, [SEAL.]
Allen Wright, [SEAL.]
James Riley, [SEAL.]
John Page, [SEAL.]
Choctaw commissioners.

Winchester Colbert, [SEAL.]
Edmund (his x mark) Pickens, [SEAL.]
Holmes Colbert, [SEAL.]
Colbert Carter, [SEAL.]
Robert H. Love, [SEAL.]
Chickasaw commissioners.

Campbell Leflore.
Secretary of Choctaw delegation.

E. S. Mitchell.
Secretary of Chickasaw delegation.

In presence of
Jno. H. B. Latrobe,
P. P. Pitchlynn.
Principal chief Choctaws.
Douglas H. Cooper.
J. Harlan.
Charles E. Mix.

TREATY WITH THE CREEKS, 1866.

June 14, 1866.
14 Stat., 785.
Ratified July 19, 1866.
Proclaimed Aug. 16, 1866.

Treaty of cession and indemnity concluded at the city of Washington on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, represented by Dennis N. Cooley, Commissioner of Indian Affairs, Elijah Sells, superintendent of Indian affairs for the southern superintendency, and Col. Ely S. Parker, special commissioner, and the Creek Nation of Indians, represented by tuk-tars-sars-harjo, or Sands; Coo-tus-wee-yo and Che-cho-chee, delegates at large, and D. N. McIntosh and James Smith, special delegates of the Southern Creeks.

PREAMBLE.

Ante, p. 911, and note.

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and whereas the Creeks made a treaty with the so-called Confederate States, on the tenth of July, one thousand eight hundred and sixty-one, whereby they ignored their allegiance to the United States, and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the

APPENDIX IV

INDIAN LAND ALLOTMENTS

Remedy by existing law not superseded.

SEC. 2. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any owner of letters patent for a design, aggrieved by the infringement of the same, might have had if this act had not been passed; but such owner shall not twice recover the profit made from the infringement.

Approved, February 4, 1887.

Feb. 8, 1887.

CHAP. 119.—An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one quarter of a section;

To each single person over eighteen years of age, one eighth of a section;

To each orphan child under eighteen years of age, one eighth of a section; and

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *And provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: *And provided further*, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

To selection of allotments.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

Allotments to be made by special agents and Indian agents.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

Certificates.

Indians not on reservations, etc., may make selection on public lands.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land-office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Fees to be paid from the Treasury.

Patent to issue.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act: *And provided further*, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be

To be held in trust.

Conveyance in fee after 25 years.

Proviso.

Period may be extended.

Laws of descent and partition.

Negotiations for purchase of lands not allotted.

Lands not sought to be held for actual settlers, disposable.

prescribed by Congress: *Provided however*, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same or his heirs or his widow, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

Patent to issue only to person taking as homestead.

Purchase money to be held in trust for Indians.

And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottees entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or affect any claim of such society for religious or educational purposes heretofore granted by law.

Religious societies may hold lands for certain purposes.

And hereafter in the employment of Indian police, or any other employés in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

Indians who become citizens preferred for police, etc.

Citizenship to be conferred on allottees and Indians adopting civilized life.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has or has not, by birth or otherwise, been a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Secretary of the Interior may prescribe rules and regulations for use of water for irrigation.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Lands excepted.

SEC. 8. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by executive order.

Appropriation for surveys.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

Rights of way not affected.

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation.

Southern Utes may be removed to new reservation.

SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe.

Approved, February 8, 1887.

Feb. 9, 1887.

CHAP. 120.—An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

Certain lands granted to New Orleans, Baton Rouge and Vicksburg R. R. Co. forfeited. Vol. 16, p. 579.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one, are hereby declared to be forfeited to the United States of America in all that part of said grant which is situate on the east side of the Mississippi River, and also in all that part of said grant on the west of the Mississippi River which is opposite to and coterminous with the part of the New Orleans Pacific Railroad Company which was completed on the fifth day of January, eighteen hundred and eighty-one; and said lands are restored to the public domain of the United States.

Certain lands confirmed to New Orleans Pacific R. Co., assignee of New Orleans, Baton Rouge and Vicksburg R. R. Co.

SEC. 2. That the title of the United States and of the original grantee to the lands granted by said act of Congress of March third, eighteen hundred and seventy-one, to said grantee, the New Orleans, Baton Rouge and Vicksburg Railroad Company, not herein declared forfeited, is relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, said lands to be located in accordance with the map filed by said New Orleans Pacific Railway Company in the Department of the Interior October twenty-seventh, eighteen hundred and eighty-one and November seventeenth, eighteen hundred and eighty-two, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession or in possession of their heirs or assigns shall be held and deemed excepted from said grant and shall be subject to entry under the public land laws of the United States.

Proviso. Lands of actual settlers at the time excepted.

When grant to take effect.

SEC. 3. That the relinquishment of the lands and the confirmation of the grant provided for in the second sections of this act are made and shall take effect whenever the Secretary of the Interior is notified that

overflows of adjoining farm lands, and make possible the continued and uninterrupted use of said railroad and said railroad bridges: Therefore,

Missouri, Kansas and Texas Railway Company authorized to construct a channel for Red River, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said Missouri, Kansas and Texas Railway Company be, and it is hereby, authorized, at its own proper cost and expense, to construct a channel of sufficient depth and below said railroad bridge, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river, connecting at said bridge and extending through across sections twenty-eight and twenty-nine of township nine north, of range fifteen east, to the South Canadian River, at or near the northwest corner of said section twenty-nine, and for that purpose the said railway company is authorized to enter upon lands adjacent to said railroad.

Compensation to Indian occupants.

SEC. 2. That before said channel shall be excavated and constructed through any lands held by individual occupants according to the laws, customs, and usages of the Creek and Choctaw nations, full compensation shall be made to such occupants for all property to be taken or damaged by reason of the construction of said channel. In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, setting its failure to make such amicable settlement, and thereupon said court shall appoint a commission of three disinterested persons, having the qualifications of jurors in said court, to view the premises and appraise the damages to be sustained by such occupant, who, before entering upon their duties, shall take and subscribe before said courts or the clerk thereof an oath that they will faithfully and impartially discharge the duties imposed by their appointment, which oath, duly certified, shall be returned with their award. The award of a majority of said commissioners shall be the award of the commission, and such award shall be filed within ten days after the appointment of said commission. Either party being dissatisfied with the award may file exceptions in said court thereto within ten days from the filing of the same, and a trial of the issues raised by such exceptions shall be had in said court as in other cases. If neither party files exceptions the railway company shall pay into court, before entering upon the land condemned, the amount of said award, together with all costs, assessed as in ordinary cases in said court: *Provided*, That said commissioners shall be allowed and paid four dollars per day, with mileage at five cents per mile. If either party files exceptions, then the railway company shall pay into court double the amount of the award to abide the judgment thereon, and may at once proceed with the construction of said channel.

Compensation of commissioners.

Fees, mileage, etc.

Exceptions to award.

Proviso.

Boundary line between Creek and Choctaw nations not changed.

SEC. 3. That the boundary line between the Creek and Choctaw nations shall be and remain unchanged by reason of the work herein before authorized to be done by said railway company.

Railroad to pay for property damaged.

SEC. 4. That the Missouri, Kansas and Texas Railway Company by such condemnation proceedings and the construction of said channel, and the diversion of the river through same, shall have no other or further rights in and to said river than it now has.

Approved, June 27, 1898.

June 27, 1898.

CHAP. 503.—An Act To amend section one hundred and two of the Act of March third, eighteen hundred and eighty-seven, Twenty-fourth Statutes at Large, chapter three hundred and fifty-nine.

Court of Private Land Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act of March third, eighteen hundred and eighty-seven, chapter three hundred and fifty-nine, second session of the forty-ninth Congress, be amended by adding thereto the following proviso, to wit: *Provided further*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this Act unless an account for said fees shall have been rendered and finally acted upon according to the provisions of the Act of July thirty-first, eighteen hundred and ninety-four (chapter one hundred and seventy-four, twenty-eighth Statutes at Large, page one hundred and sixty-two), unless the proper accounting officer of the Treasury fails to finally act thereon within six months after the account is received in said office.

Time for presentation of accounts.

Ante, p. 410.

Vol. 28, p. 206.

Concurrent jurisdiction of United States Courts not to extend to.

Post, pp. 612, 670.

SEC. 2. That section two of the Act aforesaid, approved March third, eighteen hundred and eighty-seven, be, and the same is hereby, amended by adding thereto at the end thereof the following: "The jurisdiction hereby conferred upon the said circuit and district courts shall not extend to cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof."

Approved, June 27, 1898.

June 27, 1898.

CHAP. 504.—An Act To amend an Act entitled "An Act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and the Act amendatory thereto, approved February twenty-first, eighteen hundred and ninety-three.

Court of Private Land Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eighteen of an Act entitled "An Act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, as amended by the Act approved February twenty-first, eighteen hundred and ninety-three, be, and the same is hereby, further amended by striking out the words "within two years after the first day of December, eighteen hundred and ninety-two," as they stand in said Act as amended, and inserting in lieu thereof the words "before the fourth day of March, nineteen hundred and one," so that the first clause of said section shall read as follows, namely: "That all claims arising under either of the next two preceding sections of this Act shall be filed with the surveyor-general of the proper State or Territory before the fourth day of March, nineteen hundred and one, and no claim not so filed shall be valid."

Time extended to file claims.

Vol. 26, p. 872.

Vol. 27, p. 470, amended.

Approved, June 27, 1898.

June 28, 1898.

CHAP. 517.—An Act For the protection of the people of the Indian Territory, and for other purposes.

Post, pp. 770, 1093, 1232.

Indian Territory. Protection of the people etc.

"Officer," defined.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all criminal prosecutions in the Indian Territory against officials for embezzlement, bribery, and embracery the word "officer," when the same appears in the criminal laws heretofore extended over and put in force in said Territory, shall include all officers of the several tribes or nations of Indians in said Territory.

Suits affecting tribal property; tribe to be made party.

SEC. 2. That when in the progress of any civil suit, either in law or equity, pending in the United States court in any district in said Territory, it shall appear to the court that the property of any tribe is in any way affected by the issues being heard, said court is hereby authorized and required to make said tribe a party to said suit by service

upon the chief executive officer of the tribe, and the suit shall thereafter be conducted and determined as if said tribe had been an original party to said action.

[illegible] SEC. 5. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and it is hereby provided that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five Tribes, or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: *Provided always*, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to lands not exceeding in amount one hundred and sixty acres, in defense of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and as to him possession by such time unless the premises be prior thereto claimed within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue.

[illegible] SEC. 6. That all persons who have heretofore made improvements on lands belonging to any one of the said tribes of Indians, claiming rights of citizenship, whose claims have been decided adversely under the Act of Congress approved June tenth, eighteen hundred and ninety-six, shall have possession thereof until and including December thirty-first, eighteen hundred and ninety-eight, and may, prior to that time, sell or dispose of the same to any member of the tribe owning the land who desires to take the same in his allotment: *Provided*, That this section shall not apply to improvements which have been purchased and paid for or payment tendered by the Cherokee Nation under the agreement with the United States approved by Congress March third, eighteen hundred and ninety-three.

[illegible] SEC. 7. That no further action by any tribe or person shall be necessary under section three of this Act; but it shall be the duty of the party bringing the cause to notify the adverse party to cause the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or, if he can not be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of twelve years, or, if his residence or business address can not be ascertained, by leaving the same with any person over the age of twelve years upon the premises sought to be recovered and described in said notice; and if there be no person with whom said notice can be left, then by posting same on the premises.

Chief of tribe, etc., to file complaint, etc.

SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as *practicable*, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit.

Proviso. Refusal or failure.

Bonds on continuance of case.

SEC. 7. That the court in granting a continuance of any case, particularly under section three, may, in its discretion, require the party applying therefor to give an undertaking to the adverse party, with good and sufficient securities, to be approved by the judge of the court, conditioned for the payment of all damages and costs and defraying the rent which may accrue if judgment be rendered against him.

Judgment for restitution.

SEC. 8. That when a judgment for restitution shall be entered by the court the clerk shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon, which shall command the proper officer of the court to cause the defendant or defendants to forthwith remove and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ. Said writ shall be executed within thirty days.

Issuance of writ.

Costs, etc.

Extension of police powers, etc., of Fort Smith to certain land, Indian Territory.

SEC. 9. That the jurisdiction of the court and municipal authority of the city of Fort Smith for police purposes in the State of Arkansas is hereby extended over all that strip of land in the Indian Territory lying and being situate between the corporate limits of the said city of Fort Smith and the Arkansas and Poteau rivers, and extending up the said Poteau River to the mouth of Mill Creek; and all the laws and ordinances for the preservation of the peace and health of said city, as far as the same are applicable, are hereby put in force therein: *Provided*, That no charge or tax shall ever be made or levied by said city against said land or the tribe or nation to whom it belongs.

Proviso. No tax on tribe to be levied.

Time within which actions for restitution of real property must be commenced.

SEC. 10. That all actions for restitution of possession of real property under this Act must be commenced by the service of a summons within two years after the passage of this Act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this Act must be commenced within two years after the cause of action accrued. And nothing in this Act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the Act of Congress passed May second, eighteen hundred and ninety (Twenty-sixth United States Statutes, page ninety-five).

Actions for forcible entry, etc.

Vol. 26, p. 95.

Allotments.

SEC. 11. That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the "Dawes Commission," shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; but all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such lands shall carry the title to such oil, coal, asphalt, or mineral deposits; and all town sites shall also be reserved to the several tribes, and shall be set apart by the commission hereinbefore mentioned as incapable of allotment. There shall also be reserved from allotment a sufficient amount of lands now occupied by churches, schools, parsonages, charitable institutions, and other public buildings

Reservations from allotment.

for their present actual and necessary use, and no more, not to exceed five acres for each school and one acre for each church and each parsonage, and for such new schools as may be needed, also sufficient land for burial grounds where necessary. When such allotment of the lands of any tribe has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval: *Provided*, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by Act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such Act of Congress: *Provided further*, That whenever it shall appear that any member of a tribe is in possession of lands, his allotment may be made out of the lands in his possession, including his home if the holder so desires: *Provided further*, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for, by any of the courts of the United States in or for the aforesaid Territory, to have been illegally possessed rights of citizenship and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands: *And provided further*, That all persons known as intruders who have been paid for their improvements under existing laws and have not surrendered possession thereof when same may be found under the provisions of this Act to be entitled to citizenship shall, within ninety days thereafter, refund the amount so paid them, with six per centum interest, to the credit of the tribe; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and same be enforced by such tribe; and unless such persons comply with such restitution no allotments shall be made to him: *Provided further*, That the lands allotted shall be non-transferable until after final title is approved and shall be liable for model gateway contracted prior thereto by the allottee, and shall be non-taxable while so held: *Provided further*, That all towns and cities heretofore created or incorporated under the provisions of this Act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same can not be secured otherwise than by condemnation then the same may be acquired as provided in sections nine hundred and seven, and nine hundred and twelve, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

Completion of allotments.

SEC. 12. That when report of allotments of lands of any tribe shall be made to the Secretary of the Interior, as herein before provided, he shall make a record thereof, and when he shall confirm such allotments the allottees shall remain in possession and undisturbed possession of the soil, subject to the provisions of this Act.

Leasing of coal, etc., lands.

SEC. 13. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt, and other mineral lands in said Territory, and all such leases shall be made by the Secretary of the Interior; and any lease or any such mineral otherwise made shall be absolutely void.

Extent of leases.

No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than six hundred and forty acres of land, which shall conform as nearly as possible to the surveys. Lessee shall pay on each oil, coal, asphalt, or other mineral claim at the rate of one hundred dollars per annum in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed amount in advanced payments; and all leases not carrying said annual advanced payments unless otherwise specified in said leases, whether developed or not, shall be forfeited and terminated absolutely by the Secretary of the Interior, if default be made in the payment of such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which the right is

made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land, by the lessee or party operating the same, before operations begin: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a homestead interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: *And provided further*, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

Damages for mining operations on allotments, etc.

Proviso. Leasehold interests hereto acknowledged by Congress undisturbed.

Advance royalties on, etc.

Preference in leases to parties in possession.

Allowance for improvements.

Rate of royalty how fixed.

SEC. 14. That the inhabitants of any city or town in said Territory having two hundred or more residents therein may proceed, by petition to the United States court in the district in which such city or town is located, to have the same incorporated as provided in chapter twenty-nine of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder; and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town, as provided in Mansfield's Digest, and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas. All male inhabitants of such cities and towns over the age of twenty-one years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held under this Act, shall be qualified voters at such election. That mayors of such cities and towns, in addition to their other powers, shall have the same jurisdiction in all civil and criminal cases arising within the corporate limits of such cities and towns as, and coextensive with, United States commissioners in the Indian Territory, and may charge, collect, and retain the same fees as such commissioners now collect and account for to the United States; and the marshal or other executive officer of such city or town may execute all processes issued in the exercise of the jurisdiction hereby conferred, and charge and collect the same fees for similar services as are allowed to constables under the laws now in force in said Territory.

Incorporation of towns.
Ante, pp. 705, 706.

Qualified voters.

Powers of mayors.

Marshal.

All elections shall be conducted under the provisions of chapter fifty-six of said digest, entitled "Elections," so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town

Elections, how conducted.

Equal rights regarded.

governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, including all improvements on town lots, which for the purposes of this Act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Taxation.

Such councils may also establish and maintain free schools in such cities and towns, under the provisions of sections sixty-two hundred and fifty-eight to sixty-two hundred and seventy-six, inclusive, of said digest, and may exercise all the powers conferred upon special school districts in cities and towns in the State of Arkansas by the laws of said State when the same are not in conflict with the provisions of this Act.

Free schools.

For the purposes of this section all the laws of said State of Arkansas herein referred to, so far as applicable, are hereby put in force in said Territory; and the United States court therein shall have jurisdiction to enforce the same, and to punish any violation thereof, and the city or town councils shall pass such ordinances as may be necessary for the purpose of making the laws extended over them applicable to them and for carrying the same into effect: *Provided*, That nothing in this Act, or in the laws of the State of Arkansas, shall authorize or permit the sale, or exposure for sale, of any intoxicating liquor in said Territory, or the introduction thereof into said Territory; and it shall be the duty of the district attorneys in said Territory and the officers of such municipalities to prosecute all violations of the laws of the United States relating to the introduction of intoxicating liquors into said Territory, or to their sale, or exposure for sale, therein: *Provided further*, That owners and holders of leases or improvements in any city or town shall be privileged to transfer the same.

Laws of Arkansas to be in force.

Persons introducing liquor prohibited.

Leases, etc., of lots in towns.

SEC. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

Commissioners to survey and lay out town sites.

Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth, and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their actual value, excluding improvements, and separate appraisements shall be made of all improvements thereon; and no such appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot, said Secretary may fix the value thereof.

Plats to be filed.

Appraisement of lots.

The owner of the improvements upon any town lot, other than dwelling, village, or temporary buildings, may deposit in the United States Treasury, Saint Louis, Missouri, one half of such appraised value; ten

Payment for improvements.

per centum within two months and fifteen per centum more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court.

Failure to purchase, how sold.

All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots.

Unimproved lots, appraisal and sale.

The inhabitants of any town may, within one year after the completion of the survey thereof, make such deposit of ten dollars per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

Parks, cemeteries etc.

The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots; and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: *Provided, however*, That in those town sites designated and laid out under the provisions of this Act where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this Act.

Deeds of conveyance.

Per capita payment of proceeds of sales.

Proviso. Reservation of coal mines, houses, lands, etc.

Sale on cessation of mining.

SEC. 16. That it shall be unlawful for any person, after the passage of this Act, except as hereinafter provided, to claim, demand, or receive, for his own use or for the use of anyone else, any royalty on oil, coal, asphalt, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong: *Provided*, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member

Royalties and rents to be deposited in Treasury to credit of tribe.

Proviso. Citizen may continue use of reasonable share of land.

Sale of timber on allotments.

of a tribe to dispose of any timber contained on his, her, or their allotment.

Persons not to engage in cutting timber, etc.

SEC. 17. That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor.

Penalty.

SEC. 18. That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

Dispossession, etc.

No payment of moneys on account of tribal governments to be made to them, except, etc.

SEC. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

Payments to be made in lawful money of U. S.

Clerks, etc., may be employed to assist Commissioners.

SEC. 20. That the commissioners hereinbefore named shall have authority to employ, with approval of the Secretary of the Interior, all assistance necessary for the prompt and efficient performance of all duties herein imposed, including competent surveyors to make allotments, and to do any other needful work; and the Secretary of the Interior may detail competent clerks to aid them in the performance of their duties.

Commissioners to make rolls of citizenship of the several tribes.

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty-one including freedmen. The only roll recognized to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and children born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of the Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Cherokee roll of 1880 to be confirmed.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Cherokee freedmen.

Said commission as authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto,

Correct rolls of citizens by blood of other tribes to be made.

and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and sixty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

To determine identity of Choctaws claiming rights to Choctaw lands.

Vol. 7, p. 333.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

Enrollment Creek freedmen.

It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw Nation, and all their descendants born to them since the date of the treaty.

Choctaw freedmen.

It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

Chickasaw freedmen.

Vol. 14, p. 799.

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to such tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

Claim of citizenship in two or more tribes, etc.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: *Provided, however*, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Settlement necessary to enrollment.

Proviso.

Mississippi Choctaws.

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work.

Aids to Commission in making rolls, etc.

Census.

Access to tribal rolls.

Enforced appearance for enrollment, etc.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

Force of rolls when approved.

Powers of commission.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath in any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, in any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

Rights of settlers on lands of another tribe.

Settlers may remove improvements.

Compensation for improvements not removed.

Proviso. Payment.

SEC. 22. That where members of one tribe, under intercourse laws, usages, or customs, have made homes within the limits and on the lands of another tribe they may retain and take allotment, embracing same under such agreement as may be made between such tribes respecting such settlers; but if no such agreement be made the improvements so made shall be appraised, and the value thereof, including all damages incurred by such settler incident to removal, shall be paid to him immediately upon removal, out of any funds belonging to the tribe, or such settler, if he so desire, may make private sale of his improvements to any citizen of the tribe owning the lands: *Provided*, That he shall not be paid for improvements made on lands in excess of that to which he, his wife, and minor children are entitled to under this Act.

Term of leases of allotted lands.

SEC. 23. That all leases of agricultural or grazing land belonging to any tribe made after the first day of January, eighteen hundred and ninety-eight, by the tribe or any member thereof shall be absolutely void, and all such granting leases made prior to said date shall terminate on the first day of April, eighteen hundred and ninety-nine, and all such agricultural leases shall terminate on January first, nineteen hundred; but this shall not prevent individuals from leasing their allotments when made to them as provided by this Act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

Money paid into U. S. Treasury to credit of tribe.

SEC. 24. That all moneys paid into the United States Treasury at Saint Louis, Missouri, under provisions of this Act shall be placed to the credit of the tribe to which they belong; and the assistant United States treasurer shall give triplicate receipts therefor to the depositor.

Delaware Indians in Cherokee Nation may bring suit in Court of Claims.

SEC. 25. That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission hereinbefore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said Delawares and the Cherokee Nation under said agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this Act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April eighth, eighteen hundred and sixty-seven; or the Cherokee Nation may bring a like suit against said Delaware Indians, and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States.

Laws of Indian tribes not to be enforced in courts.

SEC. 26. That on and after the passage of this Act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory.

Interpreter for Indian Territory.

SEC. 27. That the Secretary of the Interior is authorized to create one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

Courts to be abolished.

SEC. 28. That on the first day of July, eighteen hundred and ninety-eight, all tribal courts in Indian Territory shall be abolished, and no

officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the first day of October, eighteen hundred and ninety-eight.

Transfer of pending cases.

Proviso. When in force as to Chickasaw etc.

Agreement with Choctaw and Chickasaw tribes of Indians.

SEC. 29. That the agreement made by the Commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-third day of April, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the first day of December, eighteen hundred and ninety-eight, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the Commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

To be voted on proclamation.

Proviso. Ineligible to vote.

Board to canvass and count votes.

Act not to conflict with agreement.

Ante, p. 499.

This agreement, by and between the Government of the United States, of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes or nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. S. Standley, N. B. Ainsworth, Jon Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, L. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation.

ALLOTMENT OF LANDS.

Allotment of lands.

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

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted by the members of said tribes so as to give to each member of those tribes so far as possible a

fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

Reservation from allotment.

That all the lands set apart for town sites and the strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill Creek, and six hundred and forty acres each, to include the buildings now occupied by the Jones Academy, Tushkahoma Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and ten acres for the capitol building of the Choctaw Nation; one hundred and sixty acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harley Institute, Rock Academy, and Collins Institute, and ten acres for the capitol building in the Chickasaw Nation, and the use of one acre of land for each church house now erected outside of the towns, and eighty acres of land each for J. S. Morrow, H. B. Sehermerhorn, and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year eighteen hundred and sixty-six, or in the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town site commission, to include all court-houses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt hereafter opened on land allotted, sold or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same before operations begin. That in order to such equal division the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of land: *Provided further*, That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and forty acres of land, including their present residence and improvement, shall be allotted to each, to be selected, held, and used by them for the purposes and upon the conditions provided for Choctaw and Chickasaw freedmen by said treaty, shall be determined, in such manner as shall hereafter be provided by act of Congress.

Allotments of freedmen.

That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw tribes so as to reduce the allotment to the Choctaws and Chickasaws to the value of forty acres.

That the said Choctaw and Chickasaw freedmen who may become entitled to allotments of forty acres each shall be entitled each to land equal in value to forty acres of the average land of the two nations.

Appraisement and allotment.

That in the appraisement of the lands to be allotted the Choctaws and Chickasaws, rights shall each have a representative, to be appointed by their respective executives, to cooperate with the commission to the Five Civilized Tribes, or any authorized appraisements made thereby, or by the Secretary of the Interior in getting and preparing the lands preparatory to allotment. And the land shall be valued on the appraisement as of its original condition, excluding the improvements thereon.

Survey to precede allotment.

That the appraisement and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

Selection of allotments.

That each member of the Choctaw and Chickasaw tribes, including Choctaw and Chickasaw freedmen, shall, where it is possible, have the right to take his allotment on land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children, allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person to them, and due care taken that all persons entitled thereto have allotments made to them.

Improvements belong to improvements.

Minors.

Prisoners, etc.

Allotments not taxable. Limit of time.

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of one hundred and sixty acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

Selection of homestead.

Minors.

Lands alienable.

Sale, etc., of allotments void.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale hereinbefore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable consideration for the lands sold or leased.

Leases limited.

Controversies as to rights to certain allotments.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

Possession.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

Survey, etc.

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

Members' titles to lands.

Patents to allottees.

That as soon as practicable, after the completion of said allotments, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, except as all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted in such patentee and no other land, and the acceptance of patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof, except the land embraced in said

Terms, etc.

Acceptance of patents.

patents, except also his interest in the proceeds of all lands, coal, and asphalt herein exempted from allotment.

Records of land titles. That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

Railroads.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw nations; railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as mail lines.

Town sites.

TOWN SITES.

Commissioners to be appointed for each nation. It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe to which said commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the President of the United States. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. And commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, to be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a reasonable title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property, and the remainder of such improved property at sixty-two and one-half per centum of the said market value within sixty days from date of notice served on him that such lot is for sale, and of the purchase thereof he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the town members of the commission fail to agree as to the market value of any lot or the limit or extent of said town, the duty of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission, who is not interested in town lots, who shall act with them to determine said value.

Sale of improved lots. In such event of the appraisement of any lot fail within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less sixty-two and one-half per cent of said appraised value of the lot, and shall pay the sixty-two and one-half per cent of said appraised value into United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

Sale of unappraised lots. All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

Payments. All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of sixty days to make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

Proviso, before due.

Taxes. No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

Disposition of proceeds of sale of town lots. The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

Conflicting laws, etc. That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the laws of the United States in force in said Territory, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

Intoxicants.

Cemeteries, location of. That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed five acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, ten dollars per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government to the proper improvement and care of said cemetery.

Expenses of surveys, etc. That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

Disposition of lands excepted from allotment. That the land adjacent to Fort Smith and lands for court houses, jails, and other public purposes, excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Arkansas, for police purposes.

Exemption of church lands. There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they cease to be used shall revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in

Proviso. Limitations.

Sale by churches.

other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

Use and waste, prohibited.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations, each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary.

Trustees, appointment, salaries, etc.

Reports, etc.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Royalties, payment into Treasury of United States, and withdrawal.

All contracts made by the National Agents of the Choctaw and Chickasaw Nations for operating coal and asphalt, with any person or corporation, which were, on April twenty-third, eighteen hundred and ninety-seven, being operated in good faith are hereby ratified and confirmed, and the lessees shall have the right to renew the same when they expire, subject to all the provisions of this Act.

Agreements heretofore made by persons or corporations with members of Choctaw or Chickasaw nations, validated.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a bona fide interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described thereon, by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

Proviso. Leases of coal or asphalt claims heretofore granted by United States.

Leases, area, etc.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under one hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be fifteen cents per ton of two thousand pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be sixty cents per ton, payable same as coal: *Provided*, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided.

Royalty.

Reduction or advance of royalty.

Advance payments on royalty on coal.

All lessees shall pay on each coal or asphalt claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years; and five hundred dollars for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine in

claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advance payments, and all persons having coal leases must pay said annual advanced payments on each claim whether developed or undeveloped: *Provided, however*, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw nations.

Practice. —failure to pay.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees, or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

Surface, what included.

Provisos. Reservation of land for coal miners' homes on town sites.

—buildings, etc.

—sale of on cessation of mining.

That whenever the members of the Choctaw and Chickasaw tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

School taxes, etc.

It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and subornery, breaches, or disturbances of the peace, and carrying weapons, hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

Jurisdiction of United States courts.

And sections sixteen hundred and thirty-six to sixteen hundred and forty four, inclusive, entitled "Embezzlement," and sections seventeen hundred and eleven to seventeen hundred and eighteen, inclusive, entitled "Bribery and Subornery," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word "officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the Act of Congress, entitled "An Act to establish United States courts in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he may, within thirty days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted, his affidavit that he can not get a fair trial in said court, and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for the western district of Arkansas, at Fort Smith, Arkansas, or

"Embezzlement."

"Bribery and subornery."

"Officer," defined.

Vol. 26, p. 788.

Indians competent as jurors.

Proviso. Indictment for murder, change of venue.

to the United States district court for the eastern district of Texas, at Paris, Texas, always selecting the court that in its judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the cases; and in all said civil suits said courts shall have full equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject-matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; but in no case shall suit be instituted against the tribal government without its consent.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals, after allotment, or the moneys or other property of the tribe or citizens thereof except appropriations for the regular and necessary expenses of the government of the respective tribes, or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their receipt, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful laws and regulations respecting said tribes.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw nations shall be paid directly to each individual member by a lawful officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

That the following sums be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

For arrears of interest, at five per centum per annum, from December thirty-first, eighteen hundred and forty, to June thirtieth, eighteen hundred and eighty-nine, on one hundred and eight-four thousand one hundred and forty-three dollars and nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December thirty-first, eighteen hundred and forty, and restored thereafter twenty-seventh, eighteen hundred and eighty-seven by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, and for arrears of interest at five per centum per annum, from March eleventh, eighteen hundred and fifty, to March third, eighteen hundred and ninety, on forty-six thousand and twenty-one dollars and forty-nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March

eleventh, eighteen hundred and fifty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

Proviso. Attorney's fees.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw Nation and the Chickasaw Nation against the United States and the Wichita and affiliated bands of Indians, now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is known as the "Leased District," namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian rivers, leased to the United States by the treaty of eighteen hundred and fifty-five, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

Decision in pending case against United States and Wichita Indians to be basis of settlement for "Leased District" lands.

Vol. 11, p. 623.

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

Per capita payment of tribal trust funds.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

Acquisition of United States citizenship.

ORPHAN LANDS.

Orphan lands.

It is further agreed that the Choctaw orphan lands in the State of Mississippi, yet unsold, shall be taken by the United States at one dollar and twenty-five cents ($1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office.

To be acquired by the United States.

In witness whereof the said commissioners do hereunto affix their names at Atoka, Indian Territory, this the twenty-third day of April, eighteen hundred and ninety-seven.

GREEN MCCURTAIN,
Principal Chief.
J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,
Choctaw Commission.

R. M. HARRIS,
Governor.
ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM PERRY,
R. L. BOYD,
Chickasaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.
ARCHIBALD S. MCKENNON,
THOMAS B. CARAWAY,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.
H. M. JACOWAY, JR.,
Secretary, Five Tribes Commission.

Agreement with Muscogee or Creek tribe of Indians.

SEC. 30. That the agreement made by the Commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the twenty seventh day of September, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the first day of December, eighteen hundred and ninety-eight, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribe where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

Act not to apply, with exception.

Ante, p. 40.

This agreement, by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Alexander B. Montgomery, and Tams Bixby, duly appointed and authorized thereunto, and the government of the Muscogee or Creek Nation in the Indian Territory of the second part, entered into in behalf of such Muscogee or Creek government, by its commission, duly appointed and authorized thereunto, viz, Pleasant Porter, Joseph Mingo, David N. Hodge, George A. Alexander, Roland Brown, William A. Sapulpa, and Ewchaetie Micco.

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

GENERAL ALLOTMENT OF LAND.

General allotment of land.

1. There shall be allotted out of the lands owned by the Muscogee or Creek Indians in the Indian Territory to each citizen of said nation one hundred and sixty acres of land. Each citizen shall have the right, so far as possible, to take his one hundred and sixty acres so as to include the improvements which belong to him, but such improvements shall not be estimated in the value fixed on his allotment, provided any citizen may take any land not already selected by another; but if such land, under actual cultivation, has on it any lawful improvements, he shall pay the owner of said improvements the same, the value to be fixed by the commission appraising the land. In the case of a minor child, allotment shall be selected for him by his father, mother, guardian, or the administrator having charge of his estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and the rule shall be taken that all persons entitled thereto shall have allotments made to them.

Selection by minor.

Prisoners, convicts, etc.

Appraisement.

2. Each allotment shall be appraised at what would be its present value, if unimproved, considering the fertility of the soil and its location, but excluding the improvements, and each allottee shall be charged with the value of his allotment on the future distribution of any funds of the nation arising from any source whatever, so that each member of the nation shall be made equal in the distribution of the lands and moneys belonging to the nation, provided that the minimum valuation to be placed upon any land in the said nation shall be one dollar and twenty five cents, $1.25, per acre.

Distribution of moneys.

Minimum valuation.

Selection of appraiser approved.

3. In the appraisement of the said allotments, said nation may have a representative to cooperate with a commission, or a United States officer, designated by the President of the United States, to make the appraisement. Appraisements and allotments shall be made under the direction of the Secretary of the Interior, and begin as soon as an authenticated roll of the citizens of the said nation has been made. All citizens of said nation, from and after the passage of this Act, shall be entitled

Time of making allotment.

to select from the lands of said nation an amount equal to one hundred and sixty acres, and use and occupy the same until the allotments therein provided are made.

Controversies as to allotments.

4. All controversies arising between the members of said nation as to their rights to have certain lands allotted to them shall be settled by the commission making allotments.

Possession.

5. The United States shall put each allottee in unrestricted possession of his allotment and remove therefrom all persons objectionable to the allottee.

Equalizing allotments.

6. The excess of lands after allotment is completed, all funds derived from town sites, and all other funds accruing under the provisions of this agreement shall be used for the purpose of equalizing allotments, valued as herein provided, and if the same be found insufficient for such purpose, the deficiency shall be supplied from other funds of the nation upon dissolution of its tribal relations with the United States, in accordance with the purposes and intent of this agreement.

Sale of residue of land, etc.

7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed one hundred and sixty acres to one person, to the highest bidder, at public auction, for not less than the appraised value per acre of land; and after deducting the appraised value of the lands, the remainder of the purchase money shall be paid to the owners of the improvement.

Patents.

8. Patents to all lands sold shall be issued in the same manner as to allottees.

SPECIAL ALLOTMENTS.

Special allotments.

9. There shall be allotted and patented one hundred and sixty acres each to Mrs. A. E. W. Robertson and Mrs. E. F. Buckner (nee Grayson) as special recognition of their services as missionaries among the people of the Creek Nation.

10. Harrell Institute, Henry Kendall College, and Nazareth Institute, in Muscogee, and Baptist University, near Muscogee, shall have free of charge, to be allotted and patented to said institutions or to the churches to which they belong, the grounds they now occupy, to be used for school purposes only and not to exceed ten acres each.

RESERVATIONS.

Reservations.

11. The following lands shall be reserved from the general allotment hereinbefore provided:

All lands hereinafter set apart for town sites; all lands which shall be selected for town cemeteries by the town-site commission as hereinafter provided; all lands that may be occupied at the time allotment begins by railroad companies duly authorized by Congress as railroad rights of way; one hundred sixty acres at Okmulgee, to be laid off as a town, one acre of which, now occupied by the capitol building, being especially reserved for said public building; one acre for each church now located and used for purposes of worship outside of the towns, and sufficient land for burial purposes, where neighborhood burial grounds are now located; one hundred sixty acres each, to include the building sites now occupied, for the following educational institutions: Eufaula High School, Wealaka Mission, New Yaka Mission, Wetumpka Mission, Euchee Institute, Coweta Mission, Creek Orphan Home, Tallahassee Mission (colored), Pecan Creek Mission (colored), and Colored Orphan Home. Also four acres each for the six court-houses now established.

TITLES.

Titles.

Patents to allottees.

12. As soon as practicable after the completion of said allotments the principal chief of the Muscogee or Creek Nation shall execute under his hand and the seal of said nation, and deliver to each of said allottees, a patent, conveying to him all the right, title, and interest of

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the said patent in and to the land which shall have been allotted to him in conformity with the requirements of the agreement. Said patents shall be framed in accordance with the provisions of this agreement and shall convey the land allotted to each patentee and no other land. The acceptance of his patent by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the land of the said nation in accordance with the provisions of this agreement, and as a relinquishment of all his rights, title, and interest in and to any and all parts thereof, except the land embraced in said patent; except, also, his interest in the proceeds of all lands herein excepted from allotment.

Records of land titles.

13. The United States shall provide by law for proper record of land titles in the territory occupied by the said nation.

TOWN SITES.

Commission to locate town sites.

14. There shall be appointed a commission, which shall consist of one member appointed by the executive of the Muscogee or Creek Nation, who shall not be interested in town property other than his home, and one member who shall be appointed by the President of the United States. Said commission shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located. No town laid out and platted by said commission shall cover more than four square miles of territory.

Appraisal of improvements.

15. When said towns are laid out, each lot on which substantial and valuable improvements have been made shall be valued by the commission at the price a fee simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon.

Town lots to be considered.

16. In appraising the value of town lots, the number of inhabitants, the location and surrounding advantages of the town shall be considered.

Purchase of improvements by owners of lots.

17. The owner of the improvements on any lot shall have the right to buy the same at fifty per centum of the value within sixty days from the date of notice served on him that such lot is for sale, and if he purchase the same he shall, within ten days from his purchase, pay into the Treasury of the United States one fourth of the purchase price and the balance in three equal annual payments, and when the entire sum is paid he shall be entitled to a patent for the same, to be made as herein provided for patents to allottees.

Appointment of third appraiser.

18. In any case where the two members of the commission fail to agree as to the value of any lot they shall select a third person, who shall be a citizen of said nation and who is not interested in town lots, who shall act with them to determine said value.

Purchase of improvements by others than owners of lots.

19. If the owner of the improvements on any lot fail within sixty days to purchase and make the first payment on the same, such lot, with the improvements thereon (said lot and the improvements thereon having been theretofore properly appraised), shall be sold at public auction to the highest bidder, under the direction of said commission, at a price not less than the value of the lot and improvements; and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot and the improvements thereon shall be sold, less fifty per centum of the said appraised value of the lot, and shall pay fifty per centum of said appraised value of the lot into the United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. Said commission shall have the right to reject a bid on any lot and the improvements thereon which it may consider below the real value.

Rejection of bids.

Sale of unimproved lots.

20. All lots not having improvements thereon and not so appraised shall be sold by the commission from time to time at public auction. After proper advertisement, as may seem for the best interest of the said nation and the proper development of each town, the purchase price to be paid in four installments, as hereinbefore provided for improved lots.

Preference right of purchase.

21. All citizens or persons who have purchased the right of occupancy from parties in legal possession prior to the date of signing this agreement, holding lots or tracts of ground in towns, shall have the first right to purchase said lots or tracts upon the same terms and conditions as is provided for improved lots, provided said lots or tracts shall have been theretofore properly appraised, as hereinbefore provided for improved lots.

Rejection of bids.

22. Said commission shall have the right to reject any bid for such lots or tracts which is considered by said commission below the fair value of the same.

Failure to make payments.

23. Failure to make any one of the payments as heretofore provided for a period of sixty days shall work a forfeiture of all payments made and all rights under the contract; provided that the purchaser of any lot may pay full price before the same is due.

Taxes.

24. No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold as herein provided shall constitute a lien on the same until the purchase price thereof has been fully paid.

Conflicting laws, etc.

25. No law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the constitution or laws of the United States, or in conflict with this agreement, and all persons in such towns shall be subject to such laws.

Cemetery, location, etc.

26. Said commission shall be authorized to locate a cemetery within a suitable distance from each town site, not to exceed twenty acres; and when any town shall have paid into the United States Treasury for the benefit of the said nation ten dollars per acre therefor, such town shall be entitled to a patent for the same, as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes; the proceeds derived therefrom to be applied by the town government to the proper improvement and care of said cemetery.

Expenses of surveying, etc.

27. No charge or claim shall be made against the Muscogee or Creek Nation by the United States for the expenses of surveying and platting the lands and town site, or for grading, appraising and allotting the land, or for appraising and disposing of the town lots as herein provided.

Reservation of church lands.

28. There shall be set apart and exempted from appraisement and sale, in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred and fifty feet deep for each church and parsonage. Such lots shall be used only for churches and parsonages, and when they cease to be so used, shall revert to the members of the nation, to be disposed of as other town lots.

Filing of town plats.

29. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, one with the executive of the nation, and one with the Secretary of the Interior, to be approved by him before the same shall take effect.

Towns, minimum population, etc., necessary.

30. A settlement numbering at least three hundred inhabitants, living within a radius of one-half mile at the time of the signing of this agreement, shall constitute a town within the meaning of this agreement. Congress may by law provide for the government of the said towns.

—government of.

CLAIMS.

Claims.

Arbitration by the Senate. Vol. 14, p. 785. Vol. 7, p. 287.

31. All claims, of whatever nature, including the "Loyal Creek Claim" made under article 4 of the treaty of 1866, and the "Self Emigration Claim," under article 12 of the treaty of 1832, which the Muscogee or Creek Nation, or individuals thereof, may have against the United States, or any claim which the United States may have against the said nation, shall be submitted to the Senate of the United States as a board of arbitration; and all such claims against the United States shall be presented within one year from the date hereof, and within two years from the date hereof the Senate of the United States shall make

Proviso. Taxation.

and caring for his or her individual affairs: *Provided*, That upon the issuance of said certificate, the lands of such member, both homestead and surplus, shall become subject to taxation, and such member shall have the right to manage and dispose of such property the same as any other citizen of the United States, and upon the issuance of said certificate and the payment of the funds due him or her such member shall be dropped from the rolls of said tribe.

Dropped from the rolls.

Adult heirs.

SEC. 11. That the adult heirs of any deceased Kansas or Kaw Indian, whose selection has been made or to whom a deed has been issued for his or her share of the lands of said tribe in Oklahoma Territory, may sell and convey the lands inherited from such decedent; and, if there be both adult and minor heirs of such inherited lands, then such minors may join in a sale thereof by a guardian duly appointed by the proper court of the county in which said minor or minors may reside, upon an order of such court made upon petition filed by such guardian; all conveyances made under this provision to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

Commission to adjust claims against the United States.

SEC. 12. All claims, of whatever nature, which said Kansas or Kaw tribe of Indians may have or claim to have against the United States shall be submitted to a commission to be appointed by the Secretary of the Interior from the officers or employees of his Department for investigation, consideration, and settlement; and the United States shall, without delay, render to said tribe of Indians a complete accounting of all moneys agreed to be paid to said tribe to which said tribe may be entitled under any treaty or Act of Congress. If the settlement of the claims of said tribe, submitted to said commission (and the accounting) is satisfactory to said tribe, the amount found due shall be placed to the credit of the members of said tribe, according to the terms of this agreement, within one year after the report of said commission is made. But if the settlement of the claims of said tribe or the accounting is not satisfactory to said tribe, or if they are satisfactory and Congress fails to appropriate the money to pay the same within one year after the report of said commission and the accounting, then the said tribe of Indians shall have two years from the date of the report and accounting in which to enter a suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States, by either party, for the amount due or claimed to be due said tribe from the United States under any treaties or laws of Congress, or for the misappropriation of any of the funds of said tribe or the failure of the United States to pay the money due the tribe. And jurisdiction is hereby conferred upon said United States Court of Claims to hear and determine all claims of said tribe against the United States and to enter judgment thereon. If the question is submitted to said court, it shall settle all the rights, both legal and equitable, of both the said Kansas or Kaw tribe of Indians and of the United States. The claims submitted to the commission may be submitted by one or more petitions, to be filed by said tribe with said commission. If an action is brought in the Court of Claims, it shall be presented by a single petition, making the United States party defendant, and shall set forth all the facts on which the said Kansas or Kaw tribe of Indians bases its claim or claims against the United States, and the said petition may be verified by the agent or attorney of said tribe, upon information or belief as to the existence of such facts, and no other statements or verification shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence.

Determination by United States Court of Claims.

Evidence.

Ratification, etc., requested.

Proviso. Amendments.

SEC. 13. The said Kansas or Kaw Indians hereby memorialize Congress to ratify and confirm this agreement and to make provision for carrying it into effect: *Provided*, That if any material amendments are made in this agreement by Congress the same shall not become effective until such amendments are approved by a majority of the adult members of the Kansas or Kaw tribe of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed with the following amendments: Strike out section thirteen and change section fourteen so as to read section thirteen.

Ratification. Amendments.

Approved, July 1, 1902.

CHAP. 1362.—An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

July 1, 1902.

[Public, No. 228.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-first day of March, nineteen hundred and two, be, and the same is hereby, ratified and confirmed, to wit:

Commission to the Five Civilized Tribes. Ratification of agreement with the Choctaw and Chickasaw Indians.

AGREEMENT BETWEEN THE UNITED STATES AND THE CHOCTAWS AND CHICKASAWS.

This agreement, by and between the United States, entered into in its behalf by Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckinridge, commissioners duly appointed and authorized thereunto, and the Choctaw and Chickasaw tribes of Indians in Indian Territory, respectively, entered into in behalf of such Choctaw and Chickasaw tribes, by Gilbert W. Dukes, Green McCurtain, Thomas E. Sanguin, and Simon E. Lewis in behalf of the Choctaw tribe of Indians; and Douglas H. Johnston, Calvin J. Grant, Holmes Willis, Edward B. Johnson, and Benjamin H. Colbert in behalf of the Chickasaw tribe of Indians, commissioners duly appointed and authorized thereunto—

Commissioners.

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

DEFINITIONS.

Definitions.

1. Wherever used in this agreement the words "nations" and "tribes" shall each be held to mean the Choctaw and Chickasaw nations or tribes of Indians in Indian Territory.

2. The words "chief executives" shall be held to mean the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

3. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen.

4. The term "Atoka agreement" shall be held to mean the agreement made by the Commission to the Five Civilized Tribes with the commissioners representing the Choctaw and Chickasaw tribes of Indians at Atoka, Indian Territory, and embodied in the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight. (30 Stats., 495.)

Vol. 30, p. 495.

5. The word "minor" shall be held to mean males under the age of twenty-one years and females under the age of eighteen years.

6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Commission to the Five Civilized Tribes for the Choctaw and Chickasaw nations, for particular tracts of land.

7. Every word in this agreement importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

8. The terms "allottable lands" or "lands allottable" shall be deemed to mean all the lands of the Choctaw and Chickasaw tribes not herein reserved from allotment.

APPRAISEMENT OF LANDS.

Appraisement of lands.

9. All lands belonging to the Choctaw and Chickasaw tribes in the Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in determining such value consideration shall not be given to the location thereof, to any mineral deposits, or to any timber except such pine timber as may have been heretofore estimated by the Commission to the Five Civilized Tribes, and without reference to improvements which may be located thereon.

Proviso. Mineral, timber lands, etc.

10. The appraisement as herein provided shall be made by the Commission to the Five Civilized Tribes, and the Choctaw and Chickasaw tribes shall each have a representative to be appointed by the respective executives to cooperate with the said Commission.

ALLOTMENT OF LANDS.

Allotment of lands.

11. There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allottable land of the Choctaw and Chickasaw nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements. For the purpose of making allotments and designating homesteads hereunder, the forty-acre or quarter-quarter subdivisions established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision ten acres, or a quarter of a quarter of a quarter of a section.

Homesteads inalienable, etc.

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to one hundred and sixty acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

Allotments to freedmen.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

Sale of remaining lands at public auction.

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

Incumbrances.

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided.

Alienable lands.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

Proviso. Appraised value.

Selection by Commission.

17. If, for any reason, an allotment should not be selected or a homestead designated by, or on behalf of, any member or freedman, it shall be the duty of said Commission to make said selection and designation.

Division of lands.

18. In the making of allotments and in the designation of homesteads for members of said tribes, under the provisions of this agreement, said Commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in paragraph eleven hereof.

Limited holdings by Indians.

19. It shall be unlawful after ninety days after the date of the final ratification of this agreement for any member of the Choctaw or Chickasaw tribes to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more lands in value than that of three hundred and twenty acres of average allottable lands of the Choctaw and Chickasaw nations, as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children if members of said tribes; and any member of said tribes found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

By freedmen.

20. It shall be unlawful after ninety days after the date of the final ratification of this agreement for any Choctaw or Chickasaw freedman to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more than so much land as shall be equal in value to forty acres of the average allottable lands of the Choctaw and Chickasaw tribes as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children, if they be Choctaw or Chickasaw freedmen; and any freedman found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

Penalty for violations.

21. Any person convicted of violating any of the provisions of sections 19 and 20 of this agreement shall be punished by a fine not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs) and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist, shall be deemed a separate offense. And the United States district attorneys for the districts in which said nations are situated, are required to see that the provisions of said sections are strictly enforced, and they shall immediately after the expiration of ninety days after the date of the final ratification of this agreement proceed to dispossess all persons of such excessive holdings of lands, and to prosecute them for so unlawfully holding the same. And the Commission to the Five Civilized Tribes shall have authority to make investigation of all violations of sections 19 and 20 of this agreement, and make report thereon to the United States district attorneys.

Heirs.

22. If any person whose name appears upon the rolls, prepared as

herein provided, shall have died subsequent to the ratification of this agreement and before receiving his allotment of land the lands to which such person would have been entitled if living shall be allotted in his name, and shall, together with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter forty-nine of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and practicable time, the Commission to the Five Civilized Tribes shall designate the lands thus to be allotted.

Proviso. Selection of allotment.

Allotment certificates.

23. Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian agent at the Union Agency shall, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

Jurisdiction of Commission.

24. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes to determine, under the direction of the Secretary of the Interior, all matters relating to the allotment of land.

EXCESSIVE HOLDINGS.

Excessive holdings.

25. After the opening of a land office for allotment purposes in both the Choctaw and the Chickasaw nations any citizen or freedman of either of said nations may appear before the Commission to the Five Civilized Tribes at the land office in the nation in which his land is located and make application for his allotment and for allotments for members of his family and for other persons for whom he is lawfully authorized to apply for allotments, including homesteads; and after the expiration of ninety days following the opening of such land offices any such applicant may make allegation that the land or any part of the land that he desires to have allotted is held by another citizen or person in excess of the amount of land to which said citizen or person is lawfully entitled, and that he desires to have said land allotted to him or members of his family as herein provided; and thereupon said Commission shall serve notice upon the person so alleged to be holding land in excess of the lawful amount to which he may be entitled, said notice to set forth the facts alleged and the name and post-office address of the person alleging the same, and the rights and consequences herein provided, and the person so alleged to be holding land contrary to law shall be allowed thirty days from the date of the service of said notice in which to appear at one of said land offices and to select his allotment and the allotments he may be lawfully authorized to select, including homesteads; and if at the end of the thirty days last provided for the person upon whom said notice has been served has not selected his allotment and allotments as provided, then the Commission to the Five Civilized Tribes shall immediately make or reserve said allotments for the person or persons who have failed to act in accordance with the notice aforesaid, having due regard for the best interest of said allottees; and after such allotments have been made or reserved by said Commission, then all other lands held or claimed, or previously held or claimed by said person or persons, shall be deemed a part of the public domain of the Choctaw and Chickasaw nations and be subject to disposition as such: *Provided*, That any persons who have previously applied for any part of said lands shall

Notice.

Proviso. Prior right of allotment.

have a prior right of allotment of the same in the order of their applications and as their lawful rights may appear.

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of said land offices in said nations, if not herein otherwise provided, and provided that twelve months shall have elapsed from the date of the approval of his enrollment by the Secretary of the Interior, then the Commission to the Five Civilized Tribes may immediately proceed to select an allotment, including a homestead for such person, said allotment and homestead to be selected as the Commission may deem for the best interest of said person, and the same shall be of the same force and effect as if such selection had been made by such citizen or freedman in person, and all lands held or claimed by persons for whom allotments have been selected by the Commission as provided, and in excess of the amount included in said allotments, shall be a part of the public domain of the Choctaw and Chickasaw nations and be subject to disposition as such.

Commission authorized to select allotments.

RESERVATIONS.

Reservations.

26. The following lands shall be reserved from the allotment of lands herein provided for:

Town sites.

(a) All lands set apart for town sites either by the terms of the Atoka agreement, the Act of Congress of May 31, 1900, (31 Stats., 221), as herein assented to, or by the terms of this agreement.

Vol. 31, p. 237.

(b) All lands to which, at the date of the final ratification of this agreement, any railroad company may under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.

(c) The strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up the said Poteau River to the mouth of Mill Creek.

Coal and asphalt deposits.

(d) All lands which shall be segregated and reserved by the Secretary of the Interior on account of their coal or asphalt deposits, as hereinafter provided. And the lands selected by the Secretary of the Interior at and in the vicinity of Sulphur in the Chickasaw Nation, under the cession to the United States hereunder made by said tribes.

(e) One hundred and sixty acres for Jones' Academy.
(f) One hundred and sixty acres for Tuskahoma Female Seminary.
(g) One hundred and sixty acres for Wheelock Orphan Seminary.
(h) One hundred and sixty acres for Armstrong Orphan Academy.
(i) Five acres for capitol building of the Choctaw Nation.
(j) One hundred and sixty acres for Bloomfield Academy.
(k) One hundred and sixty acres for Lebanon Orphan Home.
(l) One hundred and sixty acres for Harley Institute.
(m) One hundred and sixty acres for Rock Academy.
(n) One hundred and sixty acres for Collins Institute.
(o) Five acres for the capitol building of the Chickasaw Nation.
(p) Eighty acres for J. S. Murrow.
(q) Eighty acres for H. R. Schermerhorn.
(r) Eighty acres for the widow of R. S. Ball.
(s) A reasonable amount of land, to be determined by the town-site commissioners, to include all tribal court-houses and jails and other tribal public buildings.
(t) Five acres for any cemetery located by the town-site commissioners prior to the date of the final ratification of this agreement.
(u) One acre for any church under the control of and used exclusively by the Choctaw or Chickasaw citizens at the date of the final ratification of this agreement.

(v) One acre each for all Choctaw or Chickasaw schools under the supervision of the authorities of the Choctaw or Chickasaw nations and officials of the United States.

And the acre so reserved for any church or school in any quarter section of land shall be located when practicable in a corner of such quarter section lying adjacent to the section line thereof.

ROLLS OF CITIZENSHIP.

Rolls of citizenship.

Vol. 30, p. 502. Vol. 31, p. 246.

Proviso. Contested rights.

Vol. 29, p. 339.

97. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided: *Provided*, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

Persons entitled

98. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

Citizens, etc., of other tribes excluded.

99. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

Lists.

100. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final rolls of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

Admission to citizenship without notice of proceedings.

Vol. 29, p. 339. Post, p. 995.

SEC. 31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and, upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

Bill in equity to annul, etc., court decisions.

Post, p. 949.

Proceedings in citizenship court.

Notice.

Jurisdiction.

Post, p. 995.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may

Appeal.

be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

Proviso. Effect.

Choctaw and Chickasaw citizenship court created.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a Circuit Court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpœnaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in

Powers, etc. Post, p. 999.

Pleadings, etc.

Judges, etc.

Compensation of clerk, etc.

Appropriation.

Oaths.

Writs.

Fees.

the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

Judgment of court to be final.

Expenses.

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days: *Provided*, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

Applications for enrollment.

Proviso. Mississippi Choctaws.

35. No person whose name does not appear upon the rolls prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Choctaw and Chickasaw tribes, and those whose names appear thereon shall participate in the manner set forth in this agreement: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said rolls, and who died prior to the date of the final ratification of this agreement. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before the date of the final ratification of this agreement, and any person or persons who may conceal the death of anyone on said rolls as aforesaid, for the purpose of profiting by the said concealment, and who shall knowingly receive any portion of any land or other tribal property, or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto, a forfeiture to the Choctaw and Chickasaw nations of the lands, other tribal property, and proceeds so obtained.

Distribution of common property.

Proviso. Extinguishment of rights.

Felony.

CHICKASAW FREEDMEN.

Chickasaw Freedmen.

36. Authority is hereby conferred upon the Court of Claims to determine the existing controversy respecting the relations of the

Court of Claims to determine rights of, etc.

Chickasaw freedmen to the Chickasaw Nation and the rights of such freedmen in the lands of the Choctaw and Chickasaw nations under the third article of the treaty of eighteen hundred and sixty-six, between the United States and the Choctaw and Chickasaw nations, and under any and all laws subsequently enacted by the Chickasaw legislature or by Congress.

Vol. 14, p. 769.

Bill of interpleader.

37. To that end the Attorney-General of the United States is hereby directed, on behalf of the United States, to file in said Court of Claims, within sixty days after this agreement becomes effective, a bill of interpleader against the Choctaw and Chickasaw nations and the Chickasaw freedmen, setting forth the existing controversy between the Chickasaw Nation and the Chickasaw freedmen and praying that the defendants thereto be required to interplead and settle their respective rights in such suit.

Serving of process.

38. Service of process in the suit may be had on the Choctaw and Chickasaw nations, respectively, by serving upon the principal chief of the former and the governor of the latter a certified copy of the bill, with a notice of the time for answering the same, which shall not be less than thirty nor more than sixty days after such service, and may be had upon the Chickasaw freedmen by serving upon each of three known and recognized Chickasaw freedmen a certified copy of the bill, with a like notice of the time for answering the same, and by publishing a notice of the commencement of the suit, setting forth the nature and prayer of the bill, with the time for answering the same, for a period of three weeks in at least two weekly newspapers having general circulation in the Chickasaw Nation.

Publication of notice.

Employment of counsel.

R. S., secs. 2103-2106, pp. 367, 368.

39. The Choctaw and Chickasaw nations, respectively, may in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes, employ counsel to represent them in such suit and protect their interests therein; and the Secretary of the Interior shall employ competent counsel to represent the Chickasaw freedmen in said suit and to protect their interests therein; and the compensation of counsel so employed for the Chickasaw freedmen, including all costs of printing their briefs and other incidental expenses on their part, not exceeding six thousand dollars, shall be paid out of the Treasury of the United States upon certificate of the Secretary of the Interior setting forth the employment and the terms thereof, and stating that the required services have been duly rendered; and any party feeling aggrieved at the decree of the Court of Claims, or any part thereof, may, within sixty days after the rendition thereof, appeal to the Supreme Court, and in each of said courts the suit shall be advanced for hearing and decision at the earliest practicable time.

Compensation.

Appeal.

Final allotments to Chickasaw freedmen, etc.

Vol. 30, p. 503.

40. In the meantime the Commission to the Five Civilized Tribes shall make a roll of the Chickasaw freedmen and their descendants, as provided in the Atoka agreement, and shall make allotments to them as provided in this agreement, which said allotments shall be held by the said Chickasaw freedmen, not as temporary allotments, but as final allotments, and in the event that it shall be finally determined in said suit that the Chickasaw freedmen are not, independently of this agreement, entitled to allotments in the Choctaw and Chickasaw lands, the Court of Claims shall render a decree in favor of the Choctaw and Chickasaw nations according to their respective interests, and against the United States, for the value of the lands so allotted to the Chickasaw freedmen as ascertained by the appraisal thereof made by the Commission to the Five Civilized Tribes for the purpose of allotment, which decree shall take the place of the said lands and shall be in full satisfaction of all claims by the Choctaw and Chickasaw nations against the United States or the said freedmen on account of the taking of the said lands for allotment to said freedmen: *Provided*, That nothing

Proviso.
Existing rights not affected.

contained in this paragraph shall be construed to affect or change the existing status or rights of the two tribes as between themselves respecting the lands taken for allotment to freedmen, or the money, if any, recovered as compensation therefor, as aforesaid.

MISSISSIPPI CHOCTAWS.

Mississippi Choctaws.

Citizenship and allotments.

Vol. 30, p. 503.
Vol. 7, p. 333.

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll.

Applications for identification.

42. When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

Patents granted after residence of three years.

Vol. 30, p. 507.

43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

Applications for enrollment, etc.

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make

Heirs, etc.

proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Town sites.

TOWN SITES.

Assent of tribes.
Vol. 31, p. 237.

45. The Choctaw and Chickasaw tribes hereby assent to the act of Congress approved May 31, 1900 (31 Stats., 221), in so far as it pertains to town sites in the Choctaw and Chickasaw nations, ratifying and confirming all acts of the Government of the United States thereunder, and consent to a continuance of the provisions of said act not in conflict with the terms of this agreement.

Additional acreage.
Vol. 31, p. 237.

46. As to those town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, as provided in said act of Congress of May 31, 1900, such additional acreage may be added thereto, in like manner as the original town site was set apart, as may be necessary for the present needs and reasonable prospective growth of said town sites, the total acreage not to exceed six hundred and forty acres for each town site.

Limit.
Vol. 31, p. 237.

47. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Commission to the Five Civilized Tribes, under the provisions of said act of May 31, 1900, shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed six hundred and forty acres for each town site.

Compensation for improvements.
Vol. 31, p. 237.

48. Whenever any tract of land shall be set aside for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this agreement, which is occupied by any member of the Choctaw or Chickasaw nations, such occupant shall be fully compensated for his improvements thereon, out of the funds of the tribes arising from the sale of town sites, under rules and regulations to be prescribed by the Secretary of the Interior, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe in which the town site is located, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriation for surveying, laying out, platting, and selling town sites.

Board of appraisers.

Vacancies.

49. Whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

Additional town-site commissions.
Vol. 30, p. 508.

50. There shall be appointed, in the manner provided in the Atoka agreement, such additional town-site commissions as the Secretary of the Interior may deem necessary, for the speedy disposal of all town sites in said nations: *Provided*, That the jurisdiction of said additional town-site commissions shall extend to such town sites only as shall be designated by the Secretary of the Interior.

Proviso.
Jurisdiction.

Conveyance of patent.

51. Upon the payment of the full amount of the purchase price of any lot in any town site in the Choctaw and Chickasaw nations, appraised and sold as herein provided, or sold as herein provided, the chief executives of said nations shall jointly execute, under their hands and the seals of the respective nations and deliver to the purchaser of the said lot, a patent conveying to him all right, title, and interest of the Choctaw and Chickasaw tribes in and to said lot.

Contents, etc., of patents.

52. All town lots in any one town site to be conveyed to one person shall, as far as practicable, be included in one patent, and all patents shall be executed free of charge to the grantee.

Towns of less than 200 inhabitants.

53. Such towns in the Choctaw and Chickasaw nations as may have a population of less than two hundred people, not otherwise provided for, and which in the judgment of the Secretary of the Interior should be set aside as town sites, shall have their limits defined not later than ninety days after the final ratification of this agreement, in the same manner as herein provided for other town sites; but in no such case shall more than forty acres of land be set aside for any such town site.

Surveys, etc.
Vol. 31, p. 237.

54. All town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stat., 221), with the additional acreage added thereto, and all town sites which may hereafter be set aside, as well as all town sites set aside under the provisions of this agreement having a population of less than two hundred, shall be surveyed, laid out, platted, appraised, and disposed of in a like manner, and with like preference rights accorded to owners of improvements as other town sites in the Choctaw and Chickasaw nations are surveyed, laid out, platted, appraised, and disposed of under the Atoka agreement, as modified or supplemented by the said act of May 31, 1900: *Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this Act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement.

Proviso.
Appraised value to be paid.

MUNICIPAL CORPORATIONS.

Municipal corporations.

Bonds for improvements.

55. Authority is hereby conferred upon municipal corporations in the Choctaw and Chickasaw nations, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nations and made applicable to the cities and towns therein the same as if specially enacted in reference thereto; and said municipal corporations are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when so vacated, shall become the property of the adjacent property holders.

COAL AND ASPHALT.

Coal and asphalt lands.
Vol. 30, p. 508.
Vol. 31, p. 237.

56. At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auc-

tion for cash under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

Sale of coal and asphalt deposits.

57. All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, at the expiration of two years after the final ratification of this agreement, be sold at public auction under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribe shall be retained by them.

Existing leases.

To be reserved from allotment.

58. Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the subdivisions of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed five hundred thousand acres. No lands so reserved shall be allotted to any member or freedman, and the improvements of any member or freedman existing upon any of the lands so segregated and reserved at the time of their segregation and reservation shall be appraised under the direction of the Secretary of the Interior, and shall be paid for out of any common funds of the two tribes in the Treasury of the United States, upon the order of the Secretary of the Interior. All coal and asphalt deposits, as well as other minerals which may be found in any lands not so segregated and reserved, shall be deemed a part of the land and shall pass to the allottee or other person who may lawfully acquire title to such lands.

Sales at public auction.

59. All lands segregated and reserved under the last preceding section, excepting those embraced within the limits of a town site, established as hereinbefore provided, shall, within three years from the final ratification of this agreement and before the dissolution of the tribal governments, be sold at public auction for cash, under the direction of the President, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of four thousand dollars per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chickasaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder, the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits. The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita to the members of said tribes (freedmen excepted) with the other moneys belonging to said tribes in the manner provided by law. The lands embraced within any coal or asphalt lease shall be separately sold, subject to such lease, and the purchaser shall succeed to all the

Commission created to sell coal and asphalt deposits.

Compensation.

Bids.

Distribution of proceeds.

Separate sales.

rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribes shall be retained by them. The lands so segregated and reserved, and not included within any existing coal or asphalt lease, shall be sold in tracts not exceeding in area a section under the Government survey.

Limitation.

60. Upon the recommendation of the chief executive of each of the two tribes, and where in the judgment of the President it is advantageous to the tribes so to do, the sale of any coal or asphalt lands which are herein directed to be sold may be made at any time after the expiration of six months from the final ratification of this agreement, without awaiting the expiration of the period of two years, as hereinbefore provided.

Time of sale.

61. No lease of any coal or asphalt lands shall be made after the final ratification of this agreement, the provisions of the Atoka agreement to the contrary notwithstanding.

Leases prohibited.

62. Where any lands so as aforesaid segregated and reserved on account of their coal or asphalt deposits are in this agreement specifically reserved from allotment for any other reason, the sale to be made hereunder shall be only of the coal and asphalt deposits contained therein, and in all other respects the other specified reservation of such lands herein provided for shall be fully respected.

Specific reservations.

63. The chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser of any coal or asphalt lands so sold, and to each purchaser of any coal or asphalt deposits so sold, an appropriate patent or instrument of conveyance, conveying to the purchaser the property so sold.

Patents, etc.

SULPHUR SPRINGS.

Sulphur springs.

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites. Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, twenty dollars per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the

Cession of adjacent lands.

Limit of acreage.

Vol. 30, p. 508.
Vol. 31, p. 257.

Price to credit of tribes.

Improvements.

Use of water, etc.

Interior upon the Treasurer of the United States. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory: *Provided, however*, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

Sale, etc., of intoxicants forbidden.

Proviso. Expenditures.

Miscellaneous.

MISCELLANEOUS.

Patents for minors, etc.

65. The acceptance of patents for minors, prisoners, convicts, and incompetents by persons authorized to select their allotments for them shall be sufficient to bind such minors, prisoners, convicts, and incompetents as to the conveyance of all other lands of the tribes.

Recording patents.

66. All patents to allotments of land, when executed, shall be recorded in the office of the Commission to the Five Civilized Tribes within said nations in books appropriate for the purpose, until such time as Congress shall make other suitable provision for record of land titles as provided in the Atoka agreement, without expense to the grantee; and such records shall have like effect as other public records.

Vol. 30, p. 508.

No jurisdiction of United States courts. Vol. 30, p. 496.

67. The provisions of section three of the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (30 Stats., 495), shall not apply to or in any manner affect the lands or other property of the Choctaws and Chickasaws or Choctaw and Chickasaw freedmen.

Inconsistent laws.

68. No act of Congress or treaty provision, nor any provision of the Atoka agreement, inconsistent with this agreement, shall be in force in said Choctaw and Chickasaw nations.

Controversies.

69. All controversies arising between members as to their right to select particular tracts of land shall be determined by the Commission to the Five Civilized Tribes.

Selection of allotments for minors.

70. Allotments may be selected and homesteads designated for minors by the father or mother, if members, or by a guardian or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable person akin to them; but it shall be the duty of said Commission to see that said selections are made for the best interests of such parties.

Contests.

71. After the expiration of nine months after the date of the original selection of an allotment, by or for any citizen or freedmen of the Choctaw or Chickasaw tribes, as provided in this agreement, no contest shall be instituted against such selection.

Payments out of "arrears of interest." Post, p. 1068.

72. There shall be paid to each citizen of the Chickasaw Nation, immediately after the approval of his enrollment and right to participate in distribution of tribal property, as herein provided, the sum of forty dollars. Such payment shall be made under the direction of the

Secretary of the Interior, and out of the balance of the "arrears of interest" of five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents appropriated by the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," yet due to the Chickasaws and remaining to their credit in the Treasury of the United States; and so much of such moneys as may be necessary for such payment are hereby appropriated and made available for that purpose, and the balance, if any there be, shall remain in the Treasury of the United States, and be distributed per capita with the other funds of the tribes. And all acts of Congress or other treaty provisions in conflict with this provision are hereby repealed.

Vol. 30, p. 518.

Repeal.

Agreement binding after ratification.

73. This agreement shall be binding upon the United States and upon the Choctaw and Chickasaw nations and all Choctaws and Chickasaws, when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Choctaw and Chickasaw tribes in the manner following: The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall, within one hundred and twenty days after the ratification of this agreement by Congress, make public proclamation that the same shall be voted upon at any special election to be held for that purpose within thirty days thereafter, on a certain day therein named; and all male citizens of each of the said tribes qualified to vote under the tribal laws shall have a right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not. And if this agreement be ratified by said tribes as aforesaid, the date upon which said election is held shall be deemed to be the date of final ratification.

Special election.

Date of final ratification.

Proclamation.

74. The votes cast in both the Choctaw and Chickasaw nations shall be forthwith returned and duly certified by the precinct officers to the national secretaries of said tribes, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and the national secretary of the Choctaw Nation and the governor and national secretary of the Chickasaw Nation and two members of the Commission to the Five Civilized Tribes; and said board shall meet without delay at Atoka, Indian Territory, and canvass and count said votes, and make proclamation of the result.

In witness whereof the said commissioners do hereby affix their names at Washington, District of Columbia, this twenty-first day of March, 1902.

Approved, July 1, 1902.

July 1, 1902.
[Public, No. 102.]

CHAP. 1363.—An Act Authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

Public lands. Rights of settlers on extended Navajo Reservation, Ariz., confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January sixth, eighteen hundred and eighty, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States.

Approved, July 1, 1902.