

Marquette University

e-Publications@Marquette

---

Monsignor William M. Hughes

General Correspondence

---

1924

## Interior Department, 1924

William M. Hughes

*Bureau of Catholic Indian Missions*

Bureau of Catholic Indian Missions

Follow this and additional works at: <https://epublications.marquette.edu/hughescorr>



Part of the [Missions and World Christianity Commons](#)

---

### Recommended Citation

Correspondence Files, Bureau of Catholic Indian Missions, Marquette University, Department of Archival Collections and Institutional Repository

GENERAL-50  
INTERIOR DEPARTMENT  
1924

0460

HERBERT C. CALHOUN, SUPERVISOR

30-4

DEPARTMENT OF THE INTERIOR

U. S. INDIAN SERVICE

RECEIVED 1/12/24

ANSWERED

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA

January 8, 1923.

The Bureau of Catholic Indian Missions,  
Washington, D. C.

Gentlemen:

There are enclosed herewith, original copies  
of reports and claim vouchers from the following schools  
for the second quarter of 1924, to be completed and for-  
warded to the Commissioner of Indian Affairs, Washington,  
D.C.

St. Agnes Mission,	Antlers, Okla.
St. Agnes Academy,	Ardmore, "
St. Joseph Boarding School,	Chickasha, "
St. Elizabeth "	Purcell, "

Yours very truly,

*Herbert C. Calhoun*  
Supervisor

G  
enc.

cc. Commissioner of Indian Affairs,  
Washington, D. C.

January 12, 1924.

Commissioner of Indian Affairs,  
Washington, D.C.

Sir:

Based on the accompanying certified Vouchers and Reports, claim is hereby made by this Bureau, under contracts of July 1, 1923, for care and education of Indian pupils during the quarter ended December 31, 1923, in the following schools:

St. Agnes Mission School, Antlers, Oklahoma.		\$2,679.35 ✓
St. Agnes Academy, Ardmore, Oklahoma,		
Choctaws	\$1215.13	
Chickasaws	<u>1817.03</u>	3,032.16 ✓
St. Joseph's Industrial School, Chickasha, Oklahoma,		
Choctaws	625.	
Chickasaws	<u>291.67</u>	916.67 ✓
St. Elizabeth's School, Purcell, Oklahoma,		
Choctaws	1046.65	
Chickasaws	<u>1083.33</u>	2,129.98 ✓

Very truly yours,

Charles S. Lusk,  
Secretary.

March 21, 1924.

Mr. Herbert C. Calhoun,  
Supervisor of Schools,  
Muskogee, Oklahoma.

Dear Mr. Calhoun:

If arrangements can be put through, I shall leave Washington for a trip to the Pacific Coast about May 1. The handling of the claims under our contracts for the Antlers, Ardmore, Chickasha and Purcell schools is entirely in my hands. I am very desirous of putting these claims through before my departure. For this reason, I have requested the superintendents of these schools to get into your hands by the end of this month the reports for the current quarter, a request which I have no doubt will be complied with.

I would regard it as a great favor if, as promptly as possible after the receipt of the reports, you would certify to and send on to the Indian Office the reports and the necessary Vouchers.

Thanking you in advance, I am

Very sincerely yours,

Charles S. Lusk,  
Secretary.

L:J

HERBERT C. CALHOUN, SUPERVISOR

60.4

5-1142

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA.  
March 26, 1924.

Mr. Charles L. Lusk,  
Secy. Catholic Indian Missions,  
2021 H St., N.W.  
Washington, D. C.  
Dear Mr. Lusk:

Answering your letter of March 21, beg to say that I shall be pleased to give the reports from your contract schools the earliest possible attention after the same are received at this office.

We will be pleased if you could visit some of our Oklahoma schools on your contemplated trip to the Pacific coast and should you be in Oklahoma, I would be glad to meet you and confer with you on any questions which may be of mutual interest.

Yours very sincerely,

*Herbert C. Calhoun*  
Supervisor

C/G

0464

HERBERT C. CALHOUN, Supervisor

RECEIVED APR 5 1924

ANSWERED APR 5 1924

5-1142

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA.

April 2, 1924

The Bureau of Catholic Indian Missions,  
Washington, D. C.

Gentlemen:

There are enclosed herewith, original copies  
of reports and claim vouchers from the following schools  
for the third quarter of 1924, to be completed and for-  
warded to the Commissioner of Indian Affairs, Washington,  
D. C.

St. Agnes Mission	Antlers, Okla.
St. Agnes Academy	Ardmore, "
St. Joseph Boarding School	Chickasha, "
St. Elizabeth " "	Parcell, "

Yours very truly,

*Herbert C. Calhoun*  
Supervisor

G  
enc.

cc. Commissioner of Indian Affairs,  
Washington, D. C.

April 5, 1924.

Commissioner of Indian Affairs,  
Washington, D.C.

S i r:

Based on the accompanying certified Vouchers and Reports, claim is hereby made, under contracts of July 1, 1923, for care and education of Indian pupils during the quarter ended March 31, 1924, in the schools named below, as follows:

St. Agnes Mission School, Antlers, Oklahoma.		\$2661.63
St. Agnes Academy, Ardmore, Oklahoma.		
Choctaws	\$1369.50	
Chickasaws	<u>1750.00</u>	3119.50
St. Joseph's School, Chickasha, Oklahoma.		
Choctaws	625.00	
Chickasaws	<u>291.67</u>	916.67
St. Elizabeth's School, Furcell, Oklahoma.		
Choctaws	1041.67	
Chickasaws	<u>1041.67</u>	2083.34

Very truly yours,

Charles S. Lusk,  
Secretary.

L:J



April 8, 1924.

Mr. Herbert C. Calhoun,  
Supervisor of Schools,  
Muskogee, Oklahoma.

Dear Mr. Calhoun:

Your two letters and the Reports and Vouchers  
of our schools among the Choctaws and Chickasaws, were  
duly received.

We are very grateful to you for your kindness  
in forwarding the reports and vouchers so promptly.

Your kind invitation to call on you at any time  
I visit Oklahoma is very much appreciated and will, I as-  
sure you, be availed of should it be my good fortune some-  
time in the future to visit Muskogee.

Very sincerely yours,

Charles S. Lusk,  
Secretary.

L:J

Hearing of the Claims of the Delegation of  
Fond du Lac Chippewa Indians, consisting of

Michael Houle, interpreter, *Iverson, Minn.*  
Louis Aynimahsung, *Swyer, Minn. Box 37*  
Frank Barney, and *Swyer*  
Charley Jenkins, *Old River " R.F.D. 4*

Before Dr. Wooster.

April 2, 1924.

Dr. Wooster read to the Indians the treaty of February 28, 1855 (10 Stat. L., 1155), and thereafter asked the interpreter whether or not there was anything in that treaty which had been unfulfilled by the Government with the Indians mentioned therein.

In response, Aynimahsung said that their claims related to the treaty of October 4, 1842 (7 Stat. L., 591), concluded at La Pointe, Wisconsin, with the Chippewa Indians of the Mississippi and Lake Superior.

Aynimahsung also said that the Government has not paid the Indians in full as provided in the 4th Article of the treaty just read to them.

Q.1. The United States agreed in Article 4 to pay them \$12,500 in specie for twenty-five years. Did you receive that?

A. Aynimahsung. He never heard that they did. He claims he did not receive it and asks if the money was paid and to whom.

Q.2. Article 4 provides that \$10,500 shall be paid in goods. Did you get that?

A. Aynimahsung. We got some of that clothing, but do not know how much.

Q.3. Article 4 provides for \$2,000 in provisions and tobacco. Did you get that?

A. Yes, we got that.

Q. 4. \$2,000 for the support of two blacksmith shops including pay of smiths and assistants, iron, steel, etc. Did you get that?

A. Charles Jenkins, 63 years of age, said that they had the blacksmith but were supposed to have them for 25 years and did not have them that long. Yes they got the shops.

Q. 5. \$1,000 to pay for two farmers, \$1200 to pay for two carpenters, and \$2,000 for the support of schools. Did you get all that?

A. We had the carpenter all right, but he would not work for the Indians. Yes, they had a school for five years and then it was closed.

Q. 6. To pay the sum of \$5,000 as an agricultural fund to be expended under the direction of the Secretary of War. Did you get that?

A. Yes, we got some of the money in potatoes, but do not think we got it all.

Q. 7. The sum of \$75 to be allowed in payment of debts of the Indians within the ceded district, to be paid by the United States within three years to the persons as set out in the schedule of claims attached to the treaty. Was this money paid?

A. Charles Jenkins says he was told by his grandfather that these claims were not all paid, though he thinks some of them did get their money.

Q. 8. The sum of \$15,000 to be paid to the Indians next year as a present to be disposed of as they so determined in council. Did you get that?

A. Charley Jenkins says he never heard anything about it.

Q. 9. Have you any other claims under this treaty?

A. Yes, we are claiming the lands that remained to us after our cession which we asked the President to keep for us and our children as a reserve.

In addition to the foregoing claims Louis Aynimah-sung submitted the following typewritten statement of claims:

First.

General settlement with the United States Government. All the Chippewa Indians of the State of Minnesota ask the United States a general settlement from September 30, 1854. and the treaty or agreement of January 14, 1889 on all sales of lands and all timber such as white pine or Norway pine and other timbers which are merchantable.

Second.

Chippewa Indians of State of Minnesota asking settlement 1,000,000 acres of swamp land which so-called by State of Minnesota include timber.

Third.

The Chippewa Indians of the State of Minnesota ask to be paid all mineral and iron ore (the sale of) which was never authorized in any treaty.

Fourth.

The Chippewa Indians of the State of Minnesota are asking the United States Government all big bodies of water where there is navigation such as Lake Superior or Lake of the Woods or all other big bodies of waters to be paid or some kind of settlement.

Fifth.

Chippewa Indians of the State of Minnesota wants the fishing and hunting rights to be ratified by Congress and to be paid all the licenses that were sold during all this time for the reason when the Chippewas made treaties with the United States Government fishing and hunting rights were reserved so the Indians actually owned those animals such as deer and moose and all small game and all fish on or in any of those waters in the state of Minnesota.

Sixth.

The Chippewa Indians of the State of Minnesota also want settlement of Hunter's Island (which is just north

of Lake County in Minnesota, in Canada), which contains several thousand acres which the United States Govt. never paid them yet which was promised them when they got decision from the Canadian Govt. this tract of land or island.

Hearing continued.

April 10, 1924.

Q. 10. Louis Aynimahung. That under Article 4 of the treaty of 1842 (7 Stat. L. 592), the mixed bloods were to be paid \$15,000; that his father, John Aynimahung, told him that this payment was not made to the Fond du Lac mixed bloods but was made to and received by the mixed bloods at the White Earth Agency - the Boileos, Fairbanks, Warrens, and other mixed bloods getting it; that the council of Indians as provided for in Article 4 understood that these mixed bloods who received the half-breed payment were not to again share in any of the tribal benefits, and that they have continued on the roll and been allowed to share as other Indians of the tribe.

At the time of the Treaty of 1854 with the Chippewa Nation which divided the territory between the Chippewas of the Lake Superior and the Chippewas of the Mississippi, the Fond du Lac Band agreed to let the Chippewa at Lac du Flambeau and at Odanah have the land and use it if they would pay the Fond du Lac Band rent for such land. We never got any rent and ask to be advised what the records show.

Q. 12. Dr. Wooster. Have you any other claims?

A. Louis Aynimahung. Under the treaty of July 29, 1837, (7 Stat. L., 536), the Fond du Lac Band, with other bands mentioned therein, were to receive certain payments; that at this time the Indian Agent asked the Fond du Lac Indians if they would let seven of their payments go under the treaty mentioned, and have the money paid to the Nett Lake Band of Chippewas, who would return the money or an equal amount, when the Nett Lakers sold any of their land or timber or received any funds from the Government. Was this money returned to the Fond du Lac Band or

put in the Treasury to their credit? I do not know how much money it was, nor the year in which the transaction occurred. I was told this by my father.

Louis Aynimahung. Is there any record in the treaties with the Chippewas referred to of their leasing any of their lands to the Winnebago Tribe of Indians? I was told by my father that the Fond du Lac did lease some of their lands about 1827 before the lands of the tribes were divided.

Louis Aynimahung. That if in investigating these claims as submitted above the Interior Department shall find that there is any money due the Fond du Lac Band, that they would like to have this placed to their credit and paid to them from time to time. That this would include not only the Fond du Lac Band but the other Chippewa Bands of Minnesota who would be entitled to a share of it. That his children who were born after allotments were made to the Fond du Lac, have never received any land and he asks if they can be given allotments of land.

That at Sawyer, Minnesota, there is a townsite of 40 acres which at one time was the allotment of Liza Popune, whose father was Medwageshig; that Mr. Isaacson, the trader or storekeeper who rented the land from Liza Popune afterwards stopped paying rent therefor; that there are a number of other white persons living on the land - Ed Soaklund and Mike and John Zacker; and that the Fond du Lac Indians believe that this is still Indian land and that the whites have no right to live there. I ask who owns the title to the land.

Dr. Wooster. Is that all you have?

Aynimahung. Is there any <sup>way</sup> of getting our expenses paid for coming here from Sawyer to Washington?

Dr. Wooster. I will take this up with Mr. Meritt and let you know.

Dr. Wooster. Is there anything else you wish to know in addition to the above statements?

A. There is nothing more.

27532-24

L-C

WMP

*Chippewa Indians*

4

*Miss C*

APR 28 1924

Messrs. Louis Aymishewung, Frank Barney,  
Charley Jenkins, and Michael Houle,  
Chippewa Indians,  
Box 37, Sawyer, Montana.

Gentlemen:

In response to your inquiries made at the hearing April 9,  
1924, with respect to Chippewa tribal matters, the following answers  
are made hereto:

1. Claim that the Government has not paid the Indians  
in full as provided in the 4th article of the treaty  
of October 4, 1842 (9 Stat. L., 551).

The records of this Office show that the amounts to be paid the  
Indians or expended for their benefit under the provisions of the  
treaty mentioned are also under article 8 of the treaty of September 30,  
1854 (10 Stat., L., 1100), were appropriated by various acts of Congress,  
and such acts were sent to the proper disbursing officers for payment  
to or expenditure for the Indians entitled to receive the same. If any  
further details of expenditures should be required it would be necessary  
to take the matter up with the General Accounting Office for this De-  
partment where the original accounts of the disbursing officers are  
filed.

2. That your people asked the President to keep as a reserve  
for them and their children all of the unceded lands claimed  
by the Chippewa Indians.

The records show that all lands stipulated to be reserved for  
these Indians under their various treaties and agreements were set

Miss C

apart for such purposes. However, many of the tracts so set aside were subsequently ceded to the Government by your people, and the considerations as specified in such agreements and treaties have been paid to and received by the Indians.

3. Request for a general settlement for all sales of land, and for timber including white and Norway pine under the agreement of January 14, 1889 (25 Stat. L., 642).

Under the act of June 27, 1902 (32 Stat. L., 400) and May 23, 1908 (35 Stat. L., 368), which created the Minnesota National Forest, to which you no doubt refer, a commission was appointed which valued the lands and timber of the Indians so taken for forest purposes, and the sum of \$1,490,175.56 in settlement therefor was, under date of May 31, 1923, placed to the credit of the Chippewa tribal trust fund in the Treasury. However, this settlement contemplated only the legal measure of damages for the lands and timber, and a further bill (H.R. 27) was introduced in Congress to compensate the Indians for interest on the said timber and lands for a period of about 14 years from January 1, 1908. The amount carried by the bill is \$422,939.01. The Department has recommended the passage of this bill which, if enacted, will fully compensate the Indians for all interest claims which they might assert against the Government in connection with the Minnesota National Forest.

In addition a further bill (H.R. 26) is now pending in Congress to compensate the Indians for their equitable claim to hardwood and Jack pine timber alleged by them to have had a merchantable value in 1908, and for which no allowance was made by the acts which established



the forest. This bill, which has been submitted for the consideration of Congress, carries an item of \$1,060,687.70.

Under the act of May 17, 1900 (31 Stat. L., 179), Congress relieved the settlers on Chippewa ceded lands of the obligation of paying \$1.25 per acre therefor for the benefit of the Indians, and provided that such payment should be made by the United States. As no settlement has as yet been made therefor a bill was introduced (H.R. 26) to compensate the Chippewa for these lands. This bill carries an appropriation of \$1,787,751.36 with interest thereon from December 31, 1922, and has been recommended favorably by the Department.

4. Claim of the Chippewa Indians to certain swamp lands taken by the State of Minnesota.

An original action is now pending in the Supreme Court of the United States to determine the respective rights of the State of Minnesota and the Chippewa Indians to the swamp lands within the several reservations as they existed on January 14, 1889. This bill is receiving careful consideration by this Department.

In addition to the action taken on the foregoing claims, officials of this Bureau have personally visited the Chippewa country and have looked into all further complaints, charges, etc., of the Chippewa to the end that a final settlement may be had of all their troubles and claims.

5. Claim for payment for all mineral and iron ore which has been taken from ceded lands, and which minerals were as alleged never granted to the United States in any treaty.

Mun C

An examination of the treaties and agreements with these Indians does not show that the minerals within the lands ceded to the Government were reserved or excepted from the cession. As lands containing minerals to which reference is made were ceded and sold to the Government and the Indians received the consideration therefor named in the treaties and agreements, it is not seen that they have any valid claim in law or equity to the minerals.

6. Claim for payment for all big bodies of navigable water such as Lake Superior, Lake of the Woods, etc.

Such bodies of water as were included in lands which were ceded to the Government of course went with the lands, and the Indians could not now expect to assert any valid claim thereto. Concerning the large lakes to which reference is made, it does not appear from an examination of the treaties that the Indians then asserted any title to these bodies of water; and under the practices of nations their exclusive right to such waters would not have been recognized nor considered had the Indians alleged ownership thereof.

7. Claim to Hunter's Island north of Lake County, in Minnesota, and located in Canada.

No record is found here relating to this claim to lands in Canadian territory.

8. That the \$15,000 which under article 4 of the treaty of 1843 was to be paid the Fond du Lac mixed-bloods was not received by them but was actually paid to the Beaulieu, Fairbanks, Warrens, and other mixed bloods at White Earth Agency; and that these persons have been wrongfully retained on the tribal rolls.

The provision in article 4 to which reference is made, reads:

Whereas the Indians have expressed a strong desire to have some provision made for their half breed relatives, therefore it is agreed,

that fifteen thousand (\$15,000) dollars shall be paid to said Indians, next year, as a present, to be disposed of as they together with their agent, shall determine in council.

The records show that this money was sent to the proper disbursing officer, and it is presumed that it was disposed of in accordance with the wishes of the tribal council as provided for under the terms of the article above quoted.

With respect to the rights of the mixed blood families mentioned, the records show that in 1911, the Department investigated fully the cases of these persons (35 in number), and full hearings were had and voluminous testimony taken in the field. The tribe and the contestees were given the fullest opportunity to be heard through attorneys and otherwise. The case was referred to the Court of Claims which held that it was without jurisdiction to decide the matter, and the Department, which subsequently permitted oral hearings and reviewed the elaborate briefs that had been filed, <sup>held</sup> January 23, 1916, that these persons who had been enrolled under the provisions of the act of January 14, 1885 (23 Stat. L., 642), by the Chippewa Commission and with the approval of an assisting tribal council, should not be stricken from the rolls. The enrollment of these mixed blood families was accordingly sustained.

9. Claim that under the treaty of 1854 (10 Stat. L., 1109), the Fond du Lac band of Chippewa Indians agreed to let the Lac du Flambeau and Bad River bands use the tracts set aside to the latter bands for a reservation, if they would pay the Fond du Lac rent therefor.

There is nothing in the treaty mentioned, nor in the records of this Office relating to this claim. The treaty of September 30, 1854

clearly specifies that the respective tracts of land set aside to the Lac du Flambeau band and to the La Pointe band at Red River are for their exclusive use, and there is nothing in the treaty to indicate that the Fond du Lac band had any rights therein or were to receive rent from the Red River and Lac du Flambeau bands for the use of the land.

10. That under the treaty of July 29, 1837 (7 Stat. L., 538), certain payments were made to the Fond du Lac band, which were, at the request of the Indian Agent, paid to the Nett Lake band of Chippewa upon an understanding that the latter would return the money when they sold any of their land or timber or received any funds from the Government.

The available records contain nothing whatever with respect to this claim.

11. Inquiry as to whether or not the Fond du Lac leased some of their lands, about 1837, to the Winnebago tribe of Indians.

The records of the Office do not contain anything with respect to the alleged lease as above set out.

12. Request that Fond du Lac children born after allotments were made to the band be given lands.

Fond du Lac allotment rolls were closed in 1896. Under a decision of the Department children born after the closing of the rolls cannot receive allotments. This rule would therefore exclude all children born after the allotment rolls were closed in 1896.

13. Claim that the townsite of 40 acres at Sawyer, Minnesota, which was, as alleged, allotted to Miss Foyne, is still Indian land.

In answer to your claim as above and to your request to be advised as to who owns the title to this land, the records show that

Miss C

The townsite of Sawyer, Minnesota, is located on the SE of the NE of the SW Sec. 4, T. 48 N., R. 18 W. The records do not show that this land was ever allotted to Lisa Popune, but that it was included in the allotment of Catherine Scott. This allotment was subsequently canceled for the reason that Catherine Scott was found to have been allotted at Bad River under the name of Catherine James. The Northern Pacific Railway Company paid \$400 for the use of this tract but afterwards abandoned it and the land thereupon reverted to the United States. While in the possession of the railway company Mr. Oscar Isaacson obtained a lease therefrom and erected a store and paid rental for the lease until 1916. The company then informed him that they had no title to the land and that he should make no further lease payments. This tract was later set aside as a townsite under the general townsite laws as extended by the act of February 9, 1903 (32 Stat. 10, 320), to cover ceded Indian lands within the State of Minnesota. There are 73 lots in this townsite of which 37 have been sold by the General Land Office, and 36 remain unsold. The funds derived from the sale of the lots have been placed in the Treasury to the credit of the Indians.

The names of the purchasers of the lots can, no doubt, be furnished you by the local land office should you desire such information. If the persons mentioned by Louis Agnissahung have purchased lots in the townsite they can not be considered as trespassers.

The title to the 37 lots sold is in the purchasers, and that to the unsold tracts is in the United States in trust for the Indians

subject to disposal by the General Land Office under the townsite laws as extended by the act of February 3, 1903, above mentioned.

14. Hunting and fishing rights.

Article 11 of the treaty of September 30, 1854 (10 Stat. L., 1109-1111), provided in part as follows:

" \* \* \* and such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Following the cession of the lands referred to the country rapidly settled up with whites, and the Indians were advised from time to time by this Department, speaking for the President, that they could no longer be allowed to hunt and fish in such ceded territory in violation of the State game laws but must conform thereto and exercise the right of hunting and fishing the same as the white citizens and settlers. Their temporary right granted by the treaty provision mentioned thereby ceased.

With respect to your request to be paid hunting and fishing license fees received by the State or local authorities, it may be said that such moneys are under the control of the State and not of the United States Government. Further, as your people did not reserve an exclusive right of hunting and fishing, and the temporary permission granted under the treaty was necessarily revoked as indicated above, you would have no valid claim to fees for licenses issued by the State.

Carbon to Sup't, Cons. Sincerely yours,  
Chippewa Agency. (Signed) E.B. Merrill  
Carbon to Chas. S. Lusk, Sec., Bureau  
of Catholic Missions, 2021 H. St.,  
4-25 jmb NW., Wash'n, D.C.  
Acting Commissioner.

(copy)

34-3

Finance.  
FC

June 4, 1924.

FUNDS FOR MISSION SCHOOL  
CONTRACTS, 1925.

## Education Schools:

Sioux

The last complete census of the Sioux is that of June 30, 1923, showing a total of 22,495 Indians. The per capita share of these Indians in the appropriation of \$200,000 Education Sioux Nation, 1925 is \$8.89 and the per capita share in the fund of \$256,000 "Support of Sioux of Different Tribes, Subsistence and Civilization, 1925," is \$11.47.

The Sioux Indians who have not withdrawn their pro rata shares in the \$5,000,000 Sioux fund to June 22, 1923, and being therefore entitled to share in the interest accruals, are as follows:

Crow Creek	409	
Lower Brule	169	
Pine Ridge	3,542	
Rosebud	3,112	
Interest on Sioux Fund Crow Creek Education		
Amount available for 1925		\$2,100.00
Number of Indians entitled	409	
Per capita shares		5.13
Interest on Sioux Fund Lower Brule Education		
Amount available for 1925		4,090.00
Number of Indians entitled	169	
Per capita shares		24.20
Interest on Sioux Fund Pine Ridge Education		
Amount available for 1925		9,150.00
Number of Indians entitled	3542	
Per capita shares		2.58
Interest on Sioux Fund Rosebud Education		
Amount Available for 1925		12,448.00
Number of Indians entitled	3112	
Per capita shares.		4.00
Interest on Rosebud Reservation 3% Fund		
Act of May 30, 1910 (Support, 1925)		
Amount available for 1925		2,000.00
Number of Indians entitled	5572	
Per capita shares		.36

# SUMMARY

Tribes	Education : Sioux Nation 1925	Supp't of : Sioux Sub. and Civ. 1925	Interest : on Sioux Fund, Edu- cation 1925	Interest : on Rose- bud Res- erv'n 3% Fund, Act 3-30-10 Supp't 1925	Total Per Capita
Crow Creek	\$8.89	\$11.47	\$5.23	-----	\$25.49
Lower Brule	8.89	11.47	24.20	-----	44.56
Pine Ridge	8.89	11.47	2.58	-----	22.94
Rosebud	8.89	11.47	4.00	.36	24.72

## Chippewa.

The census of June 30, 1923, shows 13351 Chippewa Indians of Minnesota. The Interior Act for 1925 authorized the use of \$140,000.00 from the principal fund of these Indians. The treaty appropriation is \$4,000.00 under "Support of Chippewa of the Mississippi, 1925" and the interest on the principal fund available for education for 1925 approximates the sum of \$2,700.00 or a total of \$206,700. The per capita shares in these funds aggregate \$18.48. The Red Lake Indians have an additional per capita of \$15.30 in the fund of \$25,000, "Indian Moneys, Proceeds of Labor" (Red Lake) Interest on Trust Fund."

## Menominee.

The census of June 30, 1923, shows 1638 Menominee Indians. The approximate interest on the "Menominee Log Fund" available for 1925 amounts to \$2,300.00. The per capita shares amount to \$50.22. The per capita shares in the "Interest on Menominee 4% Fund" available for 1925 of about \$115,000.00 amount to \$62.77. Total per capita shares \$112.99.

## Longue River and Shoshone.

The census of June 30, 1923, shows 1417 Northern Cheyenne Indians at Longue River, Montana, and 921 Arapahoes at Shoshone, Wyoming, or a total of 2338 Indians. The treaty appropriation for 1925 under "Support of Northern Cheyennes and Arapahoes, 1925," amounts to \$75,000 or \$32.08 per capita.

## Osage

For contract with St. Louis Mission School, Osage, the fund available is "Indian Moneys, Proceeds of Labor, Osage School, 1925" \$18,700.00.

## Quapaw

The fund available for St. Mary's Mission School, Quapaw, is "Support of Quapaws, Education, 1925" amounting to \$1,000.00.



# RECAPITULATION

Showing Funds Available for 1925 Contracts.

Mission Schools.	Location.	Funds.	Amount.
Immaculate Conception	Crow Creek	Education Sioux Nation, 1925	\$1,000.00
		Int. on Sioux fund, Crow Creek Education.	2,000.00
		Int. on Crow Creek 4th Fund, Education.	2,250.00
		Int. on Sioux fund-Lower Brule Education	2,000.00
Holy Rosary	Pine Ridge	Education Sioux Nation, 1925	10,000.00
		Support, Sioux of Different Tribes, Sub. & Civ., 1925	24,875.00
		Int. on Sioux fund Pine Ridge Education	9,000.00
St. Francis	Rosebud	Sup't, Sioux of Different Tribes, Sub. & Civ., 1925	26,625.00
		Education, Sioux Nation, 1925	10,000.00
		Int. on Rosebud Reserv'n 3rd Fund, Act 5-30-10 (Support, 1925)	2,000.00
		Int. on Sioux fund, Rosebud Education	2,000.00
St. Francis	Pine Ridge	Support of Sioux of Different Tribes, Sub. & Civ., 1925	4,050.00
St. Mary's	Red Lake	Int. on Chippewa in Minnesota Fund, Education	15,000.00
St. Benedict's	Consolidated	Int. on Chippewa in Minnesota Fund, Education	13,750.00
St. Joseph's	Keshena	Int. on Menominee Log fund.	27,500.00
St. Labre	Longue River	Support of Northern Cheyenne and Arapahoes, Montana, 1925	6,875.00
St. Stephen's	Shoshone	Support of Northern Cheyenne and Arapahoes, Montana, 1925.	12,000.00
		Indian Moneys, Proceeds of Labor, Shoshone and Arapaho Indians	1,125.00
St. Michael's	Shoshone	Indian Moneys, Proceeds of Labor, Shoshone and Arapaho Indians	8,625.00
St. Louis	Osage	Indian Moneys, Proceeds of Labor, Osage School, 1925	15,000.00
St. Mary's	Quapaw	Support of Quapaws, Education 1925	1,000.00
Total - - - -			\$196,675.00

HERBERT C. CALHOUN, Supervisor

5-1142

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA.  
June 5, 1924

The Bureau of Catholic Indian Missions,  
Washington, D. C.

Gentlemen:

There are enclosed herewith, original copies  
of reports and claim vouchers from the following schools  
for the fourth quarter of 1924, to be completed and for-  
warded to the Commissioner of Indian Affairs, Washington,  
D. C.

St Agnes Mission Antlers, Okla.

St. Elizabeth Boarding School, Purcell, Okla.

Reports for St. Joseph Boarding School and  
St. Agnes Academy will follow later.

Yours truly,

*Herbert C. Calhoun*  
Supervisor

G  
enc.

cc. Commissioner of Indian Affairs,  
Washington, D. C.

30-4

June 11, 1924.

Commissioner of Indian Affairs,  
Washington, D.C.

S i r:

Based on the accompanying certified  
Vouchers and Reports, claim is hereby made by  
this Bureau, under contracts of July 1, 1923,  
for care and education of Indian pupils during  
the quarter ending June 31, 1924, in the follow-  
ing schools:

St. Agnes Mission School, Antlers, Oklahoma.	\$942.54
St. Elizabeth's School, Purcell, Oklahoma.	
Choctaws	\$697.01
Chickasaws	<u>660.33</u>
	1357.34

Yours very truly,

Rev. William Hughes,  
Director.

50743

5-1100

REFER IN REPLY TO THE FOLLOWING:

30-5  
ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

JUN 20 1924

JUN 21 1924

JUN 23 1924

Reverend William Hughes, Director,  
Bureau of Catholic Indian Missions,  
2021 "P" Street, N. W.,  
Washington, D. C.

My dear Father Hughes:

There are enclosed herewith two copies of the contracts entered into between this Office and your Bureau for the care and education of Indian pupils in the following mission schools during the fiscal year ending June 30, 1925:

#1758, St. Francis Mission School, South Dakota.

#1757, St. Joseph's Industrial School, Wisconsin.

#1772, St. Louis Mission School, Oklahoma.

Please acknowledge receipt of these contracts.

Very truly yours,

*E. M. Meritt*  
Assistant Commissioner.

0486

June 20, 1924. *Misc 2*

Mr. B. S. Garber,  
Chief of Education Division,  
Office of Indian Affairs,  
Washington, D.C.

Dear Mr. Garber:

Many thanks for your kindness in sending me  
the Roster of Officers of the Indian Service, corrected  
to May 1, 1924, and four copies of the Routes to Indian  
Agencies and Schools, corrected to date, which were re-  
ceived this morning.

Yours very truly,

Rev. William Hughes,  
Director.

REFER IN REPLY TO THE FOLLOWING:

50746  
5-1100

30-5  
ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

JUN 23 1924

6/24/24  
JUN 2 1924

Reverend William Hughes, Director,  
Bureau of Catholic Indian Missions,  
2021 "H" Street, N. W.,  
Washington, D. C.

My dear Father Hughes:

There are transmitted herewith for file in your  
office copies of contracts entered into between this Office  
and your Bureau, for the care and education of Indian pupils  
in the following mission schools during the fiscal year end-  
ing June 30, 1925:

#1760, St. Agnes Academy, Ardmore, Oklahoma.  
#1761, " " " " "  
#1762, St. Benedict's Graham School, White Earth, Minnesota.  
#1763, St. Mary's Mission School, Red Lake, Minnesota.  
#1764, St. Lebre's Mission School, Tongue River, Montana.  
#1765, St. Joseph's School, Chickasha, Oklahoma.  
#1766, " " " " "  
#1767, St. Elizabeth's School, Purcell, Oklahoma.  
#1768, " " " " "  
#1770, St. Agnes Mission, Antlers, Oklahoma.

Please acknowledge receipt of these contracts.

Very truly yours,

*E. P. Mearns*  
Assistant Commissioner.

30-5

June 23, 1924.

Hon. E. B. Meritt,  
Asst. Commissioner of Indian Affairs,  
Washington, D.C.

Dear Mr. Meritt:

This will acknowledge receipt of your letter  
of June 20, enclosing two copies each of contracts for  
care and education of Indian pupils in the following  
mission schools, during the fiscal year ending June 30,  
1925:

St. Francis Mission School,  
St. Francis, South Dakota.

St. Joseph's Industrial School,  
Keshena, Wisconsin.

St. Louis Mission School,  
Pawhuska, Oklahoma.

Yours very truly,

Rev. William Hughes,  
Director.

WH:J

30-5

June 24, 1924.

Hon. E. B. Meritt,  
Asst. Commissioner of Indian Affairs,  
Washington, D.C.

Dear Mr. Meritt:

This will acknowledge receipt of your letter of June 23, enclosing two copies each of contracts for care and education of Indian pupils in the following mission schools, during the fiscal year ending June 30, 1925:

- #1760. St. Agnes Academy, Ardmore, Oklahoma.
- #1761. St. Agnes Academy, Ardmore, Oklahoma.
- #1762. St. Benedict's Orphan School, White Earth, Minn.
- #1763. St. Mary's Mission School, Red Lake, Minnesota.
- #1764. St. Labre's Mission School, Tongue River, Montana.
- #1765. St. Joseph's School, Chickasha, Oklahoma.
- #1766. " " " " " "
- #1767. St. Elizabeth's School, Purcell, Oklahoma.
- #1768. " " " " " "
- #1770. St. Agnes Mission, Antlers, Oklahoma.

Yours very truly,

Rev. William Hughes,  
Director.

J



30-4

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA.

July 8, 1924.

The Bureau of Catholic Indian Missions,  
Washington, D. C.

Gentlemen:

There are enclosed herewith, original copies of reports and claim vouchers from the following schools for the fourth quarter of 1924, to be completed and forwarded to the Commissioner of Indian Affairs, Washington, D.C.:

St. Agnes Academy, Ardmore, Ok.  
Choctaw- St. Joseph Boarding School, Chickasha, Ok.

Inasmuch as the total appropriation of \$625. under Contract No. 1783 for the attendance of Chickasaws in the St. Joseph Boarding School, Chickasha, Oklahoma was consumed with the payment of the third quarter, there is noted the absence of this report for the fourth quarter.

Yours very truly,

*Herbert C. Calhoun*

Supervisor

G  
cc. Commissioner of Indian Affairs,  
Washington, D. C.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SCHOOL SERVICE

H. B. PEAIRS, CHIEF SUPERVISOR OF EDUCATION

LAWRENCE, KANSAS

October 6, 1924.

TO ALL SUPERINTENDENTS AND EMPLOYEES:

During the present year the Junior Red Cross will continue to cooperate with the Indian Schools as they did during the past year, but with the main emphasis on health. Those schools which have these organizations will continue them. Those schools which have not these organizations should perfect them.

In connection with this special health emphasis, the American Child Health Association has cooperated in planning a program of health-education for all Indian schools. The prevalence of disease among Indians is startling. One large reservation reported that twenty percent of the children examined for entrance into school were tubercular. If disease is as prevalent as this, ill-health must be still more so. These conditions can be combated best, perhaps, through the schools. For this reason the work outlined in the program of health education which is attached must be made a special topic this year. During the succeeding years it will become a regular topic with special emphasis on it.

The American Child Health Association, 370 Seventh Avenue, New York City, with its splendid organization and its wealth of material stands ready to cooperate with us in putting over this program. Any teacher or employee who faces a problem that is troublesome can get assistance by writing to this organization. They will be glad to hear from you and will welcome an opportunity to assist you.

The splendid example of cooperation which this association gives should not be lost on the workers in our service. The program as outlined offers many opportunities for agency and school employees to join forces in this work. The conferences outlined in the day school program are vital elements in the conduct of the program. Every employee of the service, participating in these conferences ought to feel a personal interest and responsibility in the matters discussed and should be willing, yes solicitous, to do the part assigned him or her. Our united efforts over a term of years ought to materially improve the conditions that have been found to exist among the Indian people. The effects of a thoughtful, wisely planned, constructive program of health-education will, in part, be immediately apparent, but they should be felt even more strongly in the second, the third and the fourth generations.

The Commissioner has an intense interest in this program, as does everyone who has the welfare of the Indian at heart. Let us attack this program with the spirit of crusaders to the end that the American Indian may take his place in the ranks of American citizens as a clean, upstanding, vigorous, healthy individual, physically and mentally able to make the biggest contribution of which he is capable.

Sincerely yours,

H. B. Peairs,  
Chief Supervisor of Education.

Supervisor's Circular No. 33.

HERBERT C. CALHOUN, SUPERVISOR

5-1142

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

Field: 111 24 1924  
Date: 10/18/24  
Order filled  
Folio: 1  
Spec. out  
Spec. in

MUSKOGEE, OKLAHOMA.

October 18, 1924.

The Bureau of Catholic Indian Missions,  
Washington, D. C.

Gentlemen:

There are enclosed herewith, original copies  
of reports and claim vouchers from the following schools  
for the first quarter of 1925, to be completed and for-  
warded to the Commissioner of Indian Affairs, Washing-  
ton, D. C.

St. Agnes Mission,	Antlers, Okla.
St. Agnes Academy,	Ardmore, "
St. Elizabeth Boarding School,	Purcell, "
St. Joseph " "	Calichusa, "

Yours very truly,

Supervisor

G  
enc.

CC. Commissioner of Indian Affairs,  
Washington, D. C.

*Choctaw & Chickasaw Schools*

*Es. 4*

October 23, 1923.

Mr. Herbert C. Calhoun,  
Supervisor of Five Civilized Tribes Schools,  
Muskogee, Oklahoma.

Dear Mr. Calhoun:

In the past you have been so very prompt in forwarding the quarterly Vouchers and Reports of our contract mission schools among the Choctaws and Chickasaws, that I am not a little surprised at the delay in the receipt of the Vouchers and Reports for the quarter ended September 30, 1924. I fear there must be something serious that accounts for this delay, and hence am writing you for the purpose of learning just what the situation is. An early reply would be greatly appreciated.

Very sincerely yours,

Charles S. Lusk,  
Secretary.

L:J

*Chickasaw & Choctaw Schools*

*30-11*

October 24, 1924.

Commissioner of Indian Affairs,  
Washington, D.C.

Sir:

Based on the accompanying certified Vouchers and Reports, claim is hereby made by this Bureau, under contracts of July 1, 1924, for care and education of Indian pupils in the schools named below, during the quarter ended September 30, 1924, as follows:

St. Agnes Mission School, Antlers, Oklahoma.	\$1243.66
---	-----------

St. Agnes Academy, Ardmore, Oklahoma.	
Choctaws	1299.62
Chickasaws	<u>733.70</u>
	2033.52

St. Elizabeth's Mission School, Purcell, Oklahoma.	
Choctaws	407.61
Chickasaws	<u>339.67</u>
	747.28

St. Joseph's Mission School, Chickasha, Oklahoma.	
Choctaws	163.04
Chickasaws	<u>135.87</u>
	298.91

Very truly yours,

Charles S. Lusk,  
Secretary.

J

HERBERT C. CALHOUN, Supervisor

5-1142

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN FIELD SERVICE

OFFICE OF THE SUPERVISOR OF SCHOOLS  
FIVE CIVILIZED TRIBES

Oct 30 1924 Am  
Order filed  
Recd. stamped  
3  
4  
5

MUSKOGEE, OKLAHOMA  
October 27, 1924.

Mr. Charles S. Lusk,  
Secretary, Bureau Catholic Indian Missions,  
2021 H. Street, N.W.  
Washington, D. C.

Dear Mr. Lusk:

Answering your letter of October 23, concerning delay in submitting vouchers for tuition, beg to advise that from the reports we received from the various schools, it was impossible to identify as Indians many of the pupils enrolled, on account of inadequate information which was submitted. Some names were submitted which were probably derived from later marriages of parents and had no connection whatever with the Indian rolls. These matters had to be straightened out by correspondence with the schools and the schools in turn had some trouble in locating the proper names to indicate the Indian parentage.

In one or two instances the schools could not give us information at all and referred us to other people. We in turn wrote them and some have not answered to date; as a consequence, we have had to cut out a few names as you will note from the report, until these children can be identified as Indians. If they are later properly identified, it will be possible to supplement their report of attendance covering their total enrollment. This is a situation that develops at the opening of every school year, due to many changes of enrollment and the difficulty of identifying the pupils as Indians.

Yours very truly,

Herbert C. Calhoun  
Supervisor

HCc/g

cc. Washington Office.

## Patents for Mission Lands.

676

Decisions Relating To The Public Lands.

Vol.

## EXTENT OF TITLE TO LANDS PATENTED AS MISSION CLAIMS ON INDIAN RESERVATIONS.

Opinion, November 21, 1934.

## Statutory Construction.

Supplemental acts relating to the same subject matter may properly be regarded as a legislative interpretation of prior acts.

## Mission Claims - Indian Lands - Crow Creek Lands - Patent.

Notwithstanding that the Indian appropriation act of March 3, 1899, authorized the issuance of unrestricted fee simple patents to religious organizations engaged in mission or school work on Indian reservations, it is obvious that Congress intended by the later act of September 21, 1922, that patents issued after the latter date to such organizations for lands on Indian reservations should specify that the lands will revert to the Indian owners when no longer used for missionary purposes.

## Edwards, Solicitor:

My opinion has been requested in connection with the issuance of patents for certain lands on the Crow Creek Indian Reservation, South Dakota, heretofore set apart to the Protestant Episcopal Church for missionary purposes.

By the act of March 2, 1889 (25 Stat., 888), the great Sioux Reservation was carved up into a number of small reservations for sundry bands of the Sioux Tribe and a large part of their former claimed territory made available for homestead settlement and entry. Among the diminished reservations so created we find the one at Crow Creek (section 6 of the act). With reference to the entire area, however, from section 18 of the act we read:

That if any land in said Great Sioux Reservation is now occupied and used by any religious society for the purpose of missionary or educational work among said Indians, whether situate outside of or within the lines of any reservation constituted by this act, or if any such land is so occupied upon the Santee Sioux Reservation, in Nebraska, the exclusive occupation and use of said land, not exceeding one hundred and sixty acres in any one tract, is hereby, with the approval of the Secretary of the Interior, granted to any such society so long as the same shall be occupied and used by such society for educational and missionary work among said Indians; and the Secretary of the Interior is hereby authorized and directed to give to such religious society patent of such tract of land to the legal effect aforesaid. (Italics supplied.)

A provision of like tenor is to be found in the general allotment act of February 3, 1887 (24 Stat., 388, section 5), except that the latter carries no specific direction as to the issuance of patents for these so-called "church lands." Long before the enactment of these statutes various religious organizations had been zealously laboring among the Indians looking to their uplift in moral and other respects. Prior to March 2, 1889, the domestic and foreign missionary society of the Protestant Episcopal Church had established a number of missions among the Sioux, including three on the Crow Creek Reservation at stations locally known as "St. John the Baptist," "All Saints Church," and "Christ Church." Substantial improvements,



in some cases being enlarged or rebuilt as the needs of the church might require.

On the extension of our public land system of surveys over the Crow Creek Reservation and an allotment in sovereignty to the Indians there, as provided for in the act of 1889, the areas occupied and used for missionary purposes were adjusted to such system of surveys and set apart to the respective organizations by placing appropriate descriptions of the lands so occupied and used on the allotment schedules, which schedules were duly approved here in 1895. On October 23, of that year, a patent was issued for the three mission sites herein above mentioned, embracing an aggregate area of 130 acres, in which patent, after reciting a description by legal subdivisions of these three missionary sites, the tenendum clause was made to read:

Now Know Ye: That the United States of America, in consideration of the premises and in conformity with the eighteenth section of said Act of Congress approved March second, Eighteen hundred and Eighty-nine, and the order aforesaid, hereby agrees to hold in trust for the said "Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America" the tracts of land above described so long as the same shall be occupied and used by such society for educational and missionary work among said Indians. (Italics supplied.)

Just why a "trust form" of patent was resorted to is not now entirely clear for when we turn to the particular section of the statute under which issued we find that the land so used and occupied was, with the approval of the Secretary of the Interior, to be "granted" to such societies or organizations as long as used for educational or missionary work among the Indians. Further, that a patent of "the legal effect aforesaid" was to be issued to such organizations. The usual form of documentary title evidencing a grant is a patent in fee and in the absence of legislative direction to the contrary very properly such a patent could have been issued to the church in this instance with an appropriate reversionary clause in the event that the lands ceased to be used for the purposes designated.

The church is now here asking for a patent in fee simple but whether with or without a reversionary clause is not definitely shown by the record now before me. In presenting the matter to the Department, however, the Commissioner of Indian Affairs invites attention to additional legislation dealing with the same subject-matter, and from the Indian Appropriation Act of March 3, 1909 (35 Stat., 781, 814), we read:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation, for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes. (Italics supplied.)

On September 21, 1922, however, a like measure was enacted (42 Stat., 994, 995), which provides--

Sec. 3. That the Secretary of the Interior is hereby authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: Provided, that such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners.

It will be observed that the proviso in the legislation last referred to is of similar import to the obligation placed upon organizations of this character by section 18 of



the act of March 2, 1889, supra. Further, that neither of these conditions or obligations appears in the act of March 3, 1909. As supplemental acts relating to the same subject matter may properly be regarded as a legislative interpretation of prior acts, I am of the opinion that we would not now be justified in issuing an unqualified fee patent to this church organization pursuant to the act of March 3, 1909, in utter disregard of the later legislation in the act of September 21, 1922. We now can, of course, in lieu of the outstanding trust patent which is with the record in the case, issue a patent in fee with a reversionary clause in the event that the lands described therein cease to be used for missionary or educational purposes, and this, under authority of the act of September 21, 1922. As previously pointed out, however, this is simply the character of patent that the church was entitled to in the first instance.

Approved:

F. M. Goodwin,  
Assistant Secretary.

Copied by MF

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON

GEORGE VAUX, JR., PHILADELPHIA, PA.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
DANIEL SMILEY, MOHONK LAKE, N. Y.

GEORGE VAUX, JR., CHAIRMAN  
MALCOLM McDOWELL, SECRETARY

MALCOLM McDOWELL, WASHINGTON, D. C.  
HUGH L. SCOTT, PRINCETON, N. J.  
CLEMENT S. UCKER, SAVANNAH, GA.  
FLORA WARREN SEYMOUR, CHICAGO, ILL.  
JOHN J. SULLIVAN, PHILADELPHIA, PA.

NOV 23 1924  
2111 Interior Building.  
Order Filled  
November 23, 1924.  
Sten. comp'd  
Sten. ent.  
Mason

Dear Mr. Lusk:

Enclosed are some pages taken from the minutes of the Board meeting at Mohonk Lake last month. You might be interested in the references to Mr. Walter George Smith.

Very truly yours,

*Earl Y. Henderson*  
Assistant Secretary.

Mr. Charles S. Lusk,  
Bureau of Catholic Indian Missions,  
2021 H Street, N. W.,  
Washington, D. C.

MINUTES OF THE FALL MEETING  
BOARD OF INDIAN COMMISSIONERS

MOHONK LAKE, N. Y.  
October 28 - 30, 1924.

- oOo -

The semi-annual meeting of the Board of Indian Commissioners was held at the Lake Mohonk Mountain House, Mohonk Lake, New York, beginning at 2:30 P. M., October 28, 1924, and continuing through October 30.

There were present Chairman Vaux and Commissioners Eliot, Smiley, Scott, Sullivan and McDowell. The chairman read telegrams from Commissioners Knox and Ucker expressing their regrets because circumstances had intervened to prevent their attendance. He informed the Board that Commissioner Seymour had written that she could not be present, and that Commissioner Moorshead was in Europe.

COMMISSIONER SMITH.

The chairman formally informed the Board that Commissioner Walter George Smith had died April 5, 1924, and that President Coolidge had appointed as his successor Mr. John J. Sullivan of Philadelphia, the appointment bearing the date of May 9, 1924.

On motion of Commissioner Eliot, seconded by Commissioner Smiley, it was voted that the chairman and secretary be authorized and requested to draw up a suitable resolution, to be spread on the records of the Board as a memorial to Commissioner Smith. Following is the resolution:

Whereas, since the last meeting of the Board it has lost one of its members - Walter George Smith - by death. Therefore be it

Resolved, that the following minute be placed in the records of the Board as indicative of the regard and respect which the members of the Board held for their late colleague:

Walter George Smith.

Walter George Smith, widely known as an eminent lawyer and public spirited citizen, was appointed a member of the Board of Indian Commissioners by President Harding, January 9, 1923.

He entered upon his duties with much enthusiasm, bringing to bear upon such problems concerning Indians as were presented the profound legal knowledge, combined with common sense and practical sympathy that had given him a wide reputation as a lawyer and as a philanthropist.

[ENCLOSURE]

He had had much experience in the fields of education, religion, social service and public charities so that he was unusually well equipped with practical knowledge to efficiently perform his duties as a member of this Board.

He had been active in the Near East Relief and was one of the seven commissioners sent to Constantinople in 1919 to investigate the condition of war refugees in Turkey.

He gained national recognition as an authority on international law after his election as President of the American Bar Association in 1917. He served on several boards and commissions educational, legal, philanthropic and municipal in character.

Pope Pius X, in recognition of his services to the church, nominated him to receive the honors of Knight Commander of the Order of St. Gregory, in 1910 and the Notre Dame University bestowed on him the Lactare Medal in recognition of his "distinguished services to religion, science and humanity."

His comparatively short term of fifteen months as a member of this Board won for him the esteem and high regard of his colleagues because of his attractive personality, his open mind and his many humane attributes. To his fellow members his passing was a personal loss.

The secretary read the minutes of the annual meeting and of the session of the Committee on the Annual Report. The minutes of both meetings were approved as read.

On motion of Commissioner Smiley, seconded by Commissioner Scott, it was voted to formally approve the annual report prepared by the committee.

#### INSPECTION TRIPS.

Commissioner Scott then took the floor and informally gave an account of a trip he recently had made in the Northwest during which he had inspected the Fort Totten and Fort Berthold agencies in North Dakota, Fort Belknap, Fort Peck and Blackfeet agencies in Montana, and the Wind River Agency in Wyoming. As these inspections form the subjects of reports written and to be written by Commissioner Scott his remarks are not recorded herein.

The principal feature of his recital was a convention of Indian Service superintendents he attended at Browning, the headquarters of the Blackfeet Agency, who had been called together to confer with Superintendent Campbell of the Blackfeet Agency in regard to the five year industrial program which Superintendent Campbell had inaugurated on the Blackfeet Reservation with marked success. At the time Dr. L. Webster Fox, of Philadelphia, one of the best known trachoma specialists in the United States, was holding a clinic



Rec'd DEC 11 1924 Amk  
Order Filled  
Sen. comp'd  
Sen. en  
Master

THE SECRETARY OF THE INTERIOR  
WASHINGTON

December 10, 1924.

Rev. William Hughes,  
Director, Bureau of Catholic Indian Missions,  
2021 H Street, Northwest,  
Washington, D. C.

Dear Father Hughes:

The question of whether or not another meeting of the Council on Indian Affairs should be held during the coming winter must be determined.

A survey of the year's accomplishments shows much progress toward Indian betterment. The support and encouragement offered by the Advisory Council on Indian Affairs one year ago has resulted in an enlightened public interest through general discussions of the Indian question.

Through a bulletin service we have tried to keep each member of the Council informed on all important administrative problems and acts during the past year, and now enclose a resume of accomplishment for reference purposes. The resolutions adopted by the Advisory Council last December have had careful consideration, and in June of this year a pamphlet was mailed to members reporting the results of the Department's effort to meet the views of the Council as expressed in its resolutions.

The varied features of the Indian problem, coupled with financial limitations and restrictions necessary to governmental management, impose restrictions. Nothing is unimportant in this service, but many things

are only relatively so, and through a continuing policy of prompt action on single problems as they arose the aggregate results have been large and we believe wholesome; at least a vacillating and procrastinating policy has not lately complicated the administration of the affairs of these Government wards.

I am unwilling to ask this altruistic committee to reassemble in the near future unless questions of sufficient importance have arisen to justify the expense incident to a trip of the members of the Council to Washington. No such problems, however, suggest themselves to us at this time, but before definitely deciding to postpone the meeting, I should be glad to have an expression of opinion from you as to the necessity for calling the members of the Council together early in the coming year, together with subjects to which you believe the Indian Bureau should address itself.

There are, of course, the major responsibilities of the Department, such as the health, education, and economic development of the Indian, which are continuing problems. Further progress along these lines, however, is no longer a question so much of ways as it is of means. Despite the commendable liberality of Congress toward the Indians, the program for these three factors in their welfare could absorb almost unlimited funds in the future. Nevertheless, each year brings more and better schools, increased hospitalization and greater agricultural facilities, and the future in these respects is encouraging.

In the missionary field no distinction is made between religious sects but each enjoys freedom of operation. Occasionally conflicts arise between representatives of the different denominations who fear proselytizing, contrary to the regulations of the Indian Office. It is hoped that they will not forget the biblical teaching to "be kindly affectioned one to another with brotherly love; in honor preferring one another."

The following subjects are worthy of the thought of the members of the Advisory Council on Indian Affairs, and I am presenting them to you for comment:

- (1) Should the grades in Indian day schools be extended beyond six grades?
- (2) What is your opinion of the Government's present policy of encouraging attendance of Indian children in public schools?
- (3) Each year the Government leases a large acreage of surplus Indian land, both allotted and tribal, for farming and grazing purposes. The cash rental received for allotted lands is turned over to the Indian owners, or expended for their benefit, while the rentals of the tribal lands is either paid to the tribe per capita or expended for community or tribal benefits. Do you believe that this policy of leasing lands is beneficial to the Indian, or does it tend to encourage a nomadic life, detrimental to permanent progress?
- (4) What is your opinion of the plan to encourage the acceptance of increased responsibility by the state for the health, education and general

economic life of the Indians, as suggested at the opening of the meeting of the Advisory Committee on December 12, 1923:

(5) Is the vocational system in vogue in most of the Indian schools adapted to the characteristics of the race and conducive to their highest economic, social, moral and educational development?

(6) Do you favor the liquidation of the tribal assets of Indian tribes, and the granting of the resulting funds, paying the shares of competent Indians to them without restriction, and holding the shares of incompetent Indians for expenditure under supervision?

Very truly yours,

*Herbert Work*  
Secretary of the Interior.



[enclosure]

U. S. DEPARTMENT OF THE INTERIOR

Hubert Work, Secretary.

BUREAU OF INDIAN AFFAIRS

Charles H. Burke, Commissioner.

PROGRESS IN THE HANDLING OF  
INDIAN AFFAIRS

DURING 1923-1924.

WASHINGTON

DECEMBER 5, 1924.

PROGRESS IN THE HANDLING OF INDIAN AFFAIRS DURING 1923-1924.

----- 0 -----

REORGANIZA-  
TION OF BUSI-  
NESS METHODS.

1. The number of employees of the Indian Office in Washington was reduced by 23, with an annual saving of \$28,000; the reduction in the field force was 87, with an annual saving of \$82,545.
2. A special health division has been organized under the direction of Dr. R. E. L. Newberne. Previously the medical division was administered as a part of the education division.
3. By a revision of the accounting regulations the interests of the Government and the Superintendent of the Agency will be more fully protected and responsibility for losses will be promptly and definitely fixed.
4. A division of field welfare has been organized and is being actively conducted by a supervisor of nurses and field matrons, thus coordinating and strengthening this work throughout the service.
5. Operation and maintenance of irrigation projects located on Blackfeet, Flathead, and Fort Peck Indian reservations in Montana transferred from the jurisdiction of the Reclamation Bureau to the Bureau of Indian Affairs.
6. The readjustment of Government salaries under the Reclassification Act has been beneficial to the personnel of the Indian Service. Many physicians, nurses, teachers, and other employees heretofore underpaid have received increases in salary, thus bringing their compensation more nearly to an adequate standard.
7. Appropriations for regular health work among the Indians for 1924 were \$370,000; for 1925, \$500,000; with an additional sum of \$50,000 for a Chippewa tuberculosis sanatorium; for 1926 estimates call for \$800,000.
8. The Secretary of the Interior and the Commissioner of Indian Affairs visited the Navajo country in April, 1924, for the purpose of studying and organizing health work there. They called into conference the State health officials of New Mexico and Arizona and the United States Public Health Service. The Southwestern Trachoma Campaign was thereupon organized to eradicate trachoma among the Indians of the Southwest and operating through traveling medical clinics. Up to October 1, the medical clinics had

HEALTH.

examined 8,653 Indians; 1,981 were found afflicted with trachoma; 1,559 underwent trachoma operations; 360 other eye operations were performed. Special effort has been made to enroll children afflicted with trachoma in schools where they may have improved facilities for treatment.

9. A survey of health conditions among the Indians of Wisconsin was conducted by the Wisconsin State Board of Health in conjunction with Indian Office physicians. The number of Indians examined totalled 4,215 and 98 cases of trachoma were found. Relief work and remedial measures have been taken.
  10. Under the new division of field welfare about 100 field matrons and nurses are conducting health demonstration and home hygiene work on Indian reservations.
  11. Arrangements were begun for a new tuberculosis sanatorium at Onigum, Minnesota, a new hospital at the Chillico school, Oklahoma, and the conversion of the abandoned Shawnee boarding school, Oklahoma, into a tuberculosis sanatorium.
  12. The Bureau now disseminates information on the most progressive methods of the treatment of disease to physicians in the field service.
  13. The Public Health nursing service was continued during the past year by the American Red Cross. This organization has three nurses conducting field nursing on Indian reservations. The nurses are paid by the Red Cross, the Indian Bureau furnishing quarters and transportation while on the reservation.
  14. A health-education program was introduced at the opening of the 1924 school term. A special course of instruction along health lines has been prepared by the Bureau with the cooperation of the American Child Health Association of New York City which is based upon a report on health education prepared by the Joint Committee on Health Problems in Education of the National Education Association and the American Medical Association.
- EDUCATION.
15. Expenditures for education during the fiscal year 1923 were \$4,384,715.81; 1924, \$4,648,917.33; (estimated) 1925, \$5,571,864.
  16. Enrollment in Government Indian schools for 1924 was 23,623, as compared to 22,078 for 1923. In mission schools there were 6,970 enrolled in 1924, as compared to 5,411 in 1923. In public schools there were 34,834 enrolled in 1924, as compared with 33,057 in 1923. The

total enrollment for 1924 was 65,427, as compared to 60,586 for 1923, an increase of 4,841.

17. Public-school attendance by Indian children has steadily increased, calling for an unusually large expenditure for tuition, but the results are satisfactory as to training and reduced cost of education to the Government.
18. Attendance in Government schools was maintained to their full capacity, except as prevented by epidemics, but the school term was slightly shortened owing to insufficient appropriations for equipment and maintenance.
19. An increase of \$100,000 was made in the appropriations for 1925 to pay the tuition of Indian children in public schools of western States, making a total appropriation for the year of \$350,000.
20. Claims covering tuition of Indian children in public schools in California, Montana, Nevada, North Dakota, Oklahoma, and South Dakota during the fiscal year 1925 amounting to \$23,423, were allowed by the Secretary of the Interior as a result of the act of Congress approved June 7, 1924, covering services rendered by public schools for the instruction of Indian children.
21. The course of instruction in day schools on all Indian reservations has been increased to six grades; at reservation boarding schools to eight grades; and at certain larger Government schools four additional grades will be added, representing high school work.
22. The inauguration of a two-school term system among the Navajos where there is a shortage of school facilities will allow double the number of pupils to attend school each year.
23. Establishment of night schools for adult Indians to give them an opportunity to learn the English language is tested on two reservations with successful results.
24. Additional school facilities were provided for the Indians of the Zuni Pueblo in New Mexico by the enlargement of the regular day school. The capacity of the school was increased from 140 to 220 pupils. The teaching staff will be increased from 4 to 6 teachers.

25. Additional school facilities for the Hopi Indians were provided at the opening of the 1924 school term by establishing a new boarding school with a capacity of 120 pupils at Keams Canyon.
26. Fort Wingate Military Post in New Mexico transferred from the War Department to the Department of the Interior to be used as a boarding school for Indian children living on the Navajo Reservation.
27. Twenty boarding schools conducted summer sessions of from four to six weeks for retarded pupils, and 700 of this class attended, 80 per cent making their grades and promotions, thus saving the expense of another year's schooling which would have amounted to about \$100,000.
28. Under the present policy of requiring all instructors to attend a session of training school every other summer, this self-improvement attendance has increased in three years from 25 to 325.
29. The need is suggested for continuous sessions of boarding schools accessible to the Navajos, for whom day schools are impracticable, so that their children, some of whom must help with the sheep in all seasons, can all have school privileges for at least a part of the year.
30. A conference of all school supervisors in Washington at the beginning of the year covered many subjects of school improvement and established closer cooperation between the office and field service.
31. Junior Red Cross societies were organized in nearly all Indian schools and have awakened great interest along lines of educational value.
32. Final adjudication and settlement of conflicting titles affecting lands claimed by Pueblo Indians of New Mexico to be accomplished through enactment of the Pueblo land law by Congress providing for land board composed of Attorney General, Secretary of the Interior, and third member appointed by the President.
33. Two farms in Swain County, North Carolina, purchased out of tribal funds near Government lands for the benefit of the Eastern Band of Cherokee Indians. The farms are to be used for agricultural development.

LANDS.

34. Allotment of land to 1,171 Indians on the Fort Belknap Reservation in Montana completed, the total acreage distributed to the Indians amounting to approximately 500,000 acres.
35. On 15 reservations 642 allotments of land were made to individual Indians, embracing about 170,000 acres, besides 103 allotments on the public domain covering 14,500 acres. Of allotments completed and waiting approval, 1,171 were to Indians on the Fort Belknap Reservation, Montana; 91 on the Kalispell Reservation, Washington; and for 180 Ute and Paiute Indians in Utah.
36. Purchase was made of 190 acres for homeless Indians in California; also 800 acres to supply home sites for 11 Fort Sill Apaches, Oklahoma.
37. Sales were made of 1,286 allotted tracts totaling 125,099 acres, and 913 fee patents and competency certificates covering 106,199 acres were approved.
38. Important progress was made in the Supreme Court of the United States for the recovery of swamp and overflowed lands in the States of Wisconsin and Minnesota.
39. Road and bridge work was greatly advanced on seven reservations last year. A total Federal aid of \$2,766,449 has now been approved for projects of this class.
40. Plans for the building of two steel bridges over the Rio Grande at the Cochiti and San Juan Indian Pueblos in New Mexico are being consummated as a result of the appropriation of \$82,200 by Congress for this purpose. It is expected the bridges will be completed within the present fiscal year. These villages are divided by the Rio Grande River and the construction of the bridges will eliminate much inconvenience to the Indians when the river is impassable.

AGRICULTURE. 41. Official reports show a year of encouraging progress in farming and stock-raising, a larger acreage cultivated, improvement in dairy stock and Navajo sheep, and elimination of worthless horses in several reservations.

42. Employment of Indian labor was active in agricultural, mechanical, and commercial pursuits, especially in the cotton fields of the Southwest where many Indians received good wages as cotton pickers. Outing service by students from six of the larger schools earned about \$110,000.

43. Constructive progress in irrigation was made on the Gila River Reservation in Arizona, in connection with the proposed dam now authorized across the Gila River Canyon near San Carlos; also on drainage and water systems for the Pueblos in New Mexico; in well drilling on the Navajo and Hopi Reservations, New Mexico; in further development on the Fort Hall project, Idaho, the Flathead project, Montana, the Yakima Reservation, Washington, and in several other localities.
44. The sum of \$45,000 is being expended in drilling wells to supply water for domestic, irrigation, and stock purposes on the Navajo and Hopi Indian Reservations in Arizona and New Mexico.
45. Purchase of approximately 1,500 head of goats and 3,650 head of sheep made and distributed among the families of the Apache Indians on the Mescalero Reservation in New Mexico. Each Apache family received a herd of sheep or goats to start them in business as stockmen.
46. Club work for boys and girls had a remarkable growth on 17 reservations, with over 400 children from 9 to 14 years of age enrolled. Their activities relate to gardening, canning, bread making, sewing, poultry, and much other domestic work.
47. Special encouragement was given to Indians to take part in county, district, and State fairs in competition with the whites and promising results have followed.

#### IRRIGATION.

48. Improved water storage and canal systems have been provided at the Isleta, Tesuque, Santa Clara, Laguna, San Juan, and Zuni Pueblos, which resulted in the irrigation of many thousands of acres of land.
49. The act approved May 9, 1924, authorizes the Secretary of the Interior to defer charges against Indians covering construction costs, rentals, and penalties due on reclamation projects on various Indian reservations.
50. The act approved June 7, 1924, provides for the construction of the San Carlos Dam (Arizona) at a cost of \$5,500,000 across the canyon of the Gila River for irrigation of lands occupied by the Pima Indians on the Gila Indian Reservation.

#### LEASING.

51. Secretary of the Interior suspended the issuance of permits under the Leasing Act on Executive Order Indian reservations and requested an opinion of the Attorney General. The Attorney General decided that the General Leasing Act of 1920 does not apply to Executive Order



Indian reservations. This opinion resulted in the automatic rejection of between four and five hundred applications for oil, gas, and other permits on Executive Order Indian reservations pending in the General Land Office of the Interior Department. Test suits were instituted in the United States court to cancel existing prospecting permits.

52. The act of May 29, 1924, authorized leasing for mining purposes the unallotted lands on Indian reservations, at public auction, for a period of ten years, with consent of the Indians.
53. A ruling forbidding aliens and alien companies to obtain oil and gas leases on restricted allotted Indian lands was reversed.
54. Oil and gas operations were less than normal, owing to previous overproduction, but the leaseings reached 226,910 acres; the gross oil production was 49,640,458 barrels and the total revenue \$29,145,517. One 160-acre tract on the Osage Reservation, Oklahoma, was leased for nearly \$2,000,000, and several others for more than \$1,000,000 each. The total income to the Osages from oil and gas was \$24,670,483.
55. Eleven leases covering approximately 1,900 acres were made in the Quapaw Reservation, Oklahoma, for lead and zinc mining at increased royalty rates.
56. Forfeiture of the sum of \$75,410 to the Indians of the Choctaw, Chickasaw, and Creek Nations of Oklahoma by purchasers of leases on unallotted tracts of timber, segregated coal and asphalt lands, was ordered by the Secretary of the Interior through failure of the lessors to comply with the conditions of their contracts.
57. A sale of oil and gas leases on the Navajo Treaty Reserve, New Mexico, netted the Indians \$80,598. Eight oil wells were producing there at the close of the fiscal year. Five exploratory leases were sold on the Southern Ute Reservation, New Mexico, for \$43,600.
58. An act of Congress approved June 2, 1924, declared every non-citizen Indian born within the territorial limits of the United States a citizen with provision that granting of citizenship does not remove restrictions on Indian lands now under Government guardianship.
59. In pursuance of legislation extending citizenship to all Indians, steps were taken to inform the Indians

CITIZENSHIP.



through field officials of their suffrage rights under State laws and that their restricted property will continue under Federal protection.

PROBATE  
WORK.

60. During the fiscal year 1924, 2,125 heirship cases were settled by the Indian Bureau; 207 will cases, and 2,560 miscellaneous probate cases. The fees collected by the Bureau in the settlement of the estates of deceased Indians amounted to \$71,000 during the fiscal year, which was turned into the Federal Treasury.

STATE CO-  
OPERATION.

61. The several governors of States having Indian population were invited on November 17, 1923, to extend their cooperation toward closer relations and a better understanding between States and the Department in Indian affairs.

FORESTRY.

62. The forestry work of the year was well maintained. Sales of yellow pine in Oregon and Washington brought the highest prices known to that region, running as high as \$6.67 per thousand. The Menominee Indian mills in Wisconsin cut 20,000,000 feet of lumber, and the total sales of lumber on all reservations were 510,312,449 feet for the sum of \$1,932,001.20.

MISCELLA-  
NEOUS.

63. During the first session of the 68th Congress 44 separate acts were passed for the benefit of Indians.
64. Seven jurisdictional bills authorizing Indian tribes to sue the Government were passed during the last session of Congress.
65. Arrangements have been made for stocking streams on Indian reservations with fish through the cooperation of the Bureau of Fisheries of the Department of Commerce. Superintendents are now engaged in a survey of the streams and waterways of their reservations that should be supplied with fish. Shipment of fish will be made as soon as these surveys are completed. It is expected that the streams will be stocked within the next few months.
66. For the restricted Indians of the Five Civilized Tribes, numbering about 17,000, there was expended \$3,152,040.34 for houses, barns, wells, and live stock. The school attendance of these tribes was 19,586; the gross oil production from their lands was 10,665,492 barrels, and their total income from this product was \$3,580,007. The Indian Service assisted in an investigation of the

handling of the estates of these Indians under State jurisdiction, and upon reports submitted, legislation for restoring to the Federal Government the complete administration of these estates has been sought.

67. Plans inaugurated for the erection of houses to replace the tepees occupied by the Apache Indians of Arizona, this tribe being the last to give up their aboriginal mode of living. A sawmill has been put in operation to furnish lumber necessary for the building of Indian cottages.

68. Native arts among the Indians were encouraged. On the San Juan Reservation in New Mexico, weaving of Navajo blankets brought an income of \$150,000 during the year, the largest on record.