66TH CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1225.

LANDS ALLOTTED TO CERTAIN QUAPAW INDIANS.

JANUARY 24, 1921.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SNYDER, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 15780.]

Your committee, having under consideration the bill H. R. 15780, reports the same favorably and favors its passage with certain amendments, as follows:

Page 1, line 11, strike out all after the word "Interior," down to and including the word "session," in line 2, page 2, and insert, to wit: "John Beaver, Mah-hunk-a-zhe-ka (now Beaver), Anna Beaver (now Bear), Arthur Buffalo, Lizzie Cedar, Peter Clabber, Minnie Greenback (now Clabber), Harry Crawfish, Thomas Crawfish, Mary Crawfish (now Skye), Francis Quapaw Goodeagle, Wat-tah-nah-zhe Goodeagle, Khah-Daah or Grandeagle (now Quapaw), Antoine Greenback, Joseph Greenback, Ho-gom-me or Goodeagle, Mis-kah-get-tah, Amos Newhouse, John Quapaw, Nellie J. Ball (now Quapaw), Ta-mee-heh or Quapaw, Benjamin Quapaw, Solomon Quapaw, Frances Quapaw (now Gokey), Julia Stafford (now Shapp), Hah-dah-ska-tun-ka or Track, Mes-kah-tun-ka or Track (now Slagle), Flora Young Greenback (now Whitebird), James Xavier, Anna Xavier (now Collins), Wah-she-mah-tah-het Track (now Martha Track Quapaw), Henry Buffalo, Clara May Buffalo, Hazel L. Buffalo (now McDunner), Nora Buffalo (now Brock), William Buffalo, James Amos Valliere, Georgia Alice Valliere (now Hampton), Iva Amelia Valliere, Jesse Daylight, Clayton C. Daylight, Emma Louise Blansett, Alphonso Greenback, junior; Lulu May Greenback, Mary Mollie Greenback, Amy Greenback, Woodrow Wilson Greenback, John Greenback, Alphonso Greenback, senior; Beatrice C. Peters (now Shapp), Juanita Alma Dawes, Agnes Track, Dennis Wilson, Erwin Wilson, Martin Wilson, Mary Wilson, Louise Wilson, Robert A. Whitebird, Helene Irene Whitebird, Thomas Xavier, Elnora Quapaw, and Lucy Lottson Beaver."

Page 3, line 6, strike out the words "or other."

Page 3, line 7, strike out the word "property."

There are 62 incompetent Indians in this tribe on this reservation, and there is still a large amount of money to be received by them in the way of royalties, etc., from the minerals under their lands, and they are receiving incomes from those lands all the way from practically nothing to $90,000 per year per annum each. These Indians are, so far as your committee can ascertain, united in their desire for this extension. It is believed by the committee that if this extension is granted that at least by the time of its expiration all of the now incompetents will have been declared competent, and that there will be no further need for further extension. The property of these incompetent Indians will be subject to taxation and such tax shall not become a lien or charge of any character against the land of the State.

It will be noted that the production of minerals on said lands may be taxed by the State of Oklahoma in all respects the same as is the production on unrestricted lands. This act in no way deprives the incompetents herein mentioned from being declared competent at any period between the date of its enactment into law and the expiration of the extension.

The investigation of this bill developed the fact that a majority of the incompetents are minors, many of them quite young. Your committee therefore recommends the passage of the bill with certain amendments.

This proposed legislation is favored by the Secretary of the Interior, as set forth in his letter of January 20, 1921, and of January 15, 1921, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1921.

MY DEAR MR. SNYDER: I have received H. R. 15780, which you transmitted with your letter dated January 18, 1921, requesting a report thereon.

The purpose of this bill is to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of land allotted to and inherited by certain Quapaw Indians, and for other purposes.

I believe that legislation as set forth in the bill (H. R. 15780) is necessary for the protection of the best interests of the Quapaw Indians, and I recommend and urge the early enactment of this legislation.

Cordially, yours,

JOHN BARTON PAYNE, *Secretary.*

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1921.

MY DEAR MR. SNYDER: Your attention is invited to the matter of the restrictions against alienation of Quapaw Indian allotments in Oklahoma.

In the act of March 3, 1895 (22 Stat. L., 876–907), it was provided that the allotments of land to the Quapaw Indians should be inalienable for a period of 25 years from and after the date of the patents. It appears that covered by said act there were 234 allotments made to which the patents were issued on September 26, 1896, and 236 allotments made to which the patents were issued on October 19, 1896, said patents being those described as restricted fee patents. The period of restriction against alienation of said allotted land will, therefore, expire in September and October, 1921.

By section 1 of the act of Congress approved March 3, 1909 (35 Stat. L., 751), the Secretary of the Interior was authorized upon application of adult members of any of the tribes of Indians belonging to the Quapaw Indian Agency in Oklahoma to remove the restrictions on any part of or on all the land allotted to such applicants, and to permit a sale under such terms and conditions as he might deem for the best interests of

the applicants excepting as to a tract in each case of not less than 40 acres designated as a homestead.

The leasing of restricted Indian lands in the Quapaw Agency, Okla., for lead and zinc mining operations and purposes is governed by the provisions of the acts of Congress approved June 7, 1897 (30 Stat. L., 62–72), and March 3, 1909 (35 Stat. L., 781–783). A number of the Quapaw Indians are not sufficiently advanced to be deemed capable of properly managing and conserving their restricted property, which property in many cases is of great value.

In connection with the above-mentioned matter, there are transmitted herewith a copy of the report of January 8, 1921, of the competency commission, relative to the Quapaw Indian allottees and heirs of Quapaw allottees, and copies of the accompanying lists of Quapaw Indian allottees and heirs of allottees, from which report and lists it appears that 62 Quapaw allottees and heirs of Quapaw allottees have been found incompetent to care for their property and business affairs and properly protect their own interests.

Said Quapaw allottees and heirs of Quapaw allottees who have not been found competent are as follows: John Beaver, Mah-hunk-a-zhe-ka (now Beaver), Anna Beaver (now Bear), Arthur Buffalo, Lizzie Cedar, Peter Clabber, Minnie Greenback (now Clabber), Harry Crawfish, Thomas Crawfish, Mary Crawfish (now Skye), Francis Quapaw Goodeagle, Wat-tah-nah-zhe Goodeagle, Khah-Daah or Grandeagle (now Quapaw), Antoine Greenback, Joseph Greenback, Hogom-me or Goodeagle, Mis-kah-get-tah, Amos Newhouse, John Quapaw, Nellie J. Ball (now Quapaw), Ta-mee-heh or Quapaw, Benjamin Quapaw, Solomon Quapaw, Frances Quapaw (now Gokey), Julia Stafford (now Shapp), Hah-dah-ska-tun-ka or Track, Mes-kah-tun-ka or Track (now Slagle), Flora Young Greenback (now Whitebird), James Xavier, Anna Xavier (now Collins), Wah-she-mah-tah-het Track (now Martha Track Quapaw), Henry Buffalo, Clara May Buffalo, Hazel L. Buffalo (now McDunner), Nora Buffalo (now Brock), William Buffalo, James Amos Valliere, Georgia Alice Valliere (now Hampton), Iva Amelia Valliere, Jesse Daylight, Clayton C. Daylight, Emma Louise Blansett, Alphonso Greenback, jr., Lulu May Greenback, Mary Mollie Greenback, Amy Greenback, Woodrow Wilson Greenback, John Greenback, Alphonso Greenback, sr., Beatrice C. Peters (now Shapp), Juanita Alma Dawes, Agnes Track, Dennis Wilson, Erwin Wilson, Martin Wilson, Mary Wilson, Louise Wilson, Robert A. Whitebird, Helene Irene Whitebird, Thomas Xavier, Elnora Quapaw, and Lucy Lottson Beaver.

In view of the inclosed report of the competency commission, I am of the opinion that legislation should be enacted extending for the period of 25 years the restrictions against alienation of Quapaw Indian lands allotted to or inherited by any of said incompetent Indians above named.

In connection with such legislation, provision should also be made for the leasing of said restricted lands for such period of time and under such regulations, terms, and conditions as may be prescribed by the Secretary of the Interior. Under the circumstances it should also be provided that production of minerals on said restricted lands may be taxed by the State of Oklahoma in all respects the same as that produced on unrestricted lands. In connection therewith the Secretary of the Interior should be authorized to cause to be paid, out of individual Indian funds held under his supervision belonging to the Indian owner of the land, the tax so assessed against the loyalty interests of the respective Indian landowner in such production. Further provision should be made, however, in relation to such tax that it should not become a lien or charge of any kind or character against the land or other property of the Indian owner.

I am submitting herewith the draft of a bill having the above-mentioned purposes in view. Believing that legislation as suggested in the draft of bill submitted is necessary for the protection of the best interests of the Indians named above, I recommend and urge the early enactment of such legislation.

Cordially, yours,

JOHN BARTON PAYNE, *Secretary.*

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs, House of Representatives.

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