

CHEROKEE

1815-1874

PAPERS



Litton Papers

Oklahoma
Historical Society

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The project was under the sponsorship of the Department of History of the University of Oklahoma, this phase being under the immediate direction of Professor M. L. Wardell. The project was supervised by Mr. Gaston Litton who was assisted by a corps of a dozen or more typists and editorial clerks from Oklahoma City including Mrs. Estelle Chisholm Ward, Miss Bonnie Hickey, Mrs. Helen Masoner, Miss Dorothy Wade, Mrs. V. Sansbury, and Mr. Leon Jones.


Gaston Litton

Washington, April 19th, 1945.

From an unidentified newspaper clipping
In the possession of Mrs. E. B. Bushyhead
Tahlequah, Oklahoma

LETTER OF NA-NA-NA-TEE-NNE
TO DELEGATION TO WASHINGTON

A letter of authority to Colonel John Lowery, Major John Walker, Captain Richard Taylor, Major Ridge, Lieutenant John Ross, and Chu-u-con-see-nee, from the head chief of the Nation written at Red Clay, Old Cherokee Nation, Tennessee, under date of January 17, 1815. Captain Richard Taylor was the maternal grandfather of Mrs. Bushyhead, while on the paternal side, she is of the Butlers of South Carolina, from which family comes United States Senator, Francis Marion Butler. The original letter came into the possession of Colonel Ross, for forty years chief of the Cherokee Nation. It is now in the possession of Colonel R. B. Ross, of Tahlequah, Oklahoma.

It may be of interest to the reading public to know that at the time this letter was written, the Cherokees had not embraced Christianity, although they lived under an organized government of their own, and maintained an army.

We give the letter in full.

"Brothers:

"The President of the United States being informed that our Nation wished to make him a visit by sending six of our Chiefs for that purpose to the seat of the American government, having expressed his approval of such visit, we have appointed you

to proceed to Washington City; and as it becomes my duty on this occasion to advise you, you will proceed accordingly to Washington City, and there in behalf of our Nation, you will take our Father, the President of the United States by the hand and express to him the satisfaction we feel in having successfully carried through the late war (1812) in which the Cherokees had the honor to participate with our White Brothers. I confide in your wise and prudent conduct in engaging with the proper Department the business committed to your care, particularly, bringing to a just settlement the boundary line between our Nation and our younger brothers, the Creeks.

"Brothers: The President of the United States having expressed through the War Department to our agent his desire that our Nation make a cession of a small tract of land lying within the chartered limits of South Carolina. I have reflected on the request of the President of the United States, and now recommend that our Nation comply with the request of the President of the United States and let our Brothers of South Carolina have the above mentioned tract for a valuable

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consideration; and it may not be improper for me to say here that we have had a great regard for our White Brothers of South Carolina.

"Brothers: Our Nation abounds in iron beds and the finest streams of water for erecting the proper machines for making iron ore by the advice and with the consent of the United States. We now feel the need of iron utensils in our agricultural and manufacturing interests. I therefore wish you to arrange for the erection of iron works when we may be supplied with iron utensils, and to the repairing of our army, as we shall need them in the plan of civilization first projected by the United States and by which we have always found great advantage.

"The journey you are about to take is a long and expensive one, and it appears to me that we should be unwise not to transact such business as may be important to us and to our White Brothers. I flatter myself that the Cherokees will be considered by the Government as deserving well of our common country. I have the pleasure of assuring you that I have no doubt of your doing your duty to your country, and the mission with which you are charged.

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"To the Guidance and Protection of the
Great Spirit, I commend you.

"(Signed) NA-NA-HA-TEE-NEE,

"Head Chief."

CHEROKEE PHOENIX, AND INDIANS' ADVOCATE

New Echota,
Saturday, May 29, 1830
Vol. 3, No. 6
E. Boudinot, Editor

THE LORD'S PRAYER

Our Father, thron'd above
In wisdom, power and love,
Thy name forever we adore.
Extend thy empire, Lord,
The empire of thy word,
And send thy truth to every shore.

As round thy heavenly throne
Thy holy will is done,
So let it be on earth below.
Thou dost thy creatures feed;
Thou know'st their every need;
Our daily food on us bestow.

In Jesus' name we pray,
O, take those sins away,
Which we in sorrow now deplore;
As we our foes forgive,
So let thy rebels live,
To sing thy grace forever more.

And lest again we stray
In sin's destructive way,
From all temptation keep us free;
Then shall we still rejoice,
Shouting, with heart and voice,
Dominion, glory, power to thee.

YC.

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CHEROKEE PHOENIX AND INDIANS' ADVOCATE

New Echota,
Saturday, November 19, 1831
Vol. 4, No. 19
E. Boudinot, Editor

MESSAGE OF JOHN ROSS

To the Committee and Council
in General Council Convened.

Friends and Fellow Citizens:

A majority of you have decided upon the necessity and expediency of holding the General Council at this place for the following reason in part:-

1. Because it is clearly demonstrated that the cruel treatment which our citizens have experienced from persons acting under the usurped authority of Georgia has originated from the extraordinary course of policy which the present administration of the General Government has adopted and exercised towards us --

2. Because the proper authorities of this nation are menaced by Georgia with an ignominious

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punishment in the event of their meeting in General Council at New Echota --

3. It was apprehended that an attempt on the part of the Georgia Troops to arrest the members of the General Council, at the point of the bayonet, amidst so great a concourse of our citizens as would in all probability have attended at that place, such a scene would have occurred as ought ever to be deprecated; and it being the ardent desire of his nation that the peace and friendship which has so happily existed with the United States, almost half a century, should be forever continued inviolate, you have, therefore, considered it more prudent to avoid a conflict with the Georgia Troops on this occasion; -- and let it be directly understood that for these and other reasons only have been induced, at this time, to meet you in General Council at Chattooga, instead of New Echota.

On the return of the delegation which was appointed at your last session, to represent the grievances and wishes of this nation before the Government of the United States, measures were taken to inform our citizens generally of their

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proceedings, and of the true state of our public affairs, by visiting them in their respective Districts and distributing among them a circular address, a copy of which, together with the documents containing the proceedings of our delegation, are herewith submitted for your information.

It will be recollected that the President of the United States, at an early day after his induction into office, made us a declaratory and positive assurance that so far as we had rights we should be protected in them, and that "an interference to the extent of affording protection to the Cherokees, and the occupancy of their soil, is what is demanded of the justice of the U. S. and will not be withheld;" and that "the intruders would be removed." After the promulgation of this assurance, detachments of the Federal troops were ordered within our territorial limits. This movement was hailed with joy and approbation on our part, under the sanguine hope that the protection which had so recently been promised us by President Jackson was now to be afforded. But to our astonishment and disappointment the troops were soon found employed under the orders of their superiors, in preventing

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our citizens from working gold mines, belonging to this nation, and thereby treating them as trespassers upon their own soil. And on being requested by the Governor of Georgia, with the assurance that "whatever measures may be adopted by the State of Georgia in relation to the Cherokees, the strongest desire will be felt to make them accord with the policy which has been adopted by the present administration of the General Government," the President ordered these troops to be withdrawn from our territory! Thus the military of the United States figured and decamped before our eyes without affording that protection which we had a right to expect, and which had so recently been pledged, leaving undisturbed the numerous intruders who have settled down upon our lands on the frontiers of Georgia and other adjacent states. Immediately after this, Georgia, under her own authority, levied a military force, which is known by the appellation of the "Georgia Guard," and stationed it in this nation, at the encampment which had been established and vacated by the United States troops.

The numerous subsisting treaties between the United States and this nation were negotiated,

entered into, and constitutionally ratified on the part of the States by the competent authorities thereof; and they compose a part of "the supreme law of the land," and "the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding"

-- In reference to this clause of the Federal Constitution I may well borrow an expression of one of the most eminent Judges of Georgia, "can language be plainer or can words be stronger" -- Such was the language of an Honorable Judge in delivering an opinion from the bench in that state some time ago, in favor of some individuals who claimed title to land reserved to them by the treaty of 1819, between the United States and this nation, & against the title claimed under a grant from Georgia by certain citizens thereof.

The Judicial power extends to all cases in law & equity, arising under the constitution, the laws of the United States, and treaties made, or which shall be made under their authority; and no state can enter into any treaty, alliance or confederation, or pass any law impairing the obligation of contracts; -- and Congress alone possesses the power to regulate commerce with foreign nations,

among the several states and with the Indian tribes. Here then, in the face of all these constitutional provisions, all the treaties made with the Cherokee Nation and the laws enacted by Congress in the spirit of those treaties for our protection, the present administration of the General Government, has tolerated Ga. in the recklessness of her own glory and reputation, to march across the line of her constitutional boundary to pass laws repugnant to those treaties and laws of the United States for the express object of perplexing and distressing our citizens by intolerable oppression, that we may be forced to surrender our lands for her benefit. Georgia has surveyed our country into districts -- she has placed numerous intruders upon our soil, and in time of profound peace has levied troops, and still continues to keep them in service. These troops without civil precepts have arrested our citizens at the point of the bayonet, marched them over the country with chains around their necks, and without trials have imprisoned them in a jail at their military station! Missionaries of the cross, who under the approbation of the authorities of the General Government were sent hither by the

benevolence of religious associations, to instruct the Cherokees in the precepts of the Gospel and the arts of civilization, and who have met a welcome reception in this nation, and were successfully prosecuting the objects of their laudable and peaceful mission, have also been cruelly torn from their families and ministerial charge and similarly treated! Two of these worthy and inoffensive men, who had been delivered over to the civil authority of Georgia, under the charge merely of residing in this Nation, and refusing to comply with a law of that state which goes to infringe upon the rights and liberties guaranteed to every free and loyal citizen under the constitution of the United States, have been sentenced by Judge Clayton to the penitentiary of Georgia, there to endure hard labor for the term of four years.

Being fully convinced that President Washington and his successors well understood the constitutional powers of the General Government, and the rights of the individual states, as well as those belonging to the Indian Nations, and that the treaties made under their respective administrations with the Cherokee Nation were intended to be faith-

fully & honestly regarded on the part of the United States; and that the judicial power would extend to all cases of litigation that might arise under those treaties, it was determined on the expediency of employing legal Counsel to defend the rights of the Nation before the Courts of the United States. Finding, however, that the Courts of Georgia were disposed to prevent as far as possible any case from going up to the Supreme Court of the United States, our counsel advised the propriety of trying the original jurisdiction of the Court by applying, in the character of a foreign state for an injunction to restrain Georgia, her officers, citizens &c. from enforcing her laws within our territorial limits. Copies of the Bill for an injunction, and notice of the intended motion were accordingly served upon the Government and Attorney General of that State. On the 5th of March last the motion was made by John Sergeant Esq., who also delivered an able speech in favor of the application. William Wirt, Esq. concluded with equal ability and force of argument on the same side. No counsel appeared on the part of Georgia but some of her representatives in Congress and other friends attended the Court and anxiously awaited the decision. The Court denied the injunction on the ground that the

Cherokee Nation was not a foreign state in the sense of the Constitution. A majority, however, decided that "the Cherokees are a distinct political society, separate from others, capable of managing its own affairs and governing itself, and that the acts of the United States Government plainly recognized the Cherokee Nation as a state and the courts are bound by these acts. The Honorable Judges Thompson and Story dissented from the majority -- in a part of their opinion, and gave a very able and luminous opinion in favor of the jurisdiction of the Court and awarding the injunction. There can be no doubt that a majority of the Judges of the Supreme Court holds the law of Georgia extending jurisdiction within our limits to be unconstitutional, and whenever a case between proper parties can be brought before them, they will so decide. The authorities of Georgia seem convinced of this fact. The Courts of that state have endeavored to manage the cases brought before them under their laws, in such a manner as to avoid presenting a case for the adjudication of the Supreme Court of the United States on this important question. And when a writ of error was obtained from the Chief Justice in the

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case of the State of Georgia vs. George Tassel, the
Legislative and Executive authorities interposed by
ordering the execution of the unfortunate party. --

Judge Clayton has recently decided a case
of great importance to the Nation, in the Superior
Court of the State -- viz: the State vs. Kanneetoo.
The defendant in this case was a native Citizen,
arrested, and delivered over to the civil authority
by the "Georgia Guard," and committed to Jail on a
charge of digging Gold in the Cherokee Nation, in
violation of a law of Georgia. I have not as yet
perused this opinion, but so far as I am informed
by others the prisoner was discharged on the ground
that he was a Cherokee, and that the Cherokees
possess the right to the soil recognized by treaty
to be in their occupancy, and that the gold mines
within these limits belong to them and that there
were but two ways by which those lands could be
obtained, either by fair treaty or by force.

Since this decision has been made by one of the
highest Courts of Georgia, Governor Gilmer has or-
dered the Commander of the "Georgia Guard" not to
be governed by it, but to prevent the Cherokees as
well as all others from working those mines. Since

then, a detachment of his Guard under the Command of Serg't Brooks found a Cherokee at one of the mines near the Chestatee, fired upon and shot him, for no other offense than attempting to escape by running.

You will discover from the accompanying documents that the President declined making any reply to the important subjects presented by our delegation for his consideration, and refused to pay over to them any portion of our annuity to defray the expenses of their mission, but directed the Agent to distribute it among the individuals of the Nation. Upon being informed of this order, thousands of our citizens sent written protests to the Agent against this mode of disposing of our public funds, and requesting him to pay the same over to the Treasurer as usual. This demand of the people was laid before the Agent by the Treasurer but he would not comply with their wishes. Finding that this money would not be received by the people in the manner ordered to be paid, Agents of the General Government have been travelling through the Nation to induce them to accept of it under the persuasion that the President of the United States,

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from his great regard for his red children, has directed this money to be paid to them as a free gift from their Great Father. Under this influence some few women and others have been seduced with small sums of our public funds.

By innumerable acts of injustice and oppression, the rights, liberties and lives of our Citizens, have been threatened and jeopardized; and after placing our citizens almost in a state of duress, the President has been induced by the urgent solicitations of Governor Gilmore, to send into the Nation special agents for the purpose of urging our Citizens to enroll their names for emigration west of the Mississippi river. These agents are now in the Nation, and a part of them have been seen conversing with a few individuals at their houses, but with no success. By fair and honorable means there can be no danger as it regards the sentiments and disposition of our people on this subject. It is said their fears and credulity are to be operated upon -- how far this may be true time will soon develop -- at all events, by the admission of Governor Gilmer, the people are no longer afraid of their chiefs, nor under the influence of white men, and that they

will now think and act for themselves by emigration. When this project fails it is not known to what cause the failure will be imputed, as our opponents seem determined not to believe the truth, that the opposition of the Cherokees is owing purely to a correct sense of their rights, and to their love of country.

Much has been said from time to time to make a false impression on the public mind in regard to our present controversy and difficulties with Georgia. There can be no subject easier understood than the true relationship between this Nation and the United States; nor the justness of any cause more obvious than ours when fairly investigated. The expediency of removing our Nation west of the Mississippi has also been urged upon the incompatibility of permitting an independent Government to grow up within the limits of the United States. A correct understanding of our Treaties with the United States will show the absurdity of this argument and remove all fears of the possibility of any evil ever arising to any one of the States from our present location. A weak defenceless community as we are, forming an alliance with, and placed in the heart of so powerful a Nation as the

United States, and having surrendered a portion of our sovereignty, as a security for our protection, and our intercourse being confined exclusively with our protector, must necessarily produce that identity of interest and bond of friendship so natural to the ties of such an alliance. Something has also been said on the score of the public defence. It is true our population at present is small, but it is increasing as rapidly as could be expected. And have not the Cherokees at all times been ready to meet the common foe of the United States? Did they not sufficiently prove to the world their disposition on this subject during the last war. Did they not meet and fight the enemy as became warriors? Let the gallant commander, who now administers the affairs of the United States Government answer. Situated, therefore, as we are under the fostering care and protection of a magnanimous Government, there is every reason to cherish the hope that, under the auspices of a kind and generous administration, time would soon put to shame and lull to silence all the sophistry and unnatural clamour so boisterously paraded against our peaceful continuance upon the land of our fathers. By suitable encourage-

ment and proper culture the arts and sciences would soon flourish in every section of our Nation, and the happy period be hastened when an incorporation into the great family of the American Republic would be greeted by every patriot, and posterity hail the event with grateful rejoicings. May such ever be the views and the prospects to guide us in our efforts to secure for our posterity the inestimable advantages and enjoyments, rights, and liberties, guaranteed by treaties in our present location. On the other hand, by a removal West of the Mississippi, under the policy of the present administration of the General Government, to a barren and inhospitable region, we can flatter ourselves with no other prospect than the degradation, dispersion and ultimate extinction of our race.

To meet the engagements of the Nation, I have been compelled from the retention of our annuity, to accept of partial loans made by our citizens, on the credit of the Nation. It will now become your duty to adopt the necessary arrangements raising a fund to meet the exigences for the government.

It is also recommended that a law be passed providing for the determination of questions of

controversy between our citizens by arbitration.

The public press is a source of vital importance to our National interest; and it is gratifying to state that the circulation of the Cherokee Phoenix has given increased confidence in the American public as to the improving condition, character and stability of the Cherokee people. Much credit is due to the Editor for the ability and integrity manifested by him in conducting the paper; particularly is much credit due in reference to the honorable course of conduct pursued in his narration of facts &c., under the pressure of circumstances peculiarly offensive.

The importance of appointing a Delegation to represent the Nation before the Government of the United States during the approaching session of Congress is suggested for your consideration.

Owing to a severe drought during the last year the crops of our citizens were greatly injured, and an unusual scarcity of bread ensued, but through the indulgence of a kind Providence, I am gratified to say, that the crops of this year have yielded abundantly, and our citizens generally are happily enjoying the fruits of their labors.

JOHN ROSS,

Chattooga, Cherokee Nation, October 24, 1831.

Ch. Phoenix

(NEW ECHOTA) AND INDIAN ADVOCATE

New Echota, Ind. Ter.

Dec. 8, 1831

Vol. 4, No. 21

Elias Boudinot, Editor

LETTER OF FLYING CLOUD TO CHEROKEE CHIEFS

Cherokee Nation

Nov. 24, 1831

Editor of the Cher. Phoenix,

For publication if you think proper, I send you a list of the names of the principal chiefs of the Cherokee Nation, given by and from the memory of Noonday, an aged man. You will discover the dates of the times when each flourished are not given and which is impossible to obtain from any man "on the mortal side of existence." But in regard to some of these, a biographical sketch, highly interesting, may be written, by consulting our ancient men, who are still left to us as living monuments of other days; and historical books, written by American and English. From various causes, of the last we may not expect the whole truth or

impartiality, but sufficient matter of fact can be gleaned, by tracing impressions made on their minds, from the eloquence and warlike deeds of our rude and savage, but in many respects, noble and lofty minded ancestors. To those who have the leisure may I recommend to write the life of Occunstota, whose chivalry is still cherished by our people, and who has been to this Nation what Kosciusko has been to the also much oppressed Poland.

All of the chiefs mentioned in this list were seen by Hoonday, except the first, who flourished before his recollection, but was well known to fame when he arrived at the age of discretion. His name was Etukkungsta.

Occunstota succeeded this chief, and had for his vice chief, Sahwanooka, who administered the government as principal, when the first chief became very old; notwithstanding the old chief was exceedingly beloved, honored and well obeyed to the day of his death.

Under the administrations of these two chiefs flourished the great war & civil chief called Atacul-culla or Woodleaning-up, who is noticed in some of the British writers.

Eknngyeshdahhee, or the Firstkiller succeeded Sahwonooka, -- to him succeeded the famous chief.

Kungnitta, or the Little Turkey, whose benignant influence at last achieved the establishment of durable treaties of peace with the United States. To this chief was addressed a friendly letter, written on vellum, and to which was attached a golden chain as an emblem of the purity of the faith of the United States, by Dearborn, Secretary of war, acting under the special instruction of the President. After his death,

Enolee, or the Badger, became the chief. In his time the people of the Nation became divided into parties, the civil and the vagrant, or as they are now well known by the designation of the "lovers of the land," and "the Arkansas Emigration" parties. Little was this chief qualified to tranquilize the discordant elements then rising into flame, or to oppose the ^{malign} ~~magin~~ influence of the United States, officers, who blew the coal of contention, to enable themselves as friendly mediators to effect treaties in which the contending parties ceded large tracts of land by compromise, and which enured to the advantage of the United States. The patriotic party,

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claiming themselves to be the representatives of forty and some odd towns deposed this chief under the charge of bias to the Arkansas party &c. but in a subsequent Council of the nation he was reinstated to the dignity of the office, but from the wound inflicted upon his reputation he never recovered to the day of his death. Then commenced the administration of

Nungneheesahdehhee or the Pathkiller, supported by Charles R. Hicks, who became the assistant principal chief, and other powerful chiefs, distinguished for their firmness, resolution, eloquence and wisdom, who effectually counteracted the tide of emigration opened by General Jackson, in the treaty of 1817 and closed the breach, by the last treaty of 1819, concluded with J. C. Calhoun then Secretary of war. The spirit of civilization infused itself in all the acts of the Nation, which now established a written code of laws in conformity with the advice and written instructions of President Jefferson to the Cherokee Nation. The Great Council was then divided into distinct bodies, with power to negative each others acts, and whose concurrence became necessary to the passage of any

law. A Constitution was also recommended by these chiefs, which was made by a convention, the members of which were elected by the people. Previous to the operation of this Constitution, and one year before the change was effected, it pleased the Great Spirit to call these good men from the stage of human existence. To fill this vacancy, thus occasioned, for one year, devolved upon the members of the Council who held their seats, under the ancient and immemorial usage; who appointed by ballot, William Hicks Sen. brother to the late Charles R. Hicks, to be the Principal chief, and John Ross, President of the Committee at that period, to be the assistant principal chief. At the expiration of the term for which these chiefs were appointed, the members of the General Council, elected under the new Constitution, chose by ballot John Ross & George Lowrey Sen. principal, and assistant Principal chiefs, for four years, whose term of service will terminate in October, 1832.

FLYING CLOUD.

NEW EXHOTA, AND INDIAN ADVOCATE

New Exhota, Ind. Ter.
March 17, 1932
Vol. 4, No. 35
Elias Boudinot, Editor

MARRIAGE OF MARY WATIE

In this place, on the 11th inst, by the
Rev. Wm. Chamberlain, John Candy, printer of the
Cherokee Phoenix, to Miss Mary Watie of Cougil-
logee.

NEW ECHOTA, AND INDIAN ADVOCATE

New Echota, Ind. Ter.

Aug. 11, 1832

Vol. 4, No. 62

Elias Boudinot, Editor

LETTER OF ELIAS BOUDINOT TO JOHN ROSS

The subscriber takes this opportunity to inform the readers of the Cherokee Phoenix that he has resigned his station as Editor. Some of the reasons which have induced him to take this step are contained in the following letter addressed to the Principal Chief;

Red Hill, Cherokee Nation

August 1st, 1832

To John Ross Esq.

Principal Chief of

The Cherokee Nation

Sir:

According to the intimation I made some time since, I hereby tender to you my resignation as Editor of the Cherokee Phoenix. In taking this

step it may not be necessary to give my reasons in full; it is however due to you, to myself, and my countrymen, to avoid misrepresentations, to state the following:

1. I believe the continuation of the Phoenix, and my services as its Editor, have answered all the purposes that it can be expected to answer hereafter. Two of the great objects which the nation had in view in supporting the paper were, the defence of our rights, and the proper representation of our grievances to the people of the United States. In regard to the former, we can add nothing to the full and thorough investigation that has taken place, especially after the decision of the Supreme Court, which has forever closed the question of our conventional rights. In regard to the latter, we can say nothing which will have more effect upon the community than what we have already said. The public is as fully apprised as we can ever expect it to be, of our grievances. It knows our troubles, and yet never was it more silent than at present. It is engrossed in other, local and sectional interests.

2. Two great and important objects of the

paper not now existing as heretofore, and the nation being in great want of funds, it is unnecessary to continue the expenses in supporting it.

3. Were I to continue as Editor, I should feel myself in a most peculiar and delicate situation. I do not know whether I could satisfy my own views and the views of the authorities of the nation at the same time. My situation would then be as embarrassing as it would be peculiar and delicate. I do conscientiously believe to be the duty of every citizen to reflect upon the dangers with which we are surrounded -- to view the darkness which seems to lie before our beloved people -- our prospects, and the evils with which we are threatened -- to talk over all these matters and, if possible, come to some definite and satisfactory conclusion, while there is time, as to what ought to be done in the last alternative! I could not consent to be the conductor of the paper without having the right and privilege of discussing these important matters -- and from what I have seen and heard, were I to assume that privilege my usefulness would be paralyzed, by being considered, as

I have unfortunately already been, an enemy to the interest of my beloved country and people. I love my country and I love my people, as my own heart bears me witness, and for that very reason I should think it my duty to tell them the whole truth, or what I believe to be truth. I cannot tell them that we will be reinstated in our rights when I have no such hope, and after our leading, active and true friends in Congress, and elsewhere, have signified to us that they can do us no good.

4. I have been now more than four years in the service of the nation, and my personal inclination is to retire from the arduous duties in which I have been engaged, and which have been far from being beneficial to my health and happiness, except the happiness of doing good, and being useful to my country. When, therefore, the chance of usefulness, in my present employment, is in a great measure lessened, the inclination to retire is increased.

5. If I thought that it was my duty to continue in my editorial labors, my scanty salary of \$300 would not be sufficient to support me in my situation.

I hope the foregoing reasons, stated in a few words, will be sufficient to guard me against misapprehension and misrepresentations which may be likely to arise from the step I have taken. Let me again assure you that I love my country and my people, and I pray God that the evils which we so much fear may be averted from us by his merciful interposition.

I will continue until the close of the present volume when I shall be ready to surrender the establishment to my successor, if the nation thinks it necessary to continue the paper.

I have the honor to be, Sir,

Yours very respectfully,

ELIAS BOUDINOT

NEW ECHOTA, AND INDIAN ADVOCATE

New Echota, Ind. Ter.

Aug. 11, 1832

Vol. 4, No. 52

Elias Boudinot, Editor

LETTER OF ELIAS BOUDINOT

Red Clay, August 11th, 1832

A few further explanations may here be necessary.

When I say that the continuation of the Phoenix has answered all the purposes that it can be expected to answer, hereafter I mean the purposes intended to be affected out of the Nation. The political rights of the Cherokees cannot be restored or secured by a continued investigation, or a grievances which they have already laid before the American people.

That "the circulation of the paper has been greatly instrumental in the diffusion of General knowledge among the Cherokees, there can be no doubt. During my absence last winter, I purchased a new fount of type, intending to improve the paper and render it more useful to Cherokee

readers by communicating general knowledge, and more interesting to patrons out of the nation, by furnishing in its columns historical facts; the traditions, customs and manners of the Southern Indians, particularly the Cherokees -- but on my return home I found that the arrangements which were necessary to be made towards such an undertaking could not well be effected.

It would be perfectly wise and proper, in my view, to apply the money collected by the editor to other purposes besides that of meeting the expenses of the paper, for it was not exclusively for that object the money was given. In asking assistance from the benevolent, the editor took occasion to lay before them the whole pecuniary wants of the nation, and those who gave, gave with the understanding that it would be applied either towards defraying the expenses of the suits, the support of the paper, the expenses of the Delegation at Washington &c; and the editor was in hopes to have collected a sufficient sum to relieve the nation in its great pecuniary embarrassments.

Were it not for the change of circumstances that took place by the decision of the Supreme Court in the case of the Missionaries, a handsome amount would have been collected.

I cannot altogether agree with the Principal Chief in regard to the admission of "diversified views" in the columns of the paper. I am for making the situation of the Cherokees a question of momentous interest, subject to a free and friendly discussion among ourselves, as the only way to ascertain the will of the people as to what ought to be done in the last alternative. What are our hopes and prospects? What are our dangers and difficulties? What are the reasons of our hopes and prospects? What would be the consequences of such a step, and of such a one, are questions of no ordinary interest, and ought, in my views, to be fully considered. That the time to consider these matters has arrived I verily believe, from events that have taken place, and are now taking place. Nor am I alone in the belief. Our worthy delegation, three of our most intelligent citizens, in whose patriotism I have the utmost confidence, would, no doubt, sustain me, from a proper view of

things while they were at the seat of Government. And what say our friends in Congress? Have they not fully apprised us that they cannot effect any substantial good for us? Have not a number of them, whose motives are above suspicion, communicated their views in writing, for our information? And has not an Honorable Judge of the Supreme Court made a similar communication, stating that the operation of the late decision of the Supreme Court cannot extend to our relief, unless the executive felt itself bound to enforce the treaties? And does not President Jackson feel himself bound to obey the Supreme Court, and execute the treaties? On this point the reader is referred to another article under the editorial head.

Such being the facts on one side, how is the case on the other. Has not our oppressor, feeling power and forgetting right, not only infringed upon our political rights, but has actually, and to all intents and purposes, taken possession of one half of our country, and is now on the point of consummating the iniquity, by conveying it to her citizens? Already have the commissioners, who are superintending the drawing of the land

Lottery, been summoned to appear at Milledgeville. Now to trust merely upon contingencies, and to ease our minds with undefined hopes, when the danger is immediate and appalling, does not seem to me to be altogether satisfactory. And think for a moment, my countrymen, the danger to be apprehended from an overwhelming white population, a population overcharged with high notions of color, dignity and greatness -- at once overbearing and impudent to those whom, in their sovereign pleasure, they consider as their inferiors. Then should we, our sons and daughters be slaves indeed. Such a population and the evils and vices it would bring with it, the chief of which would be the deluging of the country with ardent spirits, would create an enemy, a hundred fold more to be dreaded than the unseen messenger of God's anger, now traversing the earth "the pestilence that walketh in darkness and the destruction that wasteth at noon day."

It is the presenting of these serious and momentous things to the people, what I mean by telling them the truth, and I am inclined to believe that it is the best, if not the only way to find out what the will of the people is.

Were it not that my motives have been

misapprehended by some, and wilfully misrepresented by a few, I should not have published my letter of resignation, nor troubled the reader with the foregoing explanations. But it is due to myself and my countrymen, for whom the above remarks are intended, that I should at least say what I have said.

In taking leave of my readers and patrons, I must express my gratitude for the great forbearance and allowances with which I have been treated by them. They have had frequent occasion to exercise that forbearance. In return I can only say I have done what I could, and as my limited abilities and means would allow. I have served my countrymen, I hope, with fidelity, through evil as well as good report, and I know I have the witness in my own heart, that I have had and do still have their interest uppermost in my mind. In retiring I have made it a matter of conscience. In a different sphere of employment I trust to be more useful than I can be as Editor of the Cherokee Phoenix.

ELIAS BOUDINOT.

NEW ECHOTA, AND INDIAN JOURNAL

New Echota, Ind. Ter.

Oct. 27, 1832

Vol. 5, No. 8

Elijah Hicks, Editor

EDITORIAL ON MESSAGE OF JOHN ROSS

The General Council of the Cherokee Nation convened at Red Clay on the 8th inst., but could not proceed to business in the absence of the Principal Chief whose arrival at the time fixed for the meeting had been prevented by the unusual and incessant rains that have fallen, until the 2d day of the session when he submitted his message, which will be found below. We can make no remarks that would add anything to the merit of this interesting document. Its declaration "there is no safety for this nation to change the relation it sustains to the United States for emigration" is entirely in accordance with the feelings of the Cherokees at large and will be approbated by them. The council proceeded to the consideration and liquidation of the expenses of government for the past year, and the election of Judges of the Supreme

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and Circuit Courts which had become vacant, by the expiration of the term of the presiding Judges ending this council.

Mr. Elisha N. Chester attended again and laid before the principal chief a communication, accompanied by a letter to him from the secretary of war, in which from the hasty glance we had of Mr. Chester's, he reiterates the arguments heretofore used by government, and alledged that a crisis had arrived, which placed the safety and welfare of the Cherokees upon a removal west of the Mississippi.

This communication had not been submitted to the council when we left there. It was a subject matter so dry, or unwelcome, that it had found but little place in the topics of common conversations.

These communications we hope to be able to lay before our readers in next weeks paper.

Some curiosity exists in the minds of our people, respecting the consistency and rectitude of Mr. Chester's conduct. He was counsel for the Rev. S. A. Worcester and Dr. E. Butler, when prosecuted and condemned in the court of Georgia; in

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their behalf, he carried their case up to the United States Supreme Court, and from it carried to Georgia a mandamus for their release. This mandate being disregarded, he returned to Washington to take further legal measures in their case. While there he was appointed by the President messenger to the Cherokee council, to promote the humane policy of President Jackson, the effect of which had already been the imprisonment of his clients -- our worthy missionaries. Our people think this was a smooth somerset that placed him in the employ of two parties which they consider opposed to each other.

Mr. Chester appears to be an intelligent man, and may think his conduct consistent, while he opposes the views of Jackson and Georgia respecting the missionaries, he may accord with them both since he is promoted to be a special agent to urge on us a treaty, but scarcely any appointment by the President could be more unpopular with the Cherokees; except it be that of Governor Lumpkin, which he states will be made, if the council do not accede to the propositions of government and that if the Cherokees treat hereafter it must be done through him.

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CHEROKEE PHOENIX & INDIAN ADVOCATE

New Echota, Ind. Ter.

Aug. 10, 1833

Vol. 5, No. 26

Elijah Hicks, Editor

MESSAGE OF JOHN ROSS

To the Committee and Council
in General Council Convened.

Friends and Fellow-Citizens:

It has been deemed advisable to convene you for the purpose of making you acquainted with the proceedings of the late delegation to the seat of the American Government, in order that you may be prepared to make them known to the people of your respective Districts, as it is important that they should, at all times, be correctly informed of our public affairs. From the documents herewith submitted, you will perceive that the business of the Mission was brought directly before the executive branch for deliberation and action. It may be proper to state some of the reasons which influenced the delegation on this occasion in confining themselves exclusively to this course, when it

is known that the President hitherto had disclaimed any right to interpose his authority against the illegal and highly oppressive encroachments of Georgia.

It was evident however, that the President in pursuing this course was actuated more from motives of policy to effect our removal than to sustain us in our just rights; and as the Supreme Court of the United States having decided the question of cause favorably, and the President in his proclamation to the people of South Carolina, on the subjects of Nullification and Secession, having promptly declared the Supremacy of the Constitution and laws of the United States over State authority, there was every reason to believe that he would ultimately enforce the treaties and intercourse act for our protection. Under this persuasion it was thought best not to agitate the question of our affairs before Congress at that time by presenting another memorial, it being a short session, and moreover the principles of Nullification and Secession which were agitated by South Carolina, having been submitted before both houses of Congress by the President, and that the final action of the

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General Government upon that important controversy could not fail to affect the Georgia proceedings towards us also, as the principle upon which they are based being nothing more nor less than that of Nullification, and the only difference in the principle as maintained by South Carolina and Georgia, is that the former has only asserted it in theory, when the latter has reduced it to practice. A law has finally been passed extending the powers of the Federal Judiciary and vesting the President of the United States with sufficient power to suppress the practical operation of this unconstitutional and ruinous principle. Whether this Nation will be benefitted by the decisive action of Congress on this subject or not, is a question which will depend much upon the unity of sentiment and action of the Cherokee people themselves, as well as on the wisdom and integrity of their representatives.

Should it become necessary, I will in a subsequent communication, express my views in regard to our public affairs in more general terms.

JNO. ROSS

Red Clay, Cherokee Nation, May 13, 1833.

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CHEROKEE ADVOCATE

Tablequash, Ind. Ter.

May 1, 1845

Vol. 1 No. 32

W. P. Boudinot, Editor

PROCLAMATION OF JOHN ROSS

Be It Known, That I, John Ross, Principal Chief of the Cherokee Nation, by authority vested in me by special enactment of the National Council bearing date, "January 9th, 1845," do hereby offer, out of the public funds,

REWARD OF THREE THOUSAND DOLLARS,
for the apprehension and delivery, to the proper authorities, of this Nation, of the following murderers and fugitives from justice, to wit:

One Thousand Dollars each for THOMAS STARR, and ELLIS STARR, who with BEAN STARR, besides other deeds of blood and robbery, murdered, Robbed and Burnt, in September, 1843, Mr. Vore, a licensed trader, his wife, and a traveler; and

FIVE HUNDRED DOLLARS

Each, for ELLIS WEST, and SAMUEL McDANIEL, who, within a few weeks past, atrociously murdered Two Cherokees,

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Te-ta-neskee, and Chane Lache.

THOMAS STARR is about 28 years old, six feet five inches high, straight and proportionably built; has a broad forehead, black hair, grey eyes, (generally with the lashes plucked out,) very large feet, and smiles much when talking.

ELLIS STARR is about 28 years old, 5 feet 10 inches, or 6 feet high, has a very large neck, dark complexion, auburn hair and blue eyes, compactly built, weighs some two hundred pounds.

ELLIS WEST is some 20 years old, 6 feet 4 or 5 inches high, and well built. He has auburn hair, dark eyes, and fair complexion, showing more of the white than Indian blood.

SAMUEL McDANIEL is 5 feet 11 inches or 6 feet high, spare made, dark complexion, light hair, deep blue eyes. About 19 years old.

In case any of the above described persons should be killed in the attempt to arrest them, the reward will nevertheless be given, on satisfactory proof of the fact. In testimony whereof, I have hereunto affixed my hand and seal, at Tahlequah, this 13th day of January 1845.

JOHN ROSS, Principal Chief of the Cherokees.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
May 1, 1845
Vol. 1, No. 32
W. P. Boudinot, Editor

EDITORIAL ON CHEROKEES

In making up our weekly budget of editorial items it is extremely painful to us and, we doubt not to our readers also, to observe the frequent murders and other criminal offences that occupy among them so conspicuous a part. Most gladly would we be relieved from this unpleasant task, did our duty as a public journalist allow it; for these outrages indicate a state of morals existing amongst a portion of the Cherokees that augurs ill and such as can conduce nothing for their peace, their dignity, or permanent prosperity. In contemplating the revolting picture that these frequent acts of blood-shed, crime and dissipation presents, of a portion of the Cherokees, and that of but a small portion -- two inquiries arise -- what are the causes of the vices prevailing amongst the Cherokees? And what are the remedies?

The increase of immorality amongst the Cherokees started several years back, and has its origin in the unfortunate circumstances that surrounded them prior to being removed from their eastern homes. Before the policy of removing to the west, all the Indians indigenous to the west of the Mississippi River, had extended its iron hand to the Cherokees, their general condition was happy and promising. Their rights were generally well protected. They felt secure in their persons and possessions, and enjoyed peace and contentment. Availing themselves of this gracious state of affairs, so indispensable to the moral and intellectual advancement of all communities, whether white or red, they rapidly improved.

Their condition was changing as it were, by some magic influence. The domestic arts began to flourish. Industry endured with their frugal habits, abundance of the necessaries and comforts of life and even many of its luxuries. Schools received reasonable encouragement. The reduction of their language into a written form enabled distant friends to commune one with the other, while the weekly newspaper conveyed instruction and amusement to the inmates of the humblest log cabin. In short, their situation was happy--

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the light of Revelation had dawned upon them with its benign influences and the star of future prosperity glittered brightly in their firmament.

But the star was soon to be obscured and clouds to lower over them thick and black. The request to remove was not complied with and the command to remove unheeded. And here dated the origin not alone of trials, sorrows, afflictions, wrongs, and oppression to all, but what is far more painful, the demoralization and corruption of many. When it was ascertained that the Cherokees were strongly opposed to removing West, in regular scheme of the most infernal vexations was concocted and put into operation by some of the States and private whites, to wear out their patience, to make their situation a bed of thorns and to "grind them to dust or drive them from their homes.

Treaties were disregarded -- States' rules were extended over them, the Cherokees left the victims of those who fettered with chains and cast into the same prison the missionary and the murderer -- who converted churches into grog shops -- who flooded the country with whiskey -- tore down the government of the Indians as if it were a fabric of straw -- punished innocent individuals and perpetrated other acts which we

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have not the time much less the disposition, to numerate.

Amid all these trying circumstances, and horrible influences, the great mass of the Cherokees remained uncorrupted and uncorruptable. But not so with all. There were exceptions; some were charmed by glittering silver, some became gamblers, some drunkards, some idlers, and others were reduced from the path of virtue and innocence. From among those last narrated, may be found some of those depraved but unfortunate beings, who, on indulging the habits and vices imbibed from the whites, commit the crimes that are occurring in our country.

Other sources of crime may be found also in the traffic of ardent spirits on the frontier, and in the reckless, infractory habits and diffused among certain classes by the singular importance that is permitted to encroach, to attach to the restless, mercenary factionists that creep into existence dubbed as the Chiefs, Headmen, &c. This and that party among the Cherokees. The last mentioned, we considered the most prolific of all other sources of crime amongst the Cherokees.

There are in our midst, as in every community, some individuals impatient of restraints, and some who are too independent to work, but at the same time thirst

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for money. Such men are generally the ones to resort to any expedient that will attain the object of their ambition in any way -- especially is this the case with the first mentioned and hence it is so long as factions are even noticed, persons in authority in the United States, so long will there be complaints and inducements to the vicious to disregard all law. But we have already said more on this subject than was intended, and will close by merely adding that the remedy and preventive for crimes must be sought in inculcating the right public spirit; in suppressing the whisky trade and in an impartial and rigid enforcement of law against all offenders.

THE CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Oct. 29, 1846

Vol. 3, No. 5

Elijah Hicks, Editor

PROCLAMATION OF GEORGE LOWERY

Whereas, a Treaty was concluded between the United States and the Cherokee Nation on the 6th day of August, 1846, in which it is stipulated that "all difficulties and differences heretofore existing between the several parties of the Cherokee Nation are settled and adjusted, and shall, as far as possible be forgotten and forever buried in oblivion;" -- "and that all party distinctions shall cease, except so far as may be necessary to carry out this Treaty.

And whereas, a general amnesty is declared and all past "offences and crimes" are pardoned, and which pardon shall also extend to all citizens who are out of the Nation and who may return by the first day of December next,

Therefore, In order that a general and correct understanding of the provisions of said treaty

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may be made known and a renewal of good feeling and fellowship again restored," I have been instructed by the National Council to proclaim to the people of all parties an invitation for their general attendance at Tahlequah on the ninth day of November next -- and moreover, all those who are now out of the Nation are earnestly invited to return to their homes, where they may live in peace. All citizens are enjoined to a careful observance of the laws, and to demean themselves in an orderly and peaceable manner, and especially so in their intercourse with those with whom differences have heretofore existed.

L. S.

Given from under my
hand and seal, at
Tahlequah, this 22d
day of October, 1846.

GEORGE LOWERY,
Acting Principal Chief
Cherokee Nation

THE CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Oct. 29, 1846
Vol. 3, No. 5
Elijah Hicks, Editor

RESOLUTION OF GEORGE LOWERY

RESOLUTION authorizing the Chief to issue a proclamation inviting the people to attend at Tahlequah on the 9th day of November.

Whereas, a Treaty was concluded between the United States and the Cherokee Nation on the 6th day of August 1846, in which it is stipulated that "all difficulties and differences heretofore existing between the several parties of the Cherokee Nation, are settled and adjusted, and shall, as far as possible be forgotten and forever buried in Oblivion!" - and that "all party distinctions shall cease, except so far as may be necessary to carry out this Treaty:"

And whereas, "a general amnesty is declared," and all past "offences and crimes" are pardoned, and which pardon shall also extend to all citizens who are out of the Nation and who may return by the first

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day of december next!" -- Therefore, In order that
a general and correct understanding of the provi-
sions of said Treaty may be made known and a re-
newel of good feeling and fellowship again restored:

Be it resolved by the National Council,
that the Principal Chief be and he is hereby instructed
to issue a Proclamation to the Cherokee people set-
ting forth the above and requesting a general at-
tendance of the people of all parties at Tahlequah,
on the 9th day of November next, and also inviting
all Cherokees who are now out of the Nation "to re-
turn to their homes where they may live in peace
&c".

Tahlequah C. N., October 21st., 1846

A. FOREMAN,

Pres't Nat. Com., pro tem.

E. Hicks, Clerk Nat. Com.

Concurred: A. CAMPBELL,

Speaker Nat. Council.

T. Fox Taylor, Clerk Council

Approved: GEO. LOWERY,

Acting Principal Chief, C. N.

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THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
July 11, 1864
Vol. 9, No. 8
D. H. Ross, Editor

PROCLAMATION OF R. BUNCH

By virtue of the authority in me vested by the 1st Section of the Act of the National Council approved Dec. 8th 1863, the same being in the words following, viz.

"Be it enacted by the National Council, That the Principal Chief shall cause his proclamation to be issued, notifying all claimants for citizenship whose claims went by default for non-appearance before the Court known as the Chambers Court, that they shall within ninety days from the date thereof, present their claims before the court created to determine questions of citizenship, that such cases shall be reopened and determined according to the facts and laws:--"

I, R. Bunch, Assistant and acting Principal Chief of the Cherokee Nation, hereby issue this my Proclamation to all of the persons named in the list

hereto attached, who are residing in this Nation, to present their claims within (90) ninety days from this date, before the Court created to determine claims for citizenship, that such cases shall be reopened and determined according to the facts and law."

At the close of the said 90 days from this date, the privilege of presentation, as given by said law to claimants by default as described, will cease and the claims presented within the said time will be then pending before the Commission on citizenship, to be tried by said court in accordance with the facts and the law.

By rule of the said Court or Commission on citizenship, all claimants by default above described and hereafter named are notified to present their claims in manner and forms as follows.

Hon. C. O. Frye:

Secretary on the Commission
on citizenship, Tahlequah, C. N.

Sir:

The undersigned respectfully presents his
claim for Cherokee citizenship for a rehearing under
act of the National Council approved Dec. 8th 1883.

SIGNED _____

Any one or more of the following named persons,
or any person not so named, who has had judgment by
default entered against him or her by the Commission
or Court mentioned in said act of Council may fill
out the above application for a re-hearing, in the form
thereof as written, or in substance of such form, and
are notified by this "Proclamation" to hand the same
in personally to Hon. C. O. Frye Secretary of the
Commission on citizenship, or address and send to him
by mail at Tahlequah C. N., at any time within the
(90) ninety days following this date. Any such person
or persons, so applying for a re-hearing in conformity

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to said law, are also notified to be and appear in person or by Attorney before the Commission on Citizenship during the next session of the said Commission in the Month of September 1884 at Tahlequah, to prosecute such, his or their claim, for citizenship, and be then and there prepared with any evidence in support thereof as may be available and pertinent to submit to said Commission in addition to the documents now on file (if any) in each case. The following is the list of names of persons against whom judgement has been rendered by default by the "Chambers Court."

Peter McAllester, Malinda Mush, Isam, Creek Bean, Green Goff, J. L. McCorkle, Allen Gilbert, John Goins Abraham Ward, Elizabeth J. Davis, Aramanda Warren, Abraham Hore, Taylor Goings, L. E. Butler, S. Blackstone, Susan R. Mayes, John W. James, A. J. Watts, Mrs Boyd, Thomas Hope, Lucy Early, Hugh Hope, Mrs. Maybery, J. L. Payne, Jake Neal, Wiley Taylor, H. Patterson, Thos E. Owen, -- Bleylock, -- Blockwood, Watt Nicholson, Wm. Watts, Mack Watts, Elias Downing, Joseph Adams, Mrs. N. M. Knight, Sela West, Christina

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Cox, Mary Sellers, Joseph White, Buck Frozer, A. J. Bain,
James White, William James, E. Kirk, Benjamin Hurley,
John Blackwell, John Davis, Wesley Goff. -----
Williams, Andrew McKinney, Matt Dougless, Dr. Gunter,
Tom Bell or Smith, M. Carter Frank Johns, Robert
Sizemore, Frank Horebeck, Robert Yorgan, Lewis Weaver,
Nancy Bradshaw, Mary Beason, Wm. Mullins, Lewis Wright,
Iorden Thompson, Silas Martin, Peggy Henry, Nelson
Martin, Peggy Henry, Nelson Martin, George Bryant,
Jacob Bean, Thomas Wayfield, George Martins, George
Bean, Toby Bean, Jack Nelson, Leander Bean Elias
Downing, Arthur Bean, Joseph Adams, Robert Foster,
David Mayes, Selfrey Helt, Jos. Lynch, Veney Foreman
Andrew Daugherty, Clasar Smith, Daniel Rowe, Samuel
Whitmire, Peter Meigs, Jack Thornton Charlotte Deason,
Fesse Rowe, Riley McNair, Welles Towers, Michael
Whitmire, Polley A. Whitmire, Abraham Foreman,
Johnson Webber, Moblin Beek, Santa Anna Nevins, Per^{ry}
West, James McNair^{ir}, Peter Hudson, Colbert Mayhen,
Harriet Word, Henry Gunter, Washington Melton, Peter
Word, George Meigs, A. S. Gunter, Charles Blackburn,
Columbus McNair, Wm. Green, Minerva Hill, Jessie Ridge,

-----Dennis, Cornelius Ridge, Guss Buffington,
 John Kunbo, Jeff Brown, Henry, Ridge, Walker Vann,
 Thos. Mayfield, Jerry Lane, Well Robertson J. A.
 Sorrell, Harvey Hampton, R. Thompson, Henry Fields,
 Sam Williams, Lolomon Foreman, Senca Mast, Moses
 Briggs, John Chase, Sim Welch, James Goodwin, Feff
 Brown, Edmond Campbell, Ed Johnson, James Thomas,
 Amos Mayfield, Henry Jackson, John Griggs, Jesse
 Ridge, Polley Sanders, George Brown, Moses Smith,
 Everet Wright, Nancy Vann, Fanny Rogers, Tobe Looney,
 Ephraim Brant, Henry Thornton, Berny Ward, Nathan
 Duffin, Jacob Ross; Benjamin Ward, Jos. Ross, Al.
 Looney, Wm. Rogers, Nelson Riley, Margeret Blackstone,
 Solomon Nave, William Brown Israel Johnson, George
 McNair, Jane Johnson, George McNair, Jane Carter,
 Thos. Archer, Reubin Johnson, John Foreman, Jerry
 Reed, Thomas Harnage, Lewis Wright, Sam Bern's Charles
 Rowlin and wife, Philip Blackburn, Nelson Murrel,
 Robert Mayfield, Sam Laken, Thos. B. Madden, Harlan,
 Nelson Webber, Juda Chambers, Barbery Ellen Starr,
 Adam Martin Jack Bean, Seth Hall, Arther Bean
 Granmission Little, Polly White, Rufus Nave, Lucy

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Landrum, Ike Bean, Joseph Bean, Reggie Steve Lynch,
George Ross, William Steve, Dennis Hicks, George
Bryant, John Matin, Warren Martin, Moley Bean,
George Thompson, William French, Bona Gunter or
Foreman, Sandy Williams, Thomas Benton, George
Washington, Nathan Gunter, William Davis, John
Welson, Charles Wingfield, Francis Blythe, Jess Vann,
Racheel Downing, John Mayfield, Frank Mayfield,
George Adair, Melzy Downing, Emiline Wingfield,
Sookekey Pea, Elijah Mayfield, Jack Davis, George
Adams, Jes Whitmire, Jack Starr, Jesse Rowe, James
Alberty, Ellis Foreman, Charity Hudson, Robert
Carter, Daniel Thompson, Sam Chouteau, Phillips
Duncan, Sam Williams, -----Wyatt, Susan Wolfe,
Mrs Lizzie Gunter, Chauncy Bell.

In witness whereof, I hereunto set my hand
and cause the seal of the Cherokee Nation to be
attached thereto this 29th day of May, 1884.

R. Bunch,

Ass't. and Act. Prin. Chief,

George O. Butler

Ass't. Ex-Secretary

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The CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
July 11, 1864 1864?
Vol. 9, No. 8
D. H. Ross, Editor

PROCLAMATION OF R. BUNCH

To the Sheriffs of the several
Districts and the Citizens of
The Cherokee Nation.

I. R. Bunch, acting and assistant Principal
Chief of the Cherokee Nation, in conformity with
my obligation to see that the laws are faithfully
executed, respectfully call the attention of citizens
of the Nation to the following provision of law,
now in force, viz.

"Be it further enacted, that from and after
the passage of this act it shall not be lawful for
any person to hold, for the purpose of pasturage, a
greater quantity of land than fifty acres, attached to
the farm owned or occupied by such person, he being a
citizen of the Cherokee Nation." The construction

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of this provision of law is that all enclosures of the public domain, whereby one citizen reserves to himself, and excludes from all other citizens a part of the Cherokee country, must be and come under the term and description of "farms or improvements" -- to which the constitution grants the citizens, who have made or are in lawful possession of, the exclusive right of occupane. All the rest of the domain not so included within the limits of improvements as defined by law, are provided by the constitution "to remain common property." Farms and improvements have heretofore been alluded to and recognized by our laws as identical, and the terms used at times interchangeably. The Council of 1882 which enacted the last law in regard to "farms" or (improvements) provided in the law above mentioned and recited, that it shall be lawful for one citizen to exclude all others from (50 acres) of the unimproved common domain and to consider the quantity so inclosed by him in the light of an attachment or part of his farm, and no citizen shall be allowed to exclude others from the free and equal use as a pasture, of

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more than fifty acres.

It may be proper to remark that the fencing and exclusive use by any citizen of 50 acres of the uncultivated common domain as a pasture, in no way lessens his equal interest in all of the domain left uninclosed, over which his stock may roam and feed as freely as before. If one citizen were allowed 500 instead of 50 acres as his private and exclusive pasture he would still have the full benefit of all of the unimproved common domain, that other citizens were not able to enclose and would thus be vested with a monopoly of the public domain to the extent of the quantity he had enclosed.

The National Council, representing all of the citizen owners of the common domain of this Nation, has allowed and does allow 50 acres of the uncultivated domain to be devoted by any citizen to his own exclusive use as part of his farm or improvements, and to such quantity, as a pasture, each citizen is now notified that he must be confined. Such is the meaning of the law under constitutional provisions as I construe it in accordance with my oath to see the laws faithfully executed, and the

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constitution defended and preserved.

Therefore, Whereas -- Complaint having been made to this Dept., to the effect that the above quoted prohibition of law is being violated by certain citizens of this Nation by enclosing with wire or other fencing material, a greater quantity of the public domain for pasturage than (50) fifty acres, and whereas,

The constitution of this Nation makes and declares the land in its natural state, the common property of citizens thereof, and subject to their equal use and benefit for grazing and other purposes while in such state -- and whereas, the National Council has provided by the aforesaid provisions of law that, in the exercise of the power, by fencing the common domain, of securing and exclusive interest therein, no citizen shall be allowed to exclude other citizens from the use of more than (50) acres of the said domain, for the purpose of reserving the exclusive use of the same to himself -- while the same is its natural state, and has also enacted that such pasture of fifty acres and no more shall be when fenced held and occupied as included in the farm or

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improvement of such citizen; -- and whereas, the constitution requires the Principal Chief to see that the laws are faithfully executed -- Now therefore, Proclamation is hereby made to all citizens of this Nation who have, contrary to the above quoted prohibition of law, fenced more than (50) fifty acres of the uncultivated common domain for the purpose of pasturage, warning and enjoining all such citizens to restrict themselves to the limit of the quantity of land allowed by law for such purpose, and to remove all fencing of any kind which encloses more than such quantity, upon peril of having all such surplus and unlawful fencing, and obstructions to the common right of citizens, thrown down and removed, so as not further to operate as hinderances to the exercise of such common right -- and the Sheriffs of the several districts are hereby ordered and directed, upon complaint of any citizen that more than fifty acres of the unimproved common domain is enclosed by any one citizen, warn and enjoin such citizen so complained of to restrict himself within the limits prescribed by the law as aforesaid and to remove the obstructions to the exercise of the common right to

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the use and enjoyment of all except the fifty acres allowed each citizen for pasturage and, in case such warning and injunction be not obeyed and the obstructions removed within a reasonable time to throw down or remove the said obstructions so that the common and Constitutional right of all citizens, under the law shall be respected and preserved to them.

Fail not to duly observe this Order, in obedience to and execution of the above requirements of law.

Given under my hand on this the 28th day of May 1884.

R. BUNCH

Asst., and acting Prin. Chief.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
June 18, 1870
Vol. 1 No. 10
W. P. Boudinot, Editor

LETTER OF FAIR PLAY TO W. P. BOUDINOT, ESQ.

EDITOR CHEROKEE ADVOCATE.

I received a number of your paper with which I was much pleased. It is well seen that you comprehend the "situation" that now confronts you. Notwithstanding the magnitude of the issues involved you treat it calmly, and discuss the acts and motives of the president firmly and in a style and spirit that cannot fail to gain your nation strength and dignity in the eyes of the American people.

During a journey through the Eastern States to Philadelphia the past Spring, in the course of some lectures on the western Country and the peculiarities of several of the unchristianized tribes, it was my right as it was my pleasure, to refer to the Cherokees, to speak of their attainments in civil life, literary, social and religious, which amazed the people so long accustomed to reading about but-

cherries by Indians.

It afforded the audience great pleasure to learn that some at least had laid aside the customs of hunting and of nomadic tribes. When they are told that a restless land greed was causing land jobbers of the rapacious order, they who can gobble up hundreds of thousands of acres, were now with gloating eyes bent to violate treaties, and change your fundamental laws and subvert your nationality, indignation is excited.

It meets with condemnation on all hands except from those immediately interested in the scheme. If you were in the normal condition of the unlettered and without progress, without promise of social, and political equality with American citizens generally, then but little notice would be taken of the movements of these land grabbers. But it is readily seen when the matter is explained, that the public heart revolts at doing anything that grossly wrongs people who can appreciate their rights by the same rule that they would their own if invaded.

This then seems to be the sentiment as to the naked question of compulsory change. On that few differ. When the question is propounded, shall

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we be shut out from Texas or New Mexico? Shall our rail roads all stop at the border?

The real friend of the Indian is at a loss to know how to meet that question.

Some reasonable middle ground surely can be found. It cannot be that men of intelligence will be unable to devise some plan, by which all the advantages of at least one East and West Road, and one main trunk line through to Texas will be realized.

Let the Rail road be content (until it is your own pleasure to sell them land) with the right of way, subject in all respects to your laws, and hold only what the Charter and Treaty call for. Let your municipal law govern as now all who by their employment must live at the depots, as it now regulates your own and all adopted citizens; a system or code of laws surely can be agreed upon so that you can exclude intoxicating liquors and in other respects keep in full force all your existing statutes.

This is a work for your Statesmen. You may err by utterly shutting the door, and give strength to those who would not respect the golden rule if they are unchecked.

It seems to most minds clear that one good.

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well opened line should suffice. In that the several companies should be jointly interested. Your nation or individuals should be share-holders to such extent as you desire.

The line should begin on Red River and end at a common junction somewhere on Cabin Creek; I cannot see how it could affect injuriously your people or your nationality. If great care is taken to retain jurisdiction of all offences, and require licenses as heretofore for residence in the nation of all who are not directly and in the sole employment of the Railroads you can easily remove all nuisances, and keep in wholesome fear all others.

My argument here is mainly based upon expediency.

Had you not now, while the sentiment of the American people is with you, better demand clear and explicit rules and regulations to govern all the roads, let them be just and reasonable and have the sanction of the Government, and under these proper restrictions consent to the right of way.

Unreasonable resistance will weaken your cause, and cast a shade of doubt as to the reality of the progress claimed for you.

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I am not at all in the interests of any of these Companies, know nothing of their plans. I only speak of the great general sentiment so far as the case is understood.

My sympathies are with you, and hope you may hit upon a plan to be mutually satisfactory and give no reason for a revulsion of public sentiment.

Yours,

FAIR PLAY.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

June 18, 1870

Vol. 1 No. 10

W. P. Boudinot, Editor

LETTER OF JOHN W. CRAIG TO EDITOR CHEROKEE ADVOCATE

The following letter was received last night from Fort Gibson, and speaks for itself.

Fort Gibson, C. N.,)

June 15, 1870.)

Ed. Cherokee Advocate:

Will you please notify the persons interested that two hundred and nine checks for additional bounty, due for service in 2nd and 3rd Regiments Indian Home Guards, have been placed in my hands to be paid to claimants, and that I shall be ready to make the payments on and after Monday, June 20th.

Very respectfully,

JOHN W. CRAIG,

Brevet Major, U. S. A.

Agent for Cherokees.

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W. P. Boudinot, Editor
June 18, 1870
Vol. 1 No. 10
Tahlequah, Ind. Ter.

LETTER OF S. S. STEVENS TO EDITOR CHEROKEE ADVOCATE

Mr. Editor:

It becomes my duty to present to you a statement of the condition of the Public School, located, by the National Council, in Canadian District, at, or near, Black Jack Grove. (See act, Creating an additional number of Public Schools; approved Dec. 15th, 1869.) I am under the necessity of stating, that the citizens, of said locality, have not complied with the requirements of the law, as I understand it. It was the intention of the legislative bodies, that comfortable School Houses should be erected, previously to the school going into effect. It gives me pleasure to bring before you this subject; you are indeed familiar with the "School Law," and it seems as if the public are anxious to know whether we should build school houses, or take old houses that were once otherwise occupied. And no one is better calculated to inform it than yourself.

Sup't Public Schools, S. S. STEPHENS,

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CHEROKEE ADVOCATE

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W. P. Boudinot, Editor

LETTER OF S. S. STEVENS TO EDITOR CHEROKEE ADVOCATE

Editor Cherokee Advocate:

I avail myself of the opportunity to say, that my true aim and object has been to lay before the minds of our people the subject of Education. I tell the people they must prepare the future citizen for the discharge of all his duties, both public and private. The day-star of human freedom, but dimly shines in some portions of our country. It is good policy to educate so as best to secure obedience and submission to the laws of the country. In a nation like ours, a broader and more generous culture is imperatively demanded by the nature of our Government. Nothing less than the development of a true manhood and womanhood on the part of all the citizens of this nation ought to be the standard constantly in view. Whatever other countries may be able to boast of, may

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it be our ambition by moral and intellectual culture to produce the noblest type of men and women who shall be well informed upon the subjects of their rights, duties, and privileges, as citizens of the best and freest country. It is essential to the existence of our nation, that our schools should be constantly growing in efficiency, and if this be so, what limits should be set to their progress? Moreover, the best method of improving our people, is, to encourage the common schools, which form the foundation of an Educational pyramid; as you enlarge the base, you can elevate the apex. "Give me," said the philosopher Archimedes, "give me a place whereon to stand, and I will move the earth;" and the philanthropist who seeks to ameliorate the condition of society, may find in the institution of common schools the coveted fulcrum on which to rest his lever.

We may rest assured that prejudice and strife will never cease, until a liberal education is universally diffused and a unity of sentiment created among the people.

Another point which should be regarded as essential to the prosperity of our schools, is the character and attainments of the teachers, and the

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erection of comfortable school houses. We want animating spirits to accomplish all this work.

You will probably hear that I have, in compliance with the requirements of law, discontinued several of my schools. It is to be hoped that it will be attributed to a good motive, and a desire to promote the best interests of the schools. Who will be ready to acquiesce with me in my course? Who will say, Yours is the duty and responsibility, and you must take that course which your own best judgement dictates; after all it may be for the best.

G. S. STEPHENS.

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Tahlequah, Ind. Ter.
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W. P. Boudinot, Editor

THE PUBLIC SCHOOLS

The Superintendent of Public Schools, Mr.

S. S. Stephens, has just returned from his official semi-annual visit to the Schools located in Canadian, Sequoyah, Flint and Illinois Districts. He reports the growing crops in excellent condition everywhere, and evidences of industry and thrift very gratifying.

He is much pleased, though hardly surprised, to have been so hospitably received wherever he went, and says he failed to notice the least vestige of ill feeling, or any sign or symptom of discord, or division of any kind, in any neighborhood, growing out of the war.

In order that our readers, American and Indian, may the more fully understand this, we inform them that S. S. Stephens was, during the war, one of the most active and enterprising officers of the Union Brigade of Cherokees, commanded by Col. Phillips, and that his

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late visit has been among the most enterprising, daring, hot-headed, fire-eating men of the Southern Brigade, of Gen. Stand Watie. Both parties, Northern and Southern shook hands in the Treaty of '63, and the discord brought into our family by the quarrel of our big neighbors, was then and there thoroughly healed.

The law requires the Superintendent not to suffer Schools to go into operation, except a good, comfortable school-house be erected. In accordance with this provision, several Schools have been stopped. We advise the neighborhoods which have been remiss, to fulfill the condition of the law as soon as they possibly can. The worst harm you can do to our common Nation, and your children, is to keep them from a good School; and School cannot be kept with good results, unless a good school-house be erected for the use and accommodation of pupils and teachers.

CHEROKEE ADVOCATE

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June 18, 1870
Vol. 1 No. 10
W. P. Boudinot, Editor

LETTER FROM CANADIAN DISTRICT

Mr. Editor.

The Hon. Superintendent of Public Schools on his late circuit, ordered the School taught by Miss E. Coval to be discontinued. Those of us most interested, beleiving the act to be arbitrary and unnecessary, request the privilege through the ADVOCATE, of defending that belief, by giving a short history of all circumstances connected with the School from its commencement, and also ask a few questions which the Hon Superintendent may find fit to answer.

By an act of the last Council, this School was to be located at a grove of black jacks, on or near Cordey's Creek, Canadian District. Miss Coval was appointed teacher, James Hammer, William Reese, and John Lowrey, Directors, by Supt. S. S. Stephens, with instructions to have a School-house built. (At this time the Superintendent believed the proper

point for the location was South of Cordey's Creek.)
 Sickness and death in the neighborhood, with the
 difficulty in ascertaining what grove of black jacks
 was intended by the act of Council, prevented the
 house from being finished by the 1st of March. Under
 these circumstances the Directors secured a comfort-
 able house in the vicinity, and the School commenced
 with thirty scholars. It has been well attended since,
 and the teacher has given full satisfaction, to the
 first of this month, when she received an official
 letter from the Superintendent saying he found she
 was teaching five miles from the place where he ex-
 pected to find her, therefore he deemed it unnecessary
 to visit her School, and ordered its dismissal; but
 promising to see her paid for the time taught. We
 will further state, he then officially appoints a new
 Board of Directors and locates the School two miles
North of Cordey's Creek, at a certain Spring, "one
 mile due north of Richard Fields'," as "it is the in-
 tention of the law that the School should be located
 in the centre of the neighborhood."

QUERIES: If the law made it necessary to
 stop this School for the remaining six weeks of the
 session, how can the Superintendent legally make a

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report for the three months taught, as he promised? What right has the Superintendent to change a Board of Directors at will? What law gives the Hon. Superintendent the exclusive right to locate a School-house, when in plain language the law says the Directors shall do so? By the act of dismissal, an estimable young lady would be thrown out of employment, and a School of poor children deprived of the benefit of the public funds, and that, too, when the stopping of the School benefits no one. Is this justice, or the intention of the law? We are afraid a third Board of Directors must be appointed, as the second has shown some independence, and confirmed the course of the first, in sustaining the School -- and calculate to be sustained by the Council. We will see!

Yours,

CANADIAN.

June 12, 1870.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Oct. 22, 1870

Vol. 1 No. 28

E. P. Boudinot, Editor

EDITORIAL ON COL. VANN

We had the pleasure last week of meeting and conversing with Colonel C. W. Vann, Cherokee Delegate to Washington, lately returned. His health appeared to be somewhat restored, sufficiently to enable him to discuss Indian matters for a short time, in which his well known interest was as manifest as ever. Our opinion of the manner in which the Cherokee Delegates discharged their trust is not gathered wholly from their own reports. From other quarters we are convinced that the situation we were and are now in, required their utmost efforts to avert ruin. The danger though successfully resisted for the time is by no means past. The necessity for similar efforts exists and they must continue.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Oct. 22, 1870

Vol. 1 No. 28

W. P. Boudinot, Editor

EDITORIAL ON CHEROKEES

Civilized Nations have long ago adopted the plan of providing a place of confinement for those convicted of crime not heinous enough to merit death. The design of punishment has been found by their long experience to be better subserved by that means, than by an infliction of direct bodily torture. The penalty can be more justly graded to the kind and degree of the offence, and the reform of the offender is more certainly assured. Besides, society is for the reasonable time necessary for the repentance and reformation of the criminal relieved of his presence, and secured from his depredations, and that with less expense than profit, while the criminal himself is freed from temptation, and supplied with motives and an opportunity to reflect, repent, and reform.

Whipping for offences against the law short of murder and graver than misdemeanors was adopted as

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a punishment by Cherokees in the first place, because that or some other equally repulsive mode of administering justice was at the time the only available method. They had not the means to build a penitentiary. They flogged because they could not confine; at least this is our belief. We will confess we are wrong only when the Nation is plainly able to imitate in this matter, as it has in others, the model of Government and laws it has selected, and refuses to do so.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Oct. 22, 1870
Vol. 1 No. 28
W. P. Boudinot, Editor

EDITORIAL ON CHEROKEE COUNCIL

Two weeks from next Monday the Cherokee National Council, the Legislation of the Nation will convene in Annual session. It is composed of two branches, Senate and Council differing only in the name of the lower from the Senate and House of Representatives of most of the States.

In fact the Constitution of the whole government has been modeled after the well known Republican form adopted by the various States, though exceedingly simplified in practice and operation. There are two presiding officers, one of each house, called the President of the Senate and Speaker of the Council. Any class of Bill, except appropriation Bills, and Bills providing for Delegations to Washington, may be introduced in either house and if passed go to the other, where it may be amended and sent back, or assented to entire, and sent to the Principal

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Chief of the Nation, who is required either to approve the law or disapprove it and return it to the house from where it originated within ten days.

But we will wait before pursuing this description further until the Council meets when our readers may expect to be told all about an Indian legislature, the appearance of the prominent men of it and the mode of transacting business in each department.

CHEROKKEE ADVOCATE

Tahlequah, Ind. Ter.
Oct. 22, 1870
Vol. 1 No. 28
W. P. Boudinot, Editor

WATCH AND PRAY

It was we think when our Legislature was in session in the month of November, and about the time when the Council had decided to send Delegates to Washington, that notice was received from the Department at Washington, that no Indian Delegation would be received, and that it would be consequently useless trouble for any Delegation to come. What the object of such a sweeping injunction was, could only be conjectured. There was no cause or explanation given with the notification. But prudent men thought they saw in the design to exclude Indians from even any knowledge of what was going to be done with them, something dangerous to their rights and interests, and an additional reason why a Delegation should be sent without fail. In reality the only effect the notification had was to confirm the Council in its resolution to appoint Delegates, and to hasten their departure to

solve the mystery.

It was well they went, and it would have been better had they gone sooner than they did. Colonel Vann and Colonel Adair's Reports to their people both inform us that interested parties had at the time they reached Washington nearly succeeded in effecting our total ruin. The parties had adroitly seized the opportunity when the blame of Indian troubles and Indian expense had been on the Indian Policy of the government, awaking a general desire to change such policy, to encourage and establish in the general mind the notion of making all Indians citizens of the United States. There was in it a delusive benevolence which pleased friends. There was a real injury sure to follow the measure which pleased enemies. These last took good care not to place any obstacle in the way of the means an unwitting philanthropy was about to place in their hands to compass their bad designs. Hence, there was a deceptive and dangerous concurrence of opinion, which at first glance looked conclusive in its favor, and which a man ran the risk of being considered ignorant or eccentric or captious or even ungrateful to oppose. But, once a citizen of the United States, an Indian could no longer depend on

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any special promise or obligation of his government to protect him. As a matter of course he would have no more rights and more power than any other citizen. He would have to depend alone on himself and the law of the land. To secure him from his enemies, his friends cried out, make him a citizen. To take him out from under the protection of his friends his enemies swelled the cry. Thus with very different, indeed opposite, purposes in view, friends and enemies were agreed for once how to solve the perplexed and vexatious Indian question -- the much wronged Aborigines were to be made citizens of the United States.

Both classes concurred in the propriety of abolishing the custom of making treaties with Indian Tribes. One said they saw in the making and execution of such treaties constantly recurring opportunities to swindle and abuse the Red Race. The other saw without saying so, an ever existing impediment therein to wronging him still faster and further. All this while there was a third party whose rights and destinies made them most concerned in the measure, who were not, nor even asked to be, present. No one thought of consulting them, or perhaps thought of them at all. No mistake, they had been thought

of, though by no means in respect or kindness. The order, or notice, or injunction, or whatever it may be called, had been duly made out and sent to the several tribes whose status was to be thus summarily dealt with, not to come and interfere. They, the most vitally concerned of all were told in effect before hand that it was none of their business. From which of the two classes above mentioned did this precaution proceed? What was its object? We can easily see that the friends of the Indian might glory in doing him a vital favor, without giving him an ostentatious and embarrassing notice of their intention. But such a feeling would hardly extend to a desire to exclude him from any participation in the effort to be made in his interest. We can still more easily see that the enemies of the Indian might be engaged in doing him a vital wrong and injury, and not only neglect to invite him to participate with his presence but would take all care to secure his absence. Which was it, friend or foe?

Happily the blow that was ready did not fall. The arm that was extended was stayed, and the merit of averting the blow and arresting the arm, we are assured belongs in a considerable measure to the

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Cherokee Delegation. The report of Col. Adair, concluded in this number, speaks for all, and gives a definite idea of the peculiar danger which threatened and still threatens us, and the corresponding exertions which have been so far made by them to meet it. It is not longer than the subjects touched on require. What there is is a clear, truthful and earnest relation of what it is, indispensable the whole people should know.

We commend it to the careful attention of our readers particularly to inform them how unsuitable and full of disaster to the Indian, is the policy of making him a citizen of the United States. So far from there being no need of Delegations at Washington, the truth is shown by this Report to be that the action of Congress in Indian Affairs must hereafter be the principal source of dread. All persons, companies, parties, private or public, who desire or seek to break down the Treaty barriers which alone secure us in possession of our own, will go there to make the attempt, and if they succeed at all will succeed only by making Congress a tool in their hands. This they expect to do. It is there Indians and their friends must foil these men. And it is no child's play. The men who represent the

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tribes there and upon whom everything will depend, will have immense wealth, great talent, and ever vigilant opponents arrayed against them. They themselves must be selected from the most capable material we have, regardless of party, provided their patriotism be undoubted, -- men honest and zealous as well as able -- men who, inasmuch as their success will depend upon sympathy for the right in those to whom they will be compelled to appeal, must know how, effectively, to express that right and to make that appeal in private and in public.

These are our views. It is with diffidence they are expressed. The importance of the matter demands close and constant attention to it from all citizens of public spirit, among whom we may at least reckon those by birth or of long residence in the country.

When we speak of enemies or foes to Indians, let us not be understood as meaning any whose primary object is our injury. We believe there are none such. We speak of those of whose existence and activity we are fully aware, who intend to compass our destruction no less certainly, because their ground object is

their own aggrandizement and gain.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Oct. 22, 1870

Vol. 1 No. 28

W. P. Boudinot, Editor

LETTER OF W. P. ADAIR

(concluded)

For initiatory purposes the Cherokee Corporators were named in this bill to be confirmed or substituted by our National Council, on its endorsing the bill, and carrying out its provisions. This bill, however, failed to pass, as did all others introduced in Congress last session by our opponents authorizing the construction of railroads through our country. Our railroad opponents finding they were check-mated before Congress, managed to have our controversy raised before the Interior Department, where from time to time it was discussed between our Delegation representing the interests of our Nation, and opponents representing respectively the interests of the "Southern Branch Union Pacific Railroad Co.," "Kansas and Neosho Valley Railroad Co.," the "Leavenworth, Lawrence, and Fort Gibson Railroad Company," and the

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"Atlantic and Pacific Company." After a protracted discussion of this railroad subject, involving (as I understood it) the questions as to the number of roads to be constructed through our country, and as to when and under what circumstances and under what authority the same may be constructed, and by which party claiming, if any? the Secretary of the Interior gave a written opinion, which was approved by the President, and which, in some respects appeared to incline in our favor. Soon after the decision the President submitted the following question to the Attorney General for his opinion: "Which of the two railroad companies the Missouri, Kansas and Texas Railroad Company, formerly known as the Union Pacific Railroad Company Southern Branch, or the Missouri River, Fort Scott, and Gulf Railroad Company, formerly known as the Kansas and Neosho Valley Railroad Company, has the right, under the acts of Congress and the treaties with the Indians, to construct a railroad through the Indian Territory southward from the southern boundary of Kansas." Upon this question the Attorney General gave his opinion on the 31st of July, which, after endorsing so much of the opinion of the Secretary of the Interior, as declared that but one railroad could

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be built through our country from the North to the South, and one from the East to the West, goes on to declare "that the right to build the road through the Indian Territory to Texas, belongs to the Southern Branch road, now known as the Missiori, Kansas, and Texas railroads."

This decision having made no reference to or protection for the interests of the Cherokees and other Indians in the Indian Territory, being only as between the two railroad parties named in the question, our delegation, on the 1st of August, protested against it, claiming that our people should be heard on a matter so vitally affecting their interests, and that no railroad company had a right to build its road through our country until authorized to do so after the ratification of our treaty of 1866 by Congress, and not even then until the "Indian intercourse laws" should be so amended as to protect the Indians in the Indian Territory. Furthermore, we protested that no road, when thus authorized, could claim any title to our lands, whether by reversion or otherwise, and we warned the Government that it was the settled purpose of our nation to retain the title to our lands east of the 96th degree of west

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longitude in our own people. There was filed in the Interior Department a bond for \$500,000 signed by the "Missouri, Kansas, and Texas Railway Co.," by its president and secretary, under date of "Aug. 6, 1870," the conditions of which, after reciting that the President of the United States had given his "written approval" to said company "to construct and operate its line of railroad from the termination of their completed roads, on the southern boundary of the State of Kansas, through the Indian Territory to a point at or near Preston, in the State of Texas, with a branch from at or near Fort Gibson, in said Territory, to Fort Smith, in the State of Arkansas," goes on further to state that said company "shall in every particular respect the rights of said Indian tribes and the individuals thereof, as guaranteed by the treaties and the intercourse and other statutes of the United States; that they should commit no waste upon said Indian lands, nor take materials therefrom except under contract with said Indian tribes or individuals thereof who may make sales of individual property; such contracts, whether with the nations or individuals, to be valid only when approved by the proper officers of the Indian Department." as to

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intruders in our country, I would state that we have urged upon the Government the absolute necessity of putting them immediately outside of our limits, and of marking our boundary lines with unmistakable landmarks, under our treaties, so as to remove any further pretext for intrusion. Accordingly, an order has been issued for the removal of these intruders outside of our country, and the Secretary of the Interior promises to have our boundaries marked, as requested, at an early day. As to the recent decision of the Secretary of the Interior respecting the right of our adopted citizens (white men) to trade in our country. I would state that that decision is in the form of a letter, addressed by the Secretary to the Indian Office, on the 17th ultimo, and contains the following as the only language bearing upon the question: "I (the secretary) may mark, however, that the opinion of Mr. Attorney General Barrien, which you (the Commissioner of Indian Affairs) cite, has been concurred in by several of his successors, and that the Supreme Court in the case of ~~the~~ United States vs. Rogers, (4 Howard, 471,) in construing the intercourse act of the 30th of June, 1834, and the treaty with the Cherokees, concluded at New Echota in 1835,

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held, that whatever obligations a white man may have taken upon himself, or whatever privileges he may have obtained by becoming a Cherokee by adoption, his responsibility, to the laws of the United States remains unchanged and diminished." In the name of our Nation and people I have protested against this decision of the honorable Secretary, as being in patent opposition to the treaties of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, with the Government, as well as several decisions of the Supreme Court, and as being an unwarranted subversion of the rights of our people. Concerning our great trust funds placed in the custody of the United States, I would inform you that our delegation has made every endeavor possible, to ascertain the exact condition and amount of these funds, and from our treaties and the official records to which they have gained access, these funds, up to the 13th instant are as follows:

1. Under the treaty of 1835, and invested in 1836, \$533,148.90.
2. Under the treaty of 1867 with Delawares, and invested in 1769, \$264,816.10.
3. Under the treaty of 1868, disposing of neutral lands, and invested as follows:

First payment by Mr. Jos. F. Joy, in 1868, \$75,000; second payment in 1868, \$75,000, 1st payment in 1869, \$75,000; and in 1869, \$24,042.36; first payment in 1870, \$400,000; second payment in 1870, \$14,161.33; third payment in 1870, \$23,584.91; also under payments made at different times up to 1870, by the "settlers" on neutral lands, \$296,887.01 3/4; amounting in the aggregate to \$983,675.61. Total amount \$1,780,540.97.

Of this amount there belongs to the

National Fund	\$964,625.26
School Fund	596,140.75
Orphan Fund	219,774.60

All of these funds have been invested in State and United States stocks of different kinds, and should yield an annual interest at from five to seven per-centum from the dates of their respective investments. Such of them as have not been invested in United States registered stocks, under our treaty of 1866, will be so invested, (as we are informed by the Department,) with as much promptness as may be compatible with the best interests of the Cherokee people. A portion of our original stocks, (arising under our treaty of 1835) to the amount of \$73,000, was lost by the Department

in 1860, through one of its Clerks, (Goddard Bailey,) but the United States has agreed to refund this amount due the Cherokees in its own "registered Stocks," under the 23rd article of our treaty of 1866, and Congress every year makes an appropriation for the interest due on these "abstracted bonds." From the evidence I have there is yet due the Cherokees on account of the neutral lands a balance of funds from Mr. Joy and the "settlers," on these lands which as soon as received will be invested under the treaty of 1866. Respecting the one hundred and fifty thousand (\$150,000) Fund, provided for under the 23rd article of the treaty of 1866, I would remark, that up to the present time there has been paid out of that Fund the sum of \$131,861.10 by the Secretary of the Interior to meet the obligations of the Cherokee Nation, as authorized by said treaty. There yet remains of this fund the sum of \$18,148.90, to be applied in like manner, if necessary. From the foregoing information, you will perceive that while your several delegations, since our treaty of 1866, have been devoted to your national and individual interests, they have not been unmindful of the great importance of swelling your national invested fund, so that, by our Delaware treaty of

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1867, and neutral land treaty of 1868, (outside of our Shawnee treaty of 1869, which I trust will be concurred in by our Council,) our invested funds have been increased \$1,248,391.71, and that our outstanding obligations (warrants) have been paid in Washington to the amount of \$131,851.10, and it is to be hoped that such of our national obligations as remain unpaid will be amply met by our annuity funds, forwarded a few days since by special agent to the amount of some sixty odd thousand dollars, so that our nation may hereafter, by proper economy, be able to keep out of debt, pay its officers decent salaries, improve its educational system, and make more liberal provisions for its orphan children.

In conclusion, I would assure you that your delegation has done all that human energy could do in the discharge of their duties, and whilst by the aid of the delegations from our sister nations and our friends here, they have defeated the many schemes used by our opponents to destroy our existence, they have left their treaty in a far better condition for the disposition of its subject matter, than it has been. With an approving conscience, that they have left nothing undone, that they could do, they will submit their official report with the bus-

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iness that has been entrusted to their care to our National Council for its consideration and action. Upon our council, and the wisdom of our people, responsible duties will devolve, and much of our destiny will depend upon our own action. Therefore, my advice as a responsible public servant to my people is to act in concert, and let the past with all of its prejudices and passions that have heretofore disturbed our prosperity be laid upon the altar of our common country, and let us look to the future, pregnant with events, which if not properly met and controlled, may prove our ruin. As your friend and public servant I would be untrue to your interests if I did not warn you of approaching danger, and in that connection, I would assure you that although the storm that threatened the Indians last session of Congress, has been diverted, yet it may probably return again at the next session with increased fury. Let us, therefore, be united among ourselves, and as far as possible, act in close concert with our brethren of the Indian Territory in prosecuting and defending our common interests before the United States Government, and thus United we may hope by concert of action, and by observing our treaties with scrupulous fidelity, and

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by appealing to the honor and public faith of that Government, and to the virtue of the great masses of the American people to secure our protection in what we already have, and to obtain from the Government, what is justly due us. This civil course involving as it does our duty and obligations to the Government, supported by the moral force of humanity, justice and the Christian religion, is in my opinion the only successful one available to us. We owe a duty to ourselves and a debt of protection to our posterity, which, under present circumstances we can pay in no other way. Physical war between Indians and white people, means death to the Indians. This we all know, and as a proof of it we need only turn to our early history with the whites written in our own blood, to find our unfortunate race torn to pieces with blood-hounds worked to death as slaves, and put to the sword one nation after another and also to history of more modern date in which we may witness the slaughter of the Pagan and other Indians, wherein, not even sick women and children were spared.

The President of the United States is the friend of the Indians, and we have many warm and devoted friends in both houses of Congress and in the

Departments and among the people of the United States. Let us appeal to these friends, with all the earnestness of persecuted innocence, as we have done heretofore, and I believe they will help us. And as to our enemies, whose action is due in a great degree to their want of information on the Indian question, let us not judge them too harshly, lest we be judged ourselves, and let us hope to educate them into our interests. By thus returning good for evil, and heaping coals of fire upon their heads and covering them up with the mantle of charity, "that suffereth long and is kind," that we may win them over to a discharge of their legal and moral duty; and as we are commanded "to pray for them that despitefully use and persecute" us, let us invoke the same blessing upon them that the martyred Stephen invoked upon his misguided persecutors, when he was stoned to death: "Lord lay not this sin to their charge."

I am, very respectfully, your obedient servant and friend,

W. P. ADAIR.

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CHEROKEE ADVOCATE

Tablequash, Ind. Ter.

Oct. 22, 1872

Vol. 1 No. 28

W. P. Boudinot, Editor

PROCLAMATION OF LEWIS DOWNING

It is proper, and becoming, for all people, at all times, to humble themselves before Almighty God, and to confess their sins, and to implore his forgiveness, guidance, and protection through Jesus Christ. But the necessity of so doing, is especially apparent and urgent when people and Nations are in circumstances of distress and danger, and when threatened with public calamity.

As an encouragement to prayer and supplication, under such circumstances, we have only to turn to the promises of God, that when his creatures cry to him for succor in distress, or for protection in weakness, that His ear will be ever open to hear the prayer of sincere and earnest men. We can turn also to the repeated instances in which God has heard the prayers of distressed Nations, and listened to their confessions of sin, and protected them by His power, and warded off calamities.

Nineveh, when the edict of the Almighty had been issued for her destruction, proclaimed a fast, and all the people, from the King to the beggar, prostrated themselves in humiliation, and lifted up to God the cry for deliverance. The heart of Jehovah was moved to pity and the decree was annulled, and he repented him of the evil that he had determined against that city. Thus God, by both word and action, has declared Himself to be a prayer-hearing God.

To-day, the Cherokees, and the whole Indian race are in distress and danger. Powerless we lie in the hands of the government and people of the United States, as did the Jews in the hands of Absuerus and the Persians. The United States can bring the weight of forty millions of people, and untold wealth, power, and skill to crush us in our weakness.

Not only have they the power thus to crush us, but with very many, the disposition is not wanting. Already the cry for the extermination of Indians, is heard from quarters, so high and influential as to give harm to the whole Indian Race. Especially are we alarmed, when we read in the short history of the United States name after name, of mighty nations of red men who once occupied this vast continent, but

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who are now swept from the face of the earth before the white man.

Amid the general decay of Indian Nations and the annihilation of the vast majority the five nations of the Indian Territory have not only survived but increased in numbers -- accumulated property -- advanced in civilization, adopted the Christian religion, and are now building churches and school houses; establishing printing presses, and agricultural societies, and making more rapid strides in civilization than ever before.

All this prosperity under God and His gospel, we owe to our separate national existence, and the protection and security afforded by our treaties with the United States. Although their treaties have been frequently violated, and their protection has been but partial, still they have served to prevent the tide of immigration from flooding our country, and to thwart the rapacious land grabbers, and liquor sellers; and to check injurious legislation by Congress. But avaricious men, and the enemies of the Indian, have opened their batteries on Indian treaties and threaten their annihilation. Efforts are being made to annul and destroy all of our treaties, and thus to

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tear away our only human defence, and leave us to be the sport of capricious legislation and unjust administration, and the victims of unscrupulous speculators.

Even now, before these treaties are annulled, the sacred obligations of the United States to protect us are to a great extent rendered nugatory by unjust judicial decisions, and unwarranted official rulings.

Our adopted citizens have had their business houses closed by order of the United States Officials, to the great injury of our community, and are compelled to obtain in Washington, license to transact business.

The tax gatherer stands ready to enter our country and wrench from us our scanty earnings. Already the manufactories of our citizens have been seized and sold, under the operation of tax laws, from which the United States are sacredly pledged to exempt us.

Now, the organization over us by force of Territorial or State government is urged. Our title to our lands, and invested funds, has been questioned. The very foundations of our National and individual existence are threatened. The demand is made in

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influential quarters, that the Government of the United States shall disregard its sacred pledges and raise the flood gates, and let in upon us a stream of immigration to overwhelm us.

Our rights and liberties are trampled in the dust; our citizens are arrested by United States Marshals, contrary to law, dragged to prison in a foreign state, arraigned before a foreign court, and acquitted or condemned at the caprice of Judges and Jurors of a strange tongue, in a foreign land, who have no sympathy with us, and no regard for our rights or liberties.

Viewed in every light, and from every stand point, our situation is alarming. The vortex of ruin, which has swallowed hundreds of Indian Nations, now yawns for us.

In these circumstances of distress, where shall we go? Whither shall we flee for help?

Our Delegations, our lawyers, and friends have failed to stay the onward progress of usurpations. Our prayers, memorials, and petitions have fallen unheeded on the ears of Congress and Departmental officers.

To God, then, The Ruler of the universe. To

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Him who holds in His own hands the destinies of Nations, great and small, and who disposes of Emperors and Kings, together with their Empires and Kingdoms, according to His own good pleasure. To the Lord our God, let us go with our ease. Let us pour out our prayers into the ear of the Merciful Jehovah, who, in the days of old "hath scattered the proud in the imagination of their hearts. He hath put down the mighty from their seats, and exalted them of low degree." To him let us confess our sins, and pray for National preservation, and for individual protection. In this let us unite with one heart, and one voice, and with deep earnestness of soul.

Now therefore in view of our critical condition, I, Lewis Downing, Principal Chief of the Cherokee Nation, do hereby set apart, and appoint Thursday the seventeenth (17) day of November A. D. 1870, as a day of National humiliation, fasting and prayer. And I do hereby call upon all the people of the Cherokee Nation, to observe the same, strictly, earnestly, and sincerely. Let christians of every name, throughout the whole nation, lay aside their ordinary business engagements, and assemble at their various places of worship, and unite in earnest prayer and supplication

to Almighty God for National preservation. Ask God to incline the hearts of the rulers and people of the United States to observe strictly their solemn pledges not to trample down our rights and our liberties. Pray God to secure to us our country, and our homes to save us from usurpation, which fill our land with foreign officers, who drag us before foreign courts, and cast us into foreign prisons, without color of law; which levy unjust taxes taxes and confiscate our property to satisfy the same, which lays unjust and oppressive restrictions on a portion of our citizens to the injury of all. Let us beg of God to save us from usurpation which threatens to destroy the last vestige of self government that remains to us, and to open our country to white immigration, and thus take from us our homes, and destroy us as a people. Let us humbly ask God to save from these calamities, and from all others, and give us peace, to protect us by his own power. And thus preserved, we may become a nation devoted to God, loving him with all our hearts and earnestly laboring in his service. A nation redeemed by the blood of Jesus Christ his son.

Given from under my hand, and the seal of the Cherokee Nation, at the Executive Department,

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Tahlequah, C. N. on this the 17th day of October A.
D. 1870.

LEWIS DOWNING,

Principal Chief of the Cherokee Nation.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Nov. 5, 1870
Vol. 1 No. 30
W. P. Boudinot, Editor

EDITORIAL ON COL. LEWIS DOWNING

Our readers will probably remember that the Cherokee nation sent a delegation to Washington during the last session of Congress to look after its interests. This delegation was composed of Col. Downing, its chief, and several other educated and intelligent Cherokees. One of these, Mr. W. P. Adair, has addressed a letter to his people setting forth the difficulties they encountered. Various measures were proposed in Congress not only violative of existing treaties but highly prejudicial to the Indian.

First. Congress declined entering into the new treaty proposed, from necessity entailed of making appropriations for the payment of moneys due the Indians under existing treaties, because of the pretext of retrenchment. From a Government that has made its boast the reduction of the public debt, this profession can hardly come with a decent grace. They have

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strained every nerve to meet the demand for the payment of interest on the war debt, interest due mainly to the large capitalists, but refuse to make this comparatively small appropriation for fully as just a debt and for the immediate payment of which the need is much more imperative. With Mr. Adair we may say that such economy smacks much less of retrenchment than of repudiation.

Again, schemes were introduced in both Houses by which, through Congressional legislation, the constitutional Indian treaty system should be abolished (the present treaties being ignored,) and in their place should be established Territorial Governments over the Indians. This latter proposition was very cunningly disguised as a measure designed for the good of the Indians and ostensible as coming from them. But Mr. Adair, and through him the delegation, to say nothing of indignation meetings among the Indians themselves, recorded their solemn protest against such violation of the Constitution and the plighted word of the nation given in previous treaties. Mr. Adair urges and urges most justly that the provision of the Fourteenth amendment that "all persons born or naturalized in the United States, and subject to the jurisdiction

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thereof, are citizens of the United States and of the State wherein they reside," applies in no way to the Indian nations. Against such misapplication of the amendment he urges that the Cherokees and other Indians had existed as nations from time immemorial; that the United States in making treaties with them had recognized them as separate nationalities, and that the right did not exist nor was in any way vested in Congress to ignore that recognition. He protests against the right of the United States to tax even their trust fund, as is proposed to be done under the act passed July 20, 1868, by which, "all liquors and tobacco produced anywhere within the exterior limits of the United States, whether within a collection district or not, shall be subject to the internal revenue laws imposing taxes on such articles." The trust funds of the Cherokees do not and never did consist in distilled spirits, fermented liquors, tobacco or cigars, but in moneys placed in the care of the United States Government, in trust, to be invested in "safe and prolific stocks," and not to be depreciated by tax or otherwise. Mr. Adair candidly admits that the innate genius of the Indian race is radically different from that of the white one, and that an immediate commingling

as one political community of the two races, as is proposed by the legislation, could result but in a war of races, with but one logical issue, of the destruction of the weaker party.

As to the recent decision of the Secretary of the Indian Office, that whatever obligations a white man may have taken upon himself, or whatever privileges he may have obtained by becoming a Cherokee by adoption, his responsibility to the United States remains unchanged and undiminished. Mr. Adair says: "In the name of our nation and people, I have protested against this decision of the honorable Secretary, as being in patent opposition to the treaties of the Creeks, Cherokees, Seminoles and other Indian Tribes with the Government, as well as to several decisions of the Supreme Court, and as being an unwarrantable subversion of the rights of our people." These peoples being considered as nationalities, we can see no reason why a distinction should be made in their case as opposed to other nations.

On the whole, the publication of this document shows not only the little consideration in which the Indians are held by our Government, but even the positive and criminal injustice with which they

are treated.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Nov. 5, 1870
Vol. 1 No. 30
W. P. Boudinot, Editor

RIGHTS TO STORE HOUSE

Clerks Office Supreme)
Court Room)
Oct. 19, 1870.)

Mr. Editor:

Perhaps it may interest some of your readers to know what the Supreme Court has done during its annual session of 1870.

The first case on the docket was that of O. W. Lipe vs F. W. Gulager, for trial of rights of a certain store house situated on one of the said Lipe's lots in Fort Gibson, and built by P. McDowell & Co., suttlers for the United States Army -- with a written premission or contract from the said O. W. Lipe, which gave the said McDowell & Co., the term of three years to occupy the said lot and at the end of which time to dispose of the said store house, as they (McDowell & Co.) saw proper, In accordance with the contract P. McDowell & Co. sold out the store house

to Mr. F. W. Gulager after which Mr. Lipe claims and
sues Mr. Gulager for the store house under an act
from the War Department discontinuing P. McDowell &
Co. as suttlers.

The Attorneys for the Plaintiff, Lipe, pro-
duced argument to show that so long as McDowell &
Co. remained suttlers the aforesaid contract held
good, but as soon as their suttlership ceased the con-
tract was annulled.

The Attorneys for defence argued that the con-
tract was lawful and held good until the expiration of
the three years (the time given them in the contract.)

The Court in their decision abrogated the
points in the arguments of both parties and decided
that owing to McDowell & Co., being non citizens of
this nation, Lipe could not make a lawful contract
with them, a copy of which decision I give below,

O. W. Lipe,	)	
	)	An appealed
vs	)	case from
	)	Illinois District.
F. W. Gulager.)	)	

Plaintiff O. W. Lipe brings suit against De-
fendant F. W. Gulager, to show cause, if any, why
judgement should not be rendered against him for

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possession of a certain house situated on lot No. 4 north, range 7 block D., in the town of Fort Gibson C. N. and \$30 per month damages.

Defendent F. W. Gulager claims a title to said house from a purchase from McDowell & Co., suttlers at the military Post of Fort Gibson, as per contract now before the Court between McDowell & Co., suttlers and O. W. Lipe Cherokee citizen which contract or permission dated at Fort Gibson, C. N., March 7, 1867, granting permission to McDowell & Co. to build a trading house on the above named lot range and to occupy and hold the same for the term of three years with the privilege of disposing of the said house as the said McDowell & Co., saw proper.

The question first arises -- is the said contract a lawful one? It is in evidence before the Court that McDowell & Co., was at the time of making the said contract suttlers for the military post of Fort Gibson and could not be termed in law citizens of the Cherokee Nation having no authority or right to hold titles or convey the same to real estate houses or improvements outside of the military reserves. The instrument referred to cannot be viewed with any force or effect.

The Court therefore decide that the said building situated on lot No. 4 north, range 7, block D, is the property of O. W. Lipe plaintiff in action, he having exhibited before the Court a deed from the Cherokee Nation on said lot &c. The Court renders judgement to O. W. Lipe plaintiff for possession of said building without damages for rent and judgment against Defendant for cost of suit.

The next case on docket was Sterling Scott vs Isaac B. Hitchcock to try the right to a claim, claimed by Scott and taken possession of by Hitchcock.

The arguments in this case were very interesting and took up considerable time. Mr. W. P. Boudinot being employed for the plaintiff and Dr. W. L. G. Miller for the defence. After some time in consultation the Court give the following decision:

Sterling Scott,)
vs) Appealed case
I. B. Hitchcock.) from Illinois
District.

Case of trespass upon two improvements situated in the Arkansas bottom near Fort Gibson. The court after thorough examination is convinced from evidence that defendant has not intruded on the

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improvement in question, known in the suit as the Wash
McMulty place as it is conclusive from the plaintiffs
own witness that he, plaintiff, has forfeited all
right to said improvement under the law regulating
abandoned improvements, but as the evidence of Mc-
Dowell sustains plaintiff in his right to the Roberson
or upper improvement, any improvement made thereon
by defendant is an intrusion. Therefore the Court
give judgement in favor of plaintiff for all the im-
provements put upon the said Roberson place by defen-
dant.

The Court further decide that as plaintiff
failed to sustain half of his allegations against de-
fendant he, plaintiff, should in justice pay one half
of cost of suit and give judgement against both de-
fendant and plaintiff for one half cost each.

W. A. THOMPSON.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Jan. 14, 1871
Vol. 1, No. 39
W. P. Boudinot, Editor

ACTS APPROVED BY LEWIS DOWNING

An Act respecting the furnishing of Rail Road
Ties and other Material to the Missouri, Kansas & Texas
Rail Road Company.

WHEREAS, The Missouri, Kansas & Texas Rail Road Company, has applied through its duly authorized Agent (Hon. W. S. Goss,) for the purchase of Railroad ties and other material to be used by said Company for the purpose of building that portion of said Railroad, which may run within the limits of this Nation and no other part thereof, therefore,

Be it Enacted by the National Council, That the said Railroad ties and material be furnished from the public Domain of the Cherokee Nation, to the said Company upon the following conditions, to wit.

The Principal Chief shall grant a written license to citizens of the Cherokee Nation only for the purpose of furnishing said ties and materi-~~l~~; said

citizens so licensed, shall before furnishing said ties and material enter into a contract for that purpose with the proper authorities of said Railroad Company, to be approved by the Interior Department at Washington, according to the terms of the bond of said Company, filed in the Interior Department, under date of August 10th, 1870, before such contracts shall be considered as valid and binding; the said Cherokee citizens so licensed and contracting shall, before furnishing ties and material as aforesaid, file bonds with the National Treasurer, to be approved by the Principal Chief and made payable to him for the sum which shall be equal to double the amount which the said railroad company is to pay for said ties and material, and conditioned upon a faithful compliance with the provisions of this act by the said licensed and contracting citizens.

Be it further enacted, That the persons furnishing ties and material under the provisions of this act are hereby required to pay to the sheriffs of their respective districts on which said ties and material may be obtained, for the benefit of the National Treasury, as follows:

For every tie and cross tie, 5 cents.

For bridge and other railroad timbers, whether hewn or

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sawed, 15 per centum of the actual cash value
at the time and place of obtaining the same.

For timber of any kind whether raw or manufactured, for
building rolling stock or for depots, or other
authorized fixtures for the said company, 15
per cent of the actual cash value of the same,
at the time and place of obtaining the same.

For every cubic yard of stone used in first class stone
work, 15 cents.

For every cubic yard of stone used in second class stone
work, 10 cents.

For every cubic yard of stone used in third class stone
work, 5 cents.

And it shall be the duty of said sheriffs to
keep a correct account of all funds so received by them,
and to make on oath a correct report of the same on
the first Monday in May and October, in each year, to
the Treasurer of the Nation to whom at the same time,
the said sheriffs shall turn over all funds received
by them under this act.

Be it further enacted, That no person in furn-
ishing ties and material as aforesaid, shall be permitted
to intrude or trespass upon the improvements or rights
of any of the citizens of the Nation without the consent

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of said citizen; Provided, That no regard be paid to any improvement that may be worth less than fifty dollars unless the said improvement be occupied by an actual settler, and provided further, that nothing herein be so construed as to impair the rights of orphan children.

Be it further Enacted, That after the line of road of said company shall have been completed through the Cherokee Nation, and it shall become necessary from time to time to repair the same, or to repair the bridges, or to work upon the depots and other property of the same, it shall be lawful, in order to obtain the necessary material for that purpose, for the said company to enter into contracts with citizens of the Cherokee Nation, who shall pay the charges on the material so furnished, respectively provided for in the 2d section of this act.

Be it further Enacted, That the Principal Chief of the Cherokee Nation shall have the power, and is hereby invested therewith to appoint from time to time as occasion may require, three citizens of the Cherokee Nation, whose duty it shall be to examine into and determine the amount of any damages against said railroad company in building and operating its road

through said Nation, or any part thereof, which may be sustained by any citizen of said Nation, by reason of said road passing through his or her farm, or destroying or disturbing his or her improvements, or for any destruction of any property of any such citizen; such judgement to be sent to the said Chief, and by him forwarded to the Secretary of the Interior of the United States for his approval, and such a judgement of damages, so approved to be collected and paid by the United States, or any proper authority thereof, and said Commissioners shall be paid for their actual services at the rate of five dollars per day.

Tahlequah, C. N.,)
Dec. 10, 1870)

ARCH SCRAPER,

President Senate,

JOHN L. ADAIR,

Clerk Senate, pro tem.

Concurred in with the following amendment, to-wit: That no citizen of the Cherokee Nation, or corporation of such citizens, shall be allowed to contract for more than ten thousand ties to any single railroad company, whose road may have the right to pass through

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said Nation, or any part thereof; and any party violating the provisions of this article, shall forfeit to the Cherokee Nation, double the amount of his or their contract, to be recoverable before any court of this Nation having jurisdiction over the same.

Dec. 14, 1870,

JUMPER MILLS,
Speaker Council,

S. FOREMAN,
Clerk Council.

Amendment concurred in.

ARCH SCHAPER,
President Senate.

JOHN L. ADAIR,
Clerk Senate, pro tem.

Approved by

LEWIS DOWNING,
Principal Chief.

An Act to amend an Act entitled "An Act re-
specting the furnishing of Rail Road Ties and other
material to the Missouri, Kansas & Texas Railroad Com-
pany," approved December 14th, 1870.

Be it enacted by the National Council; That
the above cited Act be so amended in the body of the
Act as to require the citizens of the Cherokee Nation,
contracting with the Rail Road Company to furnish ties
and material in the manner required by the law, shall
be required to file a bond with the Treasurer for twice
the amount of the tax due the Nation on said approved
contract, instead of twice the value of the material
furnished, and the same is so amended, and all parts
of any law conflicting with this amendment are hereby
repealed.

Tahlequah, C. N.,)
December 16th, 1870.)

approved,

LEWIS DOWNING

Principal Chief Cherokee Nation.

An Act to amend an Act entitled an "Act in
regard to Stray Property."

Be it enacted by the National Council; That
the "Act in regard to stray property" be and the same
is so amended, That the Sheriffs of the several Dis-
tricts, instead of posting stray Property by written
notices and descriptions of the same throughout the
district, shall be and are requested to furnish such
notices and descriptions in full by mail to the Editor
of the Cherokee Advocate to be advertised in said Jour-
nal, and the respective sheriffs of the several Dis-
tricts, shall forward such notices and descriptions
with the time and place of sale at least three months
and one half previous to said sale and the same shall
be briefly and plainly advertised as soon as received
and shall continue as advertisements until the issue
proceeding the day of sale, and should any stray prop-
erty be proven by the owner either before or after the
sale of the same according to provisions of the stray
law now in force, the cost of advertising shall be
paid by such owners at the rates already fixed in said
law -- and the sheriff is required to collect or retain,
as the case may be -- the amounts due for such adver-
tisements for National benefit and account for the same

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in his report.

Tahlequah, C. N.,)
)
December 15th, 1870.)

Approved,

LEWIS DOWNING,

Principal Chief Cherokee Nation.

An act authorizing the Board of Home Missions
of the Presbyterian Church to establish a Missionary
Station at Fort Gibson.

Be it enacted by the National Council; that
permission be and is hereby granted to the Board of
Home Missions of the Presbyterian Church to establish
a Missionary Station at or near Fort Gibson in Illi-
nois Dist., Cherokee Nation for the purpose of prose-
cuting Missionary labors for the improvement of the
Cherokee People and that James Vann, Assistant Princi-
pal Chief and Daniel H. Ross be appointed a committee
on the part of the Cherokee Nation to act in conjunc-
tion with the Rev. I. Dobson, or other authorized
agent of said Board, in selecting a site for said sta-
tion.

Tablequah, C. N.,)
)
November 12th, 1870.)

Approved,

LEWIS DOWNING,

Principal Chief Cherokee Nation.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 18, 1871
Vol. 1 N. 48
W. P. Boudinot, Editor

NOTICE TO INTRUDERS IN CHEROKEE NATION

All such persons will please take notice that the Cherokees are watching their borders with great vigilance. That already the names of many trespassers on timber &c have been reported, and measures will be immediately taken to enforce the law against them.

Persons engaged in building houses and fences in the vicinity of the Cherokee Territory should remember that taking timber from the Cherokee country is larceny, and liable to be punished as such. The timber on the lands of the Cherokees is as much their own property as their houses, and stock, and all men are forbidden to trespass on such timber under the penalties prescribed by the law.

According to the laws of the Cherokee Nation no Cherokee can sell timber to be taken into any state, except such as have obtained license from the National Treasurer to sell sawed lumber as a manufactured article,

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but there is no way by which any other kind of timber
can be taken lawfully from the Nation.

JOHN R. JONES

United States Agent for Cherokees.

Tahlequah C. N.

March 9th., 1871.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

March 18, 1871

Vol. 1, No. 48

W. P. Boucicot, Editor

PROTEST OF THE CHEROKEE NATION

"The white man's treatment of the Indian is one of the great sins of civilization, for which no single generation or nation is wholly answerable, but which it is now too late to redress. Repentance is all that is left for us; restitution is impossible. But the harsh treatment of the race by former generations should not be considered a precedent to justify the infliction of further wrongs." -- Report of Senate Committee of Judiciary, Dec. 14, 1870.

To the Senate and House of Representatives of the United States:

Gentlemen:

When we observed the above sentiments, uttered with so much force and sincerity, in the able report of the Committee on Judiciary, submitted to the Senate

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only last month, which report declared that "the Fourteenth Amendment to the Constitution of the United States, had no effect whatever upon the status of the Indian tribes, within the limits of the United States, and does not annul the treaties previously made between them and the United States," we had hoped and believed that they reflected the views, not only of a large majority in Congress but of the American people; and that the representatives of the civilized Indian Nations occupying the Indian Territory West of Arkansas, would speedily be relieved of the disagreeable necessity of visiting Washington, during every session of Congress to guard their people against the multifarious devices of those who seek to despoil them of their lands under the cover of Congressional legislation.

We regret to say that we have been disappointed in our reasonable expectation. Not only have the obnoxious territorial bills against which we earnestly protested at the last session been revived, but several new bills, having similar objects in view, have been introduced. In no instance is the welfare of the Indians consulted, or sought to be advanced; but in every measure now pending before congress, their rights of self-government are invaded, and the attempt is made

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to render them subject to the political and municipal jurisdiction of the United States Government, at Washington, and the local control of white men at home.

What sort of treatment we may expect under a double-headed government so organized is succinctly set forth in the truthful report of the Senate Committee on the Judiciary. If, as they say, "the white man's treatment of the Indians is one of the great sins of civilization," what is there in the character of those who constantly assail us, and assume the right to govern us, to justify this expectation that our rights and interests will be better cared for in the future?

After searching through all the acts of Great Britain and the ante-revolutionary acts of the States forming this Union, and carefully analyzing the Constitution, the treaties, the court decisions and acts of Congress regarding the Indians, the Judiciary Committee gravely expresses the conviction that "an act of Congress which should assume to treat the members of a tribe as subject to the municipal jurisdiction of the United States, would be unconstitutional and void."

The Indian's right to self-government is moreover thus unequivocally set forth;

"Their right of self-government, and to admin-

ister justice among themselves, after their rude fashion, even to the extent of inflicting the death penalty, has never been questioned; and while the United States have provided by law for the punishment of crimes committed by Indians straggling from their tribes, and crimes committed by Indians upon white men lawfully within the reservations, the Government has carefully abstained from attempting to regulate their domestic affairs, and from punishing crimes committed by one Indian against another in the Indian country. Volumes of treaties, acts of Congress almost without number the solemn adjudications of the highest judicial tribunal of the republic and the universal opinion of our statesmen and people, have united to exempt the Indian, being a member of a tribe recognized by, and having treaty relations with, the United States from the operation of our laws, and the jurisdiction of our courts. Whenever we have dealt with them, it has been in their collective capacity as a state, and not with their individual members except when such members were separated from the tribe to which they belonged; and then we have asserted such jurisdiction as every nation exercises over the subjects of another independent sovereign nation entering its territory and violating its laws."

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We see no present reason for disturbing the above relations, so long established, especially with the self-governing civilized nations and tribes of the Indian Territory. They have their local laws and forms of government, modelled after those of the States, and have recently, in accordance with treaty stipulations entered into in 1866, through a general council of delegates from the various nations, framed a constitution for a confederate government, representing all the Indians in said Territory, for the purpose, as set forth in the preamble, of "arranging the machinery of a government for the country occupied and owned by them, in order to draw themselves together in a closer bond of union, for the better protection of their rights, the improvement of themselves and the preservation of their race."

The constitution which follows, accords with the spirit and declaration of the preamble. It forms an Indian confederation or government of the Indian people, by the Indian people, for the Indian people. This government is within their treaty rights, involves no breach of obligation with the United States, conforms to the Constitution, treaties and laws of the United States, and declares that all political power

resides in the people of the several nations, who have at all times the right to abolish or reform it. Following closely the Federal Constitution, it also contains this reservation, "All powers not herein expressly granted by the nations, parties to this constitution, are reserved by them respectively, according to the provisions of their several treaties with the United States."

There is no analogy between this government, so created, and the ordinary "territorial governments" organized by authority of Congress. This is a confederation entered into by several Indian nations, whose rights as distinct political communities are as well established as the constitution, treaties, laws, precedent and immemorial usage can make them. The chief parties to this compact are the Cherokee nation, the Choctaw and Chickasaw nations, the Creek nation and the Seminole nation.

In 1831, the Cherokee nation vs. The State of Georgia, 5 Peters 1, Chief Justice Marshall says:

"Is the Cherokee nation a foreign state in the sense in which that term is used in the Constitution? The counsel for the plaintiff have maintained the affirmative of this proposition with great earnestness and ability. So much of the argument as was in-

tended to prove the character of the Cherokees as a state, as a distinct political society, separated from others, capable of managing its own affairs and governing itself, has, in the opinion of the majority of the judges, been completely successful.

The distinctive nationality of the Creeks, Choctaws, Chickasaws and Seminoles, has also been as authoritatively recognized, and the Supreme Court in 6 Peters 515, announced the following proposition, viz:

"From the commencement of our Government, Congress has passed acts to regulate trade and intercourse with the Indians, which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate. All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guarantied by the United States."

Chief among the rights inherent in a people, is the right to form a government suited to their condition and the Congress of the United States will ignore

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the principles of the fathers, and the Bill of Rights of every State in the Union, if it attempts to deny that right to the Indians.

It appears to be assumed that the action of these independent Indian nations, in forming a Federal Government requires ratification at the hands of Congress; to give it validity and bills have been offered which do not so much propose to ratify and confirm, as to alter and amend their organic law.

It is by no means clear that Congressional action is at all necessary. Ratification of the Constitution, as it emanated from the General Council at Okmulgee, would be an act of superogation, because the authority of the Indian nations to govern themselves is firmly established, and the treaties recognize their systems of confederation and naturalization. This is not the first Indian Confederation ever formed, by any means, although it may be the first which has organized under a written constitution like that of the United States.

It is true that the summoning of a general council was provided for in the treaties of 1866, entered into between the United States and the Cherokees, Creeks, Choctaws and Chicksaws and Seminoles, respec-

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tively, which specified the powers said council should possess, and provided for their enlargement "by the consent of the National Council of each Nation or tribe assenting to its establishment with the approval of the President of the United States."

The President of the United States is the recognized father of all the Indian tribes, and the negotiators of this general council. His approval of the enlargement of its powers here consented to, was necessary as a consignor of the treaty, and in recognition of the dependent relations of the Indians as wards of the United States; but it cannot be regarded as a limitation upon their inherent rights. It does not give either the President or Congress the power to dictate to the Indian nations what form of government they shall adopt, or to alter the one framed by their General Council, but still awaiting the separate endorsement of each of the Nations interested therein.

Dependence does not destroy sovereignty, for as the Senate Judiciary Committee says with reference to the Delawares:

"The dependence of the tribe upon the United States is fully recognized by the fifth article of the treaty; but this was not regarded as depriving the tribe

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of their character as a nation or political community, because the treaty stipulates for many acts to be thereafter performed by the Delawares, which can only be performed by a separate community, independent of external municipal jurisdiction. Indeed such dependence is in no way incompatible with the idea of separate nationality. Sovereign states may be bound together by treaty alliances very unequal in their terms, and still remain sovereign states. (Vat., B, 1, ch. 26, sec. 194.)

Senate bill, No. 1, 237, which was introduced by Mr. Harlan on the 20th January, 1871 read twice, referred to the Committee on Indian Affairs, and ordered to be printed, is entitled "An act to ratify and carry in effect the constitution and form of government for the Indian Territory, adopted December 20, 1870, at Ok-mul-gee, by the general council of said Territory, held by authority of the Government of the United States."

The first section of this bill affirms said constitution and form of government and declares it to be the fundamental law for said Territory, "with the modifications and exceptions hereinafter set forth."

The second section embraces "the modifications and

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exceptions" which seriously impair the merits of said constitution, destroy the autonomy of the confederated Indian nations and tribes which framed it, and invade their treaty rights, especially reserved in the "Declaration of Rights" embodied in and forming a part of said Constitution.

The Constitution adopted at Okmulgee provides for the security of said Indians, and the preservation of their race through the reservation of their treaty rights, and the machinery of a government in which the governor and legislature are elective by the people. The judges are appointed by the governor, whose powers and duties are similar to those of the President of the United States. He has the veto power. All minor offices created by law will be subject to his appointment. The Executive office is the axis around which the entire system revolves. Every other prominent feature relates to that, and the whole constitution is framed in view of the election of an Indian governor by the people, and the appointment of an Indian Judiciary by the governor. Mr. Harlan's bill gives the appointment of these important officers and others to the President, as if this were a mere territorial government organized under authority of Congress. We

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wish this fact to be kept constantly in view, that we have the inherent and inalienable right of self-government recognized and guaranteed by treaty -- that this new constitution does not form a territorial government in the ordinary acceptation of the term, intended to be subjected to the capricious legislation and political manipulations of Congress, but a Federal Republic of Indian States, composed of a peculiar population, who wish to preserve their independence, perpetuate their race, make and administer their own laws, and protect their lands from the insatiate rapacity of organized land pirates, a class of men with as well defined characteristics as gold misers, and equally as well entitled to distinctive classification. This class, whose capacity for absorbing the soil is one of the marvels of Western civilization, has "an appetite which grows with what it feeds on," -- a boundless greed that cannot be assuaged, and though it has already appropriated the best part of the public domain belonging to the people of the United States, who at least had much to give, it will remain unsatisfied until allowed to plunder the Indians of their small territory.

Every attempt to territorialize us is an

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attempt to break down the treaty barriers which keep
the speculators and railroad land-grabbers off of our
possessions.

Our lands belong to us. They are private property, held by the Indian nations in their own corporate capacity, under patents issued by the United States Government. These patents are our title deeds, as good as any preemtor's or purchaser's patent for his quarter section, as good as any recorded deed recognized by the Courts of the United States. There are several hungry railroad corporations awaiting the extinguishment of "the Indian title" to our lands in order that they may appropriate them to their own uses. The titles of the nations in the Indian Territory are not mere titles of occupation. The Creeks, Cherokees, Choctaws, Chickasaws and Seminoles parted with their aboriginal titles to their possessions in the States of North Carolina, Georgia, Alabama, Mississippi, Florida and Tennessee, when they removed therefrom and took United States titles in fee simple for the lands they now hold. Their possessions are regularly patented to them. Upon this subject we beg leave to quote the opinion of Attorney General

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, April 1, 1871
Vol. 1 No. 50
W. P. Boudinot, Editor

LETTER OF LEWIS DOWNING TO
EDITOR OF CHEROKEE ADVOCATE

Washington, D. C.

March 20th, 1871.

Editor Cherokee Advocate,

Sir:

Since our last communication of the 18th ult. we have been laboring with unabating vigilance and energy in endeavoring to accomplish the trust reposed in us by our people and Nation, and have been patiently watching developments, in order to correctly inform our people. As we predicted sometime ago would be the case, the late Session of the 41st Congress had adjourned, with a failure to pass any Territorial measures for our country, or any unfriendly railroad bills. This failure, we think is due in a very great measure, to the

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united efforts of the Indians themselves, and of their many and strong friends in the Government of the United States, who have proven that they are neither ashamed, nor afraid to protect the honor of their own Government, or the weakness of their dependent wards, the Indians, who, we are rejoiced to say have thus far been spared the destruction that has so frequently threatened them. But how long our people will be permitted to breathe in peace, and be free from suspense, and that apprehension of National disintegration and political and personal ruin, that cripple the energies of the stoutest soul, and sicken the heart of every patriotic presents a problem, that the future alone can solve. As soon as the present Session of Congress began business, there was introduced into the Senate by Mr. Rice, of Arkansas, another Bill proposing to territorialize our country. A close examination of this Bill, notwithstanding its beautiful clothing, humane professions, and the sweet encomiums of its apologists, has convinced us, that it is not unlike some others heretofore "cut and dried" for us, and that it embodies a plan, shrewdly gotten up under the shain coloring of law, whereby our poor people could be kicked out of doors, and rendered homeless, without the hope of another home. On the same day Mr. Harland introduced

into the Senate, the Constitution of the "Indian Territory," prepared by the General Indian Council, last December at Ok-mul-gee, with the identical amendments to it, that he proposed last Session. As already stated in a former communication, if this form of Government, with the amendments proposed, should be adopted, and become a law of Congress, its unavoidable effects can not be otherwise, in our opinion than to effect a radical change in the existing status of the Indians in the "Indian Country," towards the United States Government. So that, although our people are now by Treaty and Acts of Congress acknowledged to be "not within the limits of any State or Territory of the United States," yet should this Constitution, with the proposed amendments, become a law of the United States by action of Congress, they (our people) would be changed into citizens of the United States, and our country would become an integral, and essential part of the Government of the United States, the same as the "Territory of New Mexico," or any others of "the several Territories of the United States."

The great embarrassment that meets us here at the very threshold of this territorial question, is the fact that territory advocates, shown upon this Ok-mul-gee Constitution, and use it contrary to reason, common

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sense, and its entire expression, as evidence that our people desire a territorial form of Government, instead of the "General Council" provided for by our Treaties of 1866. When we affirm in the most solemn manner, that our people do not want a territorial Government, our opponents reply that we do not properly represent our people, or the facts in the case, and that our people not only desire a territorial Government, but have actually provided for one last December in General Council, and have named it the "Indian Territory" instead of retaining the "General Council" provided for by our Treaties. We mention this fact, not for the purpose of reflecting upon the framers of this Constitution, or to create prejudice against them, for they are all good and true gentlemen and patriots of tried and unspotted integrity. But we refer to it to show the embarrassment under which we labor here, and more especially as an evidence of the unfairness of the miserable and unscrupulous tactics, used here by our opponents to accomplish disastrous ends, who can not fail to see themselves, if they will take the little trouble, (as it is their duty,) to read this Constitution, that it was designed alone for the protection of our people, instead of an engine for their utter

denationalization and final extermination.

As our people are doing remarkably well and advancing more rapidly in civilization and religion, than any other people in like condition, and are in harmony and at peace with the Government of the United States and desires no Territorial Government over them, and as they have the sacred honor of the United States Government, pledged over and over again in the most solemn manner by Treaties, to protect them in the enjoyment of these blessings and rights, we shall continue in the discharge of what we conceive to be our duty, to oppose any Territorial Government that Congress may propose for our country.

Taking this view of the subject, and in order to retain, and preserve the "General Council" of our Nations, provided for by our Treaties, we have again after great efforts succeeded in getting Congress to make an appropriation, to sustain and operate that Council. A few days ago, we were summoned before the Hon. Secretary of the Interior to answer to the demand of the Missouri, Kansas and Texas Railroad Company, under which that company sought the privilege of purchasing an additional quantity of lands, along its line of road, through our country, beyond that allowed

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by our Treaty of 1866 for the purposes of railroad stations &c. This demand is substantially identical with the one made, by that Company last Fall, to our National Council, and which was respectfully declined, for reasons given in the action of the Council on that subject. In this matter the Hon. Secretary very properly declined to act, stating that the subject was one that appertained properly between the Cherokee Nation and the Company, and that the Cherokees were owners of their lands, and that therefore no additional quantity of their lands could be applied for railroad purposes without their consent. Thus it will be seen, that the action of our Council has been sustained by the Interior Department. On the same day we were called before the Secretary of the Interior, to meet the wishes of the Hon. Osage Agent, who claimed the right of settling the Osages, on Cherokee lands, east of the 96th degree, of west longitude. After hearing both parties in interest, the Secretary decided, that no Indians, except "civilized Indians," can under the 15th Article of our Treaty of 1866, be settled, on Cherokee lands east of 96th degree, and the Osages, not being civilized but being "blanket Indians," inhabiting portable skin villages, and living by the chase, can not be settled east of that line. Accordingly, the

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Secretary decided to settle the Osages west of 96th degree, under the 16th article of our Treaty of 1866. Upon hearing this decision the Hon. Osage Agent, made application to the Department, to have all persons, whatever, who had located on the lands intended for the Osages, west of 96th degree forthwith removed from those lands. To this course our Delegation, emphatically protested, except in the matter of intruders upon those lands. Those, if any we insisted should be removed at once by the Government; but we protested and insisted, that all Cherokee citizens, whether native or adopted, who had located in good faith, on these lands, or owned property on them, should be protected in their person and property, and amply paid for all leases and damages that they may sustain, on account of the settlement of the Osages, or any other Indians, west of 96th degree. We have also called on the Indian Office, to forward to such Eastern, or so called "North Carolina Cherokees" as have removed themselves to the Cherokee Nation, their transportation and subsistence funds, with interest on the same, due them under the Treaty of 1835-6, and the Act of Congress of 1848. To this call, the Hon. Commissioner of Indian Affairs responded, that he had not received

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the Roll of the names of such Cherokees, that he ordered to be made out by the Cherokee Agent in 186 , until late last Fall, and that at his earliest convenience, he would compare that Roll to the Molar census Roll of the "North Carolina Cherokees," and ascertain the proper recipients, when he would send their money without any further delay, to be paid to them by the proper officer. We would also state, that an appropriation has been made, to survey the line of 96th degree, from the southern boundary line of Kansas to the Creek Nation; and the Department, pursuant to our inquiries, has informed us, that the Commissioner on part of the United States, to act in conjunction with the Commissioner on part of the Cherokee Nation (Capt. John L. Adair), has been appointed to survey the boundary lines of the Cherokee Nation, and that the work of surveying and permanently marking the same, will soon begin, as provided by our Treaty of 1866. As to our other business, including the subject matter of our pending negotiations we have to say, that we are still moving in that business, with as much progress, as could be reasonably expected, under the most adverse circumstances. Our main efforts have been necessarily directed for the preservation of our people, and our country, which are above every other consider-

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ation; yet, at the same time, we have been laboring, and shall continue to strive with all of our might for a final and equitable adjustment of our unsettled affairs with the Government, and we feel hopeful in the belief, that we have them in process of such arrangement, as will ensure their final settlement before long. As we reach conclusions in these matters, we report to our people. In the meantime we need all the help we can get, and we beg our people to be united at home, and remember that in union there is strength. Our rights are all common and mutual. We constitute really but one great family of people, and we should be bound together and united by the strong ties of affection and friendship towards each other, and be inspired alone by that love of Country, of peace, of law, and of happiness that is the great characteristic of all good people, who are true to them selves and to every body else. We are very Respectfully your Obedient Servants.

LEWIS DOWNING,

Principal Chief Cherokee Nation.

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W. P. ADAIR,

C. N. VANN,

SAMUEL SMITH,

GEO. W. SCRAPER,

Cherokee Delegation.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 8, 1871
Vol. 2, 64
W. P. Boudinot, Editor

SUPREME COURT CASE OF ELIAS C. BOUDINOT

In error to the District Court of the United
States for the Western District of Arkansas.

Two hundred and seven half pound papers of
smoking tobacco, etc., Elias C. Boudinot, et al.,
claimants, Plaintiffs in error.

vs.

The United States.

Mr. Justice Bradley dissenting.

I dissent from the opinion of the court just
read. In my judgment it was not the intention of
Congress to extend the internal revenue law to the
Indian territory. That territory is an exempt juris-
diction. -- Whilst the United States has not relin-
quished its power to make such regulations as it may
deem necessary in relation to that territory, and
whilst, Congress has occasionally passed laws affect-

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ing it, yet by repeated treaties the government has in effect stipulated that in all ordinary cases the Indian population shall be autonomies, invested with power to make and execute all laws for their domestic government. Such being the case, all laws of a general character passed by Congress will be considered as not applying to the Indian Territory, unless expressly mentioned. An express law creating certain special rights and privileges is held never to be repealed by implication by any subsequent law couched in general terms, nor by any express repeal of all laws inconsistent with such general law, unless the language be such as clearly to indicate the intention of the legislature to effect such repeal. Thus it was held by the Supreme Court of New Jersey in *The State vs. Brannin, 3 Zabriskie, 484*, that whilst the provisions of a city charter, it being a municipal corporation, may be repealed or altered by the legislature at will, yet a general statute repealing all acts contrary to its provisions will not be held to repeal a clause in the charter of such a municipal corporation upon the same subject-matter and inconsistent therewith. The same point is decided in numerous other cases. For example, when a railroad charter, subject to repeal,

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exempted the company from all taxation except a certain per-centage on the cost of its works, it was held that this exemption was not repealed by a subsequent general tax law, enacting that all corporations should be taxed for the full amount of their property as other persons are taxed, and repealing all laws inconsistent therewith. But where the repealing clause in the general law repealed all laws inconsistent therewith, whether general or local and special, it was held that it did repeal the special exemption. In every case the intent of the legislature is to be sought, and in the case of such special and local exemptions the general rule for ascertaining whether the legislature does or does not intend to repeal or affect them, is to inquire whether they are expressly named, then whether the language used is such, nevertheless, as clearly to indicate the legislative intent to repeal or affect them.

In the case before the court, I hold that there is nothing to indicate such a legislative intent. The language used is nothing but general language, imposing a general system of requirements and penalties on the whole country. Had it been the intent of Congress to include the Indian territory, it would have been very easy to say so. Not having said so, I hold that the

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presumption is that Congress did not intend to include it.

The case before us is, besides, a peculiar one. The exempt jurisdiction here depends on a solemn treaty entered into between the United States Government and the Cherokee Nation, in which the good faith of the government is involved, and not on a mere municipal law. It is conceded that the law in question cannot be extended to the Indian territory without an implied abrogation of the treaty pro tanto. And the opinion of the court goes upon the principle that Congress has the power to supersede the provisions of a treaty. In such a case there are peculiar reasons for applying with great strictness the rule that the exempt jurisdiction must be expressly mentioned in order to be affected.

This view is strengthened by the fact that there is territory within the exterior bounds of the United States to which the language of the 107th section of the recent act can apply, without applying it to the Indian territory, to wit, the territory of Alaska, And it does not appear by the record that there are not other districts within the general territory of the United States which are in like predicament.

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The judgement, according to these views, ought to be reversed.

I am authorized to state that Mr. Justice DAVIS concurs in this opinion.

Mr. Justice FIELD did not hear the argument.
See the case of The State vs. Minton, 3 Zab.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 8, 1871
Vol. 2 No. 12
W. P. Boudinot, Editor

MEMORIAL OF CHEROKEE NATIONAL AND
EDITORIAL ON MEMORIAL ADDRESS

This Memorial of the General Council of the Indian Territory respectfully sheweth to the Honorable the Senate and House of Representatives of the United States, That in the case of E. C. Boudinot et al plaintiffs in error vs. The United States. (No. 353, December Term, 1870.) The Supreme Court of the United States has rendered an opinion which involves questions of great importance to all the inhabitants of the Indian Territory, and makes them justly solicitous as to the security and stability of their rights. It is judicially announced by that learned and distinguished Tribunal of last resort that "An Act of Congress may supersede a prior Treaty. And that the consequences in all such cases give rise to questions which must be met by the political department of the government. They are beyond the sphere of judicial cognizance. In the case under

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consideration the act of Congress must prevail as if the Treaty were not an element to be considered." Your Memorialists presume not to controvert what has thus been declared to be law, however great may be its departure from their own simple conceptions of justice and the sanctity and supremacy of Treaties, -- concluded under the provisions of the Constitution of the United States. It imperils, we fear, all our rights. It commits us wholly to the "political department" of the government, and places us entirely at its mercy. In our ignorance we have supposed that Treaties were contracts entered into under the most solemn forms, and the most sacred pledges of human faith, and that they could be abrogated only by mutual consent. We are now taught differently. Our Treaties are now dependant wholly upon the forbearance of the political department of the government for we are powerless to enforce their fulfillment. If the Decision in question is to become a part of the settled law of the Land, we respectfully implore your Honorable Bodies not to be unmindful of the promises made to us by your government, and to enact no law that may affect our rights without the most careful consideration. We also ask that your laws upon the subject of Revenue which gave rise to the

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case under consideration may be made to conform to the rights guaranteed to the Cherokee Nation by the 10th Article of their Treaty, concluded August 1866, with the United States -- at least so far as the same may effect the products of their own soil, and that of the Indian Territory. We also respectfully ask that all further proceedings in the case may be stayed, and penalties and for feitures growing out of it be remitted as the Supreme Court conclude their opinion, correctly as your Memorialists fully believe, by saying, "We are glad to know that there is no ground for any imputation upon the integrity or good faith of the claimants who prosecuted this writ of error. In a case not free from doubt and difficulty they acted under a misapprehension of their legal rights," and as in duty bound your Memorialists will ever pray &c.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 14, 1871
Vol. 2, No. 26-78
W. P. Boudinot, Editor

REWARD APPROVED BY JAMES VANN

Whereas, I have been officially informed that a most outrageous murder was committed on the person of E. R. Hicks, on the night of the 12th of December 1870, in Coo-wee-sko-wee District by John Coker and his son Calvin Coker, who have fled beyond the jurisdiction of the Cherokee Nation.

Therefore I, James Vann, Acting Principal Chief of the Cherokee Nation, by virtue of the authority in me vested, by an act passed January 10th, 1844, do hereby issue this, my Proclamation, and offer a reward of

ONE THOUSAND DOLLARS

for the apprehension of John Coker and his son Calvin Coker, and their delivery to the proper Authority at Tah-le-quah, C. N.

Given under my hand at Tah-le-quah Cherokee Nation, on this the 17th day of January 1871.

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JAMES VANN,

Acting Principal Chief.

DESCRIPTION: John Coker is about five feet 11 inches or 6 feet high, spare made, fair complexion and light beard and hair, large dark eyes, right forefinger off between the 2nd and 3rd joints, slow spoken, 45 or 50 years of age -- Calvin Coker is about five feet 10 or 11 inches high, spare made, light hair and large dark eyes about twenty years old. Facsimile of his father with the exception of age.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 14, 1871
Vol. 2, No. 26-78
W. P. Boudinot, Editor

OBITUARY ON HON. PIG SMITH

The Hon. Pig Smith, one of the Chiefs of this Nation and Member elect to the Senate died at his residence about the first of this month. His intense love for his country gave him an almost absolute influence over many of those who knew him best. He has since the war occupied a prominent place in the Councils of this Nation, and his loss will be severely felt.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2 No. 27-79
W. P. Boudinot, Editor

EDITORIAL ON CHEROKEE COURTS

Before the war there was but two Circuits in the Cherokee Nation but another one was added in pursuance of the Treaty of 1866, which treaty gave the Southern Cherokees the right, if they chose to exercise it, to settle south of the Arkansas River and west of Grand River, elect their own officers and manage their own local concerns under the same general laws which govern the whole Nation. It is needless to say that very few of the Southern Cherokees took advantage of the provision intended for their benefit, and that quite all went back to their old homes, wherever they were, to live again just as though nothing had been said about them at all. Events have since proved that this course was altogether the best, and at the same time how much mistaken was the notion drawn doubtless from the common idea of Indian nature, that the two parties in which the Cherokees had been divided by the war could not live

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together in peace. As a people we never have enjoyed such profound internal quiet as we have since the war closed.

The Circuit Judges are considered to be, in the scale of national officers of more dignity and importance than the District Judges, they, the former presiding in capital cases, and where the amount at issue in civil cases exceeds one hundred dollars. The District Judges hold Courts for the punishment of small offences and for the recovery of smaller amounts.

It would be fair to presume from this that the law which made such an apparent distinction in the importance of the duties of the two kinds of officers, would see to it that there should be a suitable difference in their qualifications also. But no provision has been made with such object in view. All that is required of either class of aspirants to Judicial honor is that they should be of a certain age and that they should get enough votes. And this is, by the way, also the case with officers ranking both classes, who occupy positions so high it is impossible to conceive of higher in this Department of the Government and which are therefore by way of designation called Supreme. None of them are required to go through any sort of examination what

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ever. It is not necessary that they, or any of them, should be known to have become familiar with our own small volume of Statutes, though in fact they generally are. -- The men selected to fill the Supreme Bench particularly are picked from the class of respectable and well informed citizens who are induced more by the honor than the compensation to undertake the onerous duties of their office.

There are no forms of pleading fixed by Statute -- in fact the laws made as it was to suit the understanding of the people, and of the presiding officer who would be likely under such a system, or rather want of system, to be chosen, provides that "nothing shall be lost for want of form." The issue taken therefore is always general and an appeal of the whole case is taken to the Supreme Court, when appealed at all. The Jury below first decides and, precisely upon the same testimony, only written instead of oral, the Supreme Court decides again. If it is intended for the higher Court to pass judgement upon the whole case, it would seem that justice would be more surely attained with no additional expense, if a day was fixed for taking testimony before such court, and the declarations of witnesses taken in person before the Judges. -- They

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would thus be enabled to estimate their relative weight. Lawyers especially known how material the presence of a witness is to ascertaining the truth from verbal statements.

We modestly suggest one reform. It is absolutely demanded by the nature of the duties of Supreme Judge that they should be paid well enough to justify a constant attention to them. They are prohibited from pleading before Courts and they are expected to inform themselves upon all matters connected with their service. The only occupation which might have the effect of better fitting them for doing their duty is the one closed, for sufficiently good reasons, against them. Nothing is left for them but to take five dollars per day for actual service in Court and for the actual and indispensable service required beforehand of fitting themselves to do it, to be paid -- nothing. A suitable increase of salary, sufficient for the Judges to live upon at least, and to justify them in employing their whole time in studying the principles of law which it is their business to define and settle, is demanded by the interests of the parties and the credit of the Court, and, in short is essential to a proper administration of justice.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2 No. 27-79
W. P. Boudinot, Editor

ABANDONMENT OF FORT GIBSON

This country has been repeatedly pledged forever more to the Indian inhabitants in various existing Treaties by the United States. The "Nations" are to be protected alike against domestic strife of an "uncivil" nation, and against intrusion by unauthorized persons. The means of such protection were plainly indicated and provided at the same time. An establishment of a military Post at a suitable point, for the purpose specified, was agreed upon, and in pursuance thereof Fort Gibson was located and established. -- This Post has been kept up since the war, exercising the good though negative effect which must always attend a condition of preparation to enforce a law which would otherwise be a nullity.

The reasons being thus obvious why a Fort in the heart of the Indian Country should be and was established, it is difficult to assign any good grounds

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why the Fort should now be abandoned. Yet such is the fact. Quite lately orders have been received and we understand obeyed requiring the evacuation of Fort Gibson, and the removal of the force lately stationed there to a remote place where it will be impracticable for the troops to perform the service which they may be called upon to do under the terms of the engagements above referred to.

That the Indians would need the aid of a military force to protect them was foreseen and acknowledged by the General Government as we have said. The present situation of the Cherokee Nation proves that the Government was wise as well as just in looking out for the future as it did. But while the past preparation for probable events shows the Government to have been actuated by a sense of honor, and is now justified by facts, in what light does the withdrawal of the promised security place the Government to-day? In a neighboring Tribe, a discord of years standing, which has been kept from dangerous exhibition by the vicinity of a power able and pledged to keep the peace, suddenly breaks forth into an alarming appearance of war as soon as the silent but effective influence of such power is removed. No one supposes for a moment that the Creeks would have

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split into two hostile armies, ready to fight each other, had they not been abandoned to themselves with the abandonment of Fort Gibson. Just at this time, also, notice is received that a band of intruders in our country defies any attempt to expel them, and it is known that the strength of the military is indispensable to effect their removal. Other intruders encouraged by example are rapidly pouring in. Thousands who only wait for the slightest sign of carelessness or sympathy from the Government stand ready to "follow suit." Difficulties between the whites and Osages in which Cherokees are involved on account of their proximity to the parties, are becoming seriously threatening. The whole state of our affairs is such that no one would doubt a moment that it was to protect the Indians and preserve the peace in exactly such circumstances that Military Posts were provided to be established in treaty when such objects and no other could be best attained. Yet, just at a time when protection is most needed, the means of protection are removed and this dependant Indians are left defenseless.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2 No. 27-79
W. P. Boudinot, Editor

GENERAL COUNCIL

Council Ground,
London, Tenn.,
Oct. 6, 1871.

In pursuance of the advice of John D. Long,
Board Indian Commissioners, of the 6th inst., that
there be a

GENERAL COUNCIL

held in Cheoah, County of Cherokee, North Carolina,
of the Eastern Band of Cherokee Indians, on the 20th
inst., to make known your wants, wishes, and grievances,
to the Secretary of the Interior.

Therefore, be it known, that there will be a
General Council held at the place aforesaid, on the 20th
inst., for the purposes above mentioned.

JOHN ROSS,

Chief and Chairman of Council.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2, No. 27-79
W. P. Boudinot, Editor

LETTER OF G. W. GRAYSON TO LEWIS DOWNING

Hon. Lewis Downing,
Prin. Chief Cher. Na.

Sir:

In compliance with my duty as specified in the accompanying document, I have the honor to present it as the action of the first General Council of the Indian Territory -- to request that the same be ratified; and that notice of the action of your nation thereon be forwarded to me as early as practicable.

Very Respectfully,

G. W. GRAYSON,
Secretary.

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Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2 No. 27-79
W. P. Boudinot, Editor

EDITORIAL ON CHEROKEE TOBACCO CASE

Here is the Decision of the Supreme Court of the United States in the Cherokee Tobacco Case as given in a speech in Kansas in defence of squatting upon Indian lands:

Mr. Laughlin made what the Bulletin considers a "remarkably eloquent speech." In the support of his position and that of the settlers generally, that all Indian lands are the property of the United States and subject to the disposition of Congress and no other power, Mr. Laughlin cited the well-known Boudinot case (concerning the seizure of Boudinot's tobacco factory, by Supervisor McDonald), where it has been decided by the Supreme Court of the United States that the Congress of the United States has power to abrogate any treaty with the Indians, and that the revenue laws are of higher authority than Indian treaties. The decision also says that the Cherokee Nation is a part of the

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territory of the United States, and subject to be dealt with as the Congress may see proper.

The decision is given correctly, and whether it authorizes squatters to settle on vacant Indian lands or not, there is no question but that according to it Congress may legally authorize them to stay after they have squatted. The decision is monstrously wrong we think, but it is a decision, and a clear one, for all that, and it means that Congress can take away our lands while we hold them in common and give them to others. The only way to save the country now is to cover it with individual titles, which Congress can't touch, and the Courts can and will protect. Those who say and argue that an Indian's individual Patent would not be as good as a whiteman's, or that a whiteman's title in common, such as they have and hold in their Territories now is any better and more secure than an Indian's, only show the immeasurable depth of ignorance into which the human mind shotted with prejudice and stupidity, can sink. The presence of the Ennisville squatters, like the cloud about as big as a man's hand, ought to warn us that something is rotten somewhere, that our security is insufficient, and that a storm is coming. The very fact that these chaps select-

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ed the common domain of Cherokees to occupy, passing through and by a great many individual estates to reach it proves that they know, if we do not, how strong an individual title is and how vain would be any attempt of theirs to occupy land guarded by it without the owners consent. But did Eanis and Company ask the owner of the Cherokee Country if they could settle? No indeed. They snap their sovereign fingers at the owner in this case. Why? Because the decision in the Tobacco Case declares Indian lands held in common to be a part of the United States the same as any other territory. They have a right to occupy vacant lands in any other territory uncovered by a private title, and they argue that they have a right to occupy vacant lands in this.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 21, 1871
Vol. 2 No. 27-79
W. P. Boudinot, Editor

PROCLAMATION APPROVED BY LEWIS DOWNING

Executive Department,

Cherokee Nation, Oct. 10, 71.

WHEREAS, complaints have been made, that certain parties are furnishing, from the Public Domain of this Nation, railroad ties and material, for the purpose of constructing lines of railroad, not within the limits of this Nation. And whereas such proceedings are a violation of the several Acts of the National Council, relating to railroads, passed and approved last December. And whereas, it is the duty of the Executive under the Constitution to "take care that the laws are faithfully executed."

THEREFORE, I Lewis Downing, Principal Chief of the Cherokee Nation, do issue this, my Proclamation, forbidding all persons, whom soever, from furnishing,

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from any part of the Public Domain of this Nation,
rail-road ties or material of any kind, for the
purpose of constructing any line of rail-road, not
within the limits of this Nation. And I do further
notify the Sheriffs of the several Districts of this
Nation, to report without delay to this Office, all
persons, in their respective Districts, who have here-
tofore furnished or may hereafter, furnish rail-road
ties or material of any kind from the Cherokee domain
to any person, or persons, for the construction of any
portion of any rail-road not within the limits of this
Nation.

LEWIS DOWNING,
Principal Chief Cherokee Nation.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, December 9, 1871
Vol. 2, No. 34-86
W. P. Boudinot, Editor

EDITORIAL ON LEWIS DOWING

There will go to Washington for this year a Delegation of four Cherokees to represent this Nation before the United States Government. The Act passed this week instructing them, gives them general authority to bring to a speedy adjustment all unsettled business growing out of treaty stipulations, but restricts them from selling any land or changing the mode of investing the public moneys as fixed by the Treaty of 1866. So we have heard the last of "the new treaty," and for one we are glad of it. Attempts to strengthen old bargains by making new ones has always been disastrous to the weaker party. The moral effect of continually changing a treaty because it has not been found strong enough for the purpose is bad on both sides. The Treaty of 1866 though a good deal criticized, and though in some parts really defective, is, we think, considering the circumstances under which it was made, a very good

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piece of work. Look at its excellencies:

1st. It re-unites the two divisions of the Cherokee people into one; and so successfully has this been done, that it has been a cause of self congratulation with all of us ever since.

2d. It makes the wisest, (we think) disposition of our lands. The Neutral Lands have been sold at a reasonable price, and none but Indians can settle or be settled upon Cherokee Land proper.

3d. A union of all the Tribes in the Territory is contemplated, and in sort commenced. There is no doubt in our mind that the General Government only intended to lay the foundation of an Indian Government, and purposely left it incomplete for the Indians themselves to finish if they could and would. One thing was then and is now absolutely certain; that either the Tribes themselves or the United States would have to supply what was wanting in the unfinished structure before it could operate at all. The Indians now refuse to do it -- that is, the Cherokees do, and upon their co-operation in making the effort to accomplish the object, the other Tribes have relied and have been disappointed. This was nothing more or less than a deliberate acceptance of the alternative, namely, that

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all that it was proposed to be done by the assenting Tribes themselves in completing and operating the new Government shall now be done by the United States, with such variations as the latter may be pleased to make. We frankly admit that we did not think the Cherokees above all other Indians would have taken this course.

The Chief called a Session of the Council on Tuesday evening just before the regular annual session closed. The proclamation did not specify any business in particular to be transacted, but alluded only to the business left unfinished. There is the revision of the criminal law, -- the duties of Solicitors and Sheriffs -- railroad matters -- and various other matters recommended which have not for want of time been touched. There is no use denying that every patriotic Cherokee feels concerned at the growing intrusion upon our Northern and Western border, and we hoped something would have been done to define more particularly the duties of Solicitors in the matter, and to provide for the better execution of the laws upon which we depend for the protection of our country from squatters. At the same time we bow to the superior wisdom of the

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Council upon whom rests the responsibility. We continually bear in mind that it is through intrusion principally that Indians have lost their lands, and may in consequence ascribe more importance to the continued and spreading occupation of our western country than it deserves. If those intruders had been promptly put out, as the treaty says they shall be, there would have been no occasion for alarm. But they have not been, and if so, one is justified in doubting whether they will be. What then? One of the Cherokee Agents has said that this is a matter to which Indians should especially and vigilantly attend to themselves, and that indifference at first can never be compensated afterwards by complaint and protest. That is to say that the protest and complaint should be vigorously and constantly pressed at the start.

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CHEROKEE ADVOCATE

Thalequah, Cherokee Nation
Saturday, December 9, 1871
Vol. 2, No. 34-86
W. P. Boudinot, Editor

EDITORIAL ON LEWIS DOWNING

The Bill to admit the Blacks, formerly slaves of Cherokees, who failed to return to the Nation in the time required by the treaty, was lost this week in the Senate.

We admire the generous feeling which must have actuated the Principal Chief in recommending such a measure, and impelled the author of the Bill to present it to the House. In a great measure we confess we share their sympathy with the unfortunate colored persons whom accident or inability prevented from realizing the greatest boon ever given to any of the Race. But there is one consolation for us. It is the reflection that what land these persons missed accepting still belongs to those who owned it before, and that their shares already too small are not any further reduced. As much as we feel for the former

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slaves of Cherokee masters, we confess to feeling more for those Cherokees who did not own any slaves at all -- by far the majority of the Nation -- whose inheritance it was proposed to divide with the freedmen. If we individually really thought that our share of our common domain was more than we needed at present, and that we could, without serious injury to our children, reduce their proportional divisions of the same, we might consent to give away a part of each share. But we could hesitate to make thus free with the portions of others, nor would we thank any one else for using our property to gratify his benevolent impulse without consent. But the fact is, the share of each individual Cherokee is small enough, now, and there are settled causes actively operating to lessen it without seeking new ones.

The Bill however testifies to the benevolent spirit of those who supported it. If we were not morally certain that there are very many, we do not know how many, Cherokees who are yet to return to the Nation -- Cherokees from North Carolina, Georgia, Texas, and elsewhere, -- if we were not morally certain that the Cherokee Nation would have many additions to its population from other Indian Tribes provided to be ad-

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mitted by the Treaty of 1866, if we did not know that hundreds of white men will soon be citizenized, -- and if we did not know that the separate landed estate of each born Cherokee is continually decreasing by the operation of all these causes and that these causes will all continue to operate, we might perhaps agree personally to make a present of some land to each of the colored applicants. But as it is, we really think that the Cherokees cannot afford it. The utmost of good land which would belong to each one were it all equally divided is sixty acres. Most of the country is broken and barren, and each portion would be 90 acres less than is offered to the poorest whiteman in the United States. This is not a simple assertion but a fact. The lesson that it teaches is, that instead of having any land to spare, we have not enough to last us during more than one generation, and we cannot be too careful of it.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 2, 1872
Vol. 2, No. 45-97
W. P. Boudinot, Editor

NOTICE BY J. B. JONES

United States Agency for
Cherokees, Feb. 23, 1872.

Notice is hereby given that there are Bounty
Land Warrants in the office of this Agency for the
following named persons:

Nancy minor child of Ches-quah-un-wage; Na-kee,
widow of The Tyer; Sally, widow of The Old: Na-ke, widow
of Ku-nos-kee-skee; Ysee-nah-sah, widow of Little Pot;
... widow of Jack McTree; Sarah Harris, minor child of
John Harris; Cul-so-wee, (Warrior;) Cul-sa-ta-kee,
(Warrior;) Wut-te Barnes, widow of William Barnes; Sally,
widow of Ce-so-we; Co-cha-hut-tee and Co-ta-let-tee,
minor children of Knight Killer; Levey, minor child
of Can-ne-se-nah.

These Bounty Land Warrants are paid in con-
sideration of services rendered to the United States

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in the war of 1812. The persons for whom these are
issued or their heirs can have said warrants by calling
at this office and making positive proof of their
identity. The Agency office is over the store of
John W. Stapler, in Tahlequah, C. N.

JOHN B. JONES,

United States Agent for Cherokees.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 2, 1872
Vol. 2, No. 45-97
W. P. Boudinot, Editor

EDITORIAL ON SPEECH OF W. P. ROSS

We would call attention to the speech of Hon. Wm. P. Ross, which appears in full on our first page. As a legal argument we venture to say that there will be few delivered before Congressional Committees this session to equal it in concise and lucid statement. But it makes a higher rank than that. It is an appeal to the highest tribunal for the existence of a nation -- for the preservation of a race. The orator is at once advocate and client, and pleads for himself and his kindred, the last hope of the civilization of the Indian. Without passion, without mudlin sentiment, yet rising on the hight of the subject in strong and weighty words worthy of the purest model of English eloquence, it is the more intense for its self-restraint. It is a perfect refutation of the statement made by General Custer in a recent article in

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an Eastern Magazine, that the Indian loses the gift of eloquence as he becomes civilized. This speech is not in the style of Red Jacket and Logan, and the models of Indian eloquence that adorn the declamation books. There is an untutored power and pathos in those addresses of the wild Indians, of the sort that has preserved the ancient English ballads. But this is entirely different in kind and is not of that standard. It is the production of a scholar as well acquainted with the English language and its models as the highest Parliamentary orator. The styles and excellencies of the two are as different as the orations of Burke from the speeches of the warriors in Ossian. We shall not recapitulate the arguments, but leave them to the Judgement of every unprejudiced reader.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 2, 1872
Vol. 2, No. 45-97
W. P. Boudinot, Editor

EDITORIAL ON, AND SPECIAL NOTICE BY LEWIS DOWNING

This Institution will be opened on Monday, the 4th day of March. The ceremonies will consist of religious service, and addresses by Col. Lewis Downing, Principal Chief, Rev. John B. Jones, United States Agent, and others. A general attendance is invited.

W. A. DUNCAN,
Superintendent.

As it is probable that the exercises on the occasion of the opening of the Orphan Asylum will occupy the greater part of the day, we would suggest that it might be well enough to have some refreshments on hand. A basket dinner would be just the thing. Let us have it.

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The Solicitors of the several Districts will take notice, that the law requires them "to keep an accurate list of the names of all intruders, and of all freed persons, not citizens residing in the District, in and for which he has been elected to serve, and to make a quarterly return of the same to the Principal Chief, viz: On the first Monday of every January, April, July and October, to be by said Principal Chief placed in the hands of the United States Agent. This has been done but by one Solicitor in the Nation, (Saline,) and although complaints are constantly made of intruders in the several Districts, they are not officially reported.

Solicitors must do their duty in this respect, and report as the law requires, whether there are intruders in their districts or not, as any failure to do so, will be regarded as a willful omission of duty, and they shall be dealt with as the law directs.

Tahlequah, C. N., February 12th, 1872.

LEWIS DOWNING,

Principal Chief.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation

Saturday, March 2, 1872

Vol. 2, No. 45-97

W. P. Boudinot, Editor

ACTS APPROVED BY LEWIS DOWNING

An Act making an appropriation for the support
of the Schools &c. for the year 1871.

Be it enacted by the National Council. That
the sum of Twenty seven Thousand dollars, or so much
thereof as may be necessary, be, and the same is hereby
appropriated out of any funds in the Treasury belonging
to the school fund, for the support of the public schools
for the year 1871-2, as follows:

For salaries of 30 second-class teachers \$12,000-
00.

For Salaries of 10 third-class teachers \$3,000,-
00.

For the purchase of stationary, books, and
necessary apparatus for schools &c. \$2,000,00, and the
Principal Chief is authorized to draw warrants accord-
ingly.

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Be it further enacted, by the National Council, That the sum of seven hundred dollars, is hereby appropriated to pay the salary of one teacher, for advanced, female pupils at the female seminary. And the standard for admission to the school hereby established, age of pupils, and other necessary regulations, shall be determined by the Superintendent of schools, in conjunction with the Principal Chief, and the Executive Council, who for the purpose of this act, shall be, and are hereby constituted a temporary Board of Directors for said school. And in order to secure a practical operation of the foregoing provision, the said Board of Directors, are authorized to place the said building and premises in the hands and control of such suitable person as may be obtained to take charge of the same, for the purpose of boarding, at their own expense, such pupils as may not be able to become members of the same, on account of the remoteness of their homes from said school. Provided, said school shall not go into operation with less than twenty scholars.

Tahlequah, Cherokee Nation, December 4, 1871.

Concurred in with the following amendment to wit: That the pay of the Superintendent of public

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schools of seven hundred dollars be inserted in the
foregoing appropriations.

Amendment concurred in.

Approved,

LEWIS DOWNING,

Principal Chief.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 2, 1872
Vol. 2, No. 45-97
W. P. Boudinot, Editor

LETTER TO EDITOR OF ADVOCATE

Washington City, D. C.

Feb. 19th, 1872.

Editor Advocate.

I have not written to you for sometime for the simple reason that I have not had anything of a definite character to communicate in regard to Cherokee affairs. Such is still the situation. For the information of your native readers, I may state the following particulars: No action has been taken by the Committee on Territories of the House of Representatives upon the bills referred to it for the establishment of the Territory of Oklahoma, which embraces all the Indian country south of Kansas and Colorado, east of New Mexico and Texas, north of Texas, and west of Arkansas and Missouri. The Hon. members of the State last named

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have gone into the Indian Territorial business with marked unanimity and unprecedented zeal. Early last spring Mr. Havens introduced his Bill -- then, at the present session, Mr. Wells introduced one and the Hon. Mr. Parker a third. These are all before the Committee. None have been considered and none acted upon. Mr. Wells and Mr. Boudinot were heard first by the Committee in behalf of the Wells measure. Mr. Ross of the Cherokee Delegation was heard in opposition to it and all kindred measures in behalf of the Cherokees, Creeks and Choctaws. Mr. Boudinot was heard again, and it seems to be generally understood that the Railroad Attorneys will yet be heard in their behalf, and Mr. Ross again in opposition to them before any action shall be taken upon them by the Committee. In the Senate, at the first session of the present Congress, Mr. Harlan introduced a Bill upon the same subject, and Mr. Blair of Missouri, last week introduced one the same as that of Mr. Parker. These have been referred to the Indian Committee -- and by that Committee to Mr. Wilson, of Massachusetts, as a sub-committee to report upon. There is no man in the Senate of more tender humanity, more genuine integrity, and more manly independence than Mr. Wilson. He has

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labored for years in behalf of the rights and freedom of colored men, and I doubt not will be found the intelligent, pure and fearless friend of the Indians. Besides these Territorial schemes, the majority of which are in the interests, first, of the Railroads and individual speculators in the Indian country, and lastly of the Indians and "poor white trash," for whom politicians express the most hypocritical regard, the following other Bills have been introduced into both Houses of Congress simultaneously: -- Into the Senate, by Mr. Caldwell, of Kansas, to open a Military and Post-road and right-of-way two and a half miles on either side of it, from the mouth of Maine Cashe on Red River, via Fort Cobb, Fort Sill, and Wichita Agency, to a point on the Southern Border of Kansas, near the mouth of Walnut river, on the Arkansas.

Second, By Mr. Rice, of Arkansas, authorizing terms of the United States District Court to be held in the public buildings at Fort Gibson, on the first Mondays of April and October of each year, attaching twenty-four counties of Arkansas, and giving the Court the same jurisdiction now exercised by the Court held at Fort Smith.

Third, By Mr. Pomeroy, of Kansas, to attach

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all that portion of the Indian Territory north of the 35th parallel of latitude to the District of Kansas, and whose courts are held at Topeka.

Fourth, By Mr. Pomeroy, of Kansas, to provide for the sale of the "Cherokee Strip" in Kansas -- subject to the approval of the National Council or the Cherokee Delegation.

Fifth, By Mr. Blair, of Missouri, a "Bill declaratory of the rights of settlers upon the Cherokee Neutral lands in Kansas under existing laws." This is a very remarkable Bill, and probably has but few if any precedents in Congressional history. It ignores entirely the Joy purchase and payment, and the prior Cherokee right, and declares the lands to be public lands of the United States. Of course no such measure will ever pass even if it should be reported back by the Senate Committee on Public Lands. Each one of these measures is suggestive of comment, but as my letter is already long enough to give your readers a general idea of Indian affairs here I will not indulge in any at present. The friends of the Territorial movement profess great confidence of success, but I see no reason to believe that such will be the case.

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Col. Vann has been quite sick for several days but is recovering. The other two members of the Delegation remain well. More hereafter whenever they may be anything worthy of communicating.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation

Saturday, May 4, 1872

Vol. 3, No. 2-106.

W. P. Boudinot, Editor

EDITORIAL ON W. P. ROSS

The recent collision between the United States authorities and the Cherokee Indians while it was not entirely unexpected, has produced considerable excitement, and some anxiety. Trouble has been brewing between the Deputy Marshals and the Indians for several years past. We cannot say, by any means, that the fault is entirely on one side. Some years ago Hon. W. P. Ross, a member of the Cherokee Legislature, was arrested while attending a meeting of that body, (called a Council by them), and summarily brought to this place to answer a criminal charge. Upon his appearance here a nolle prosequi was entered by the District Attorney for the United States, and no opportunity afforded him to defend himself or to obtain judicial rulings, upon the vexed question of jurisdiction arising under the treaties. The conduct of the Government in this instance, was an admission of error committed by its

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officials. To admit that there are bad men in the Cherokee Nation, is but to concede a fact equally true of every State in the Union, and it by no means follows that this Government is, therefore, warranted in utterly condemning the acknowledged authorities of that Government. They have their written laws and their regularly organized judicial system, instituted for the purpose of enforcing these laws.

The recent conflict was brought about, as we understand, by an attempt to arrest a citizen of the Cherokee country for some offense against the laws of the United States, while the Cherokee Court was in session and the same man was being tried for some other offense. Whether the Indian tribunal had jurisdiction of the offense for which he was on trial or had yielded it by treaty to this Government, was a question the United States Marshal had no authority to decide. The proper course, it seems to us, would be, in all cases of such doubtful questions, to apply regularly to the authorities of the Nation for the accused to be delivered up after their trials by the courts of such Nation. Had this course been pursued no conflict would have occurred, and the additional complication of one relation, with our Indian neighbors, been prevented.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 4, 1872
Vol. 3, No. 2-106.
W. P. Boudinot, Editor

AN ACT APPROVED BY LEWIS DOWNING

An Act making an appropriation for the services of members of the National Council &c. Regular session of 1871.

Be it enacted by the National Council, That the sum of eight thousand and seventy-three and twenty-five cents, (\$8,000,73,25,), be, and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the use and benefit of the following named persons, according to the amounts set opposite each persons name to wit:

SENATE.

Names.	Dollars	cents
W. P. Adair,	128	00
S. H. Benge,	192	00
Rope Campbell,	128	00
Rabitt Bunch,	128	00

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Names	Dollars	cents
John Chambers,	136	00
Johnson Foreman,	136	00
Richard Field,	136	00
Joe Hooster,	128	00
George Keith,	128	00
John Landrum,	136	00
Allen Ross,	128	00
Thomas Ross,	136	00
W. P. Ross,	64	00
John Shell,	136	00
Tail Sixkiller,	136	00
Jesse Thompson,	144	00
Charles Thompson,	136	00
William Wilson,	136	00
George W. Johnson,	136	00
John F. Lyons,	128	00
Nelson Chamberlin,	72	00
John Tee-nice,	64	00
C. M. McClellan, (To stationary for Supreme Court,)	15	70

COUNCIL.

Richard Bengo,	136	00
Coffee Blackbird,	128	00
John Brown,	144	00

Names.	Dollars cents.	
Robert Crawford,	136	00
Che-chee,	136	00
Christie, Chicken,	128	00
Chee-he-sa-tah,	128	00
John R. Duval,	136	00
Wm. A. Daniels,	136	00
French,	128	00
Nathaniel Fish,	128	00
Walter Feeling,	128	00
John Fallin,	144	00
Jack Fox,	136	00
Franklin Grits,	136	00
Crawler Hicks,	128	00
Osey Hair,	128	00
William Hendricks,	128	00
Daniel Hyder,	136	00
Lacy Hawkins,	136	00
H. T. Landrum,	144	00
Edward Moore,	136	00
J. C. McCoy,	144	00
Ne-ta-kee-kah,	136	00
Oo-squa-loo-kah,	128	00
Thomas Petitt,	136	00
Poor Bear,	128	00

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Names.	Dollars	cents.
R. O. Ross,	128	00
Moses Ridge,	136	00
Corn Silk,	136	00
Soldier Sixkiller,	136	00
Joseph Sut-tee-yah,	136	00
Wallace Vann,	128	00
Ellis Saunders, Clerk of Council,)	136	00
Ellis Sanders, (Interpreting,)	56	000
Robert Crawford, Interpreting,	4	00
Robert B. Patton, Assistant Clerk,	128	00
James Chambers, Messenger &c.,	30	00
Hunter,	30	00
J. W. Stapler, For stationary to Council, Executive Department,	2	50
James Vann, Executive Councillor,	92	00
James Baldrige, Executive Councillor,	92	00
Daniel Red Bird, Executive Council,	92	00
George Coo-wee-skoo-wee, Messenger &c.,	64	00
W. L. G. Miller, Private Secretary to Principal Chief.	128	00
Total,	\$8,000,	73,25.

And the Principal Chief is hereby authorized to issue warrants for the same, to be paid promptly out of any funds in the Treasury belonging to the General fund, and now in the Treasury, or out of the

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first funds, belonging to said fund, that may come
into the hands of the Treasurer.

Tahlequah, Cherokee Nation, Nov. 30th, 1871.

Approved,

LEWIS DOWNING,

Principal Chief.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, June 1, 1872
Vol. 3, No. 6-110
W. P. Boudinot, Editor

AN ACT BY LEWIS DOWNING

An Act making an appropriation for repairing
the Court house in Sequoyah District.

Be it enacted by the National Council. That the sum of one hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury belonging to the General Fund not otherwise appropriated, for the purpose of building a chimney, and making other necessary repairs on the Court House in Sequoyah District, and for furnishing the same. And the principal chief is hereby authorized to draw a warrant for the same, in favor of the Judge of the District Court in and for Sequoyah District, upon his certificate, that the said repairs have been made and finishing done, under his supervision, and authority.

Tahlequah, C. N.

Dec. 2, 1871.

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Approved

LEWIS DOWNING,

Principal Chief.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 20, 1872
Vol. 3, No. 13-117
W. P. Boudinot, Editor

SPECIAL ELECTION CALLED BY LEWIS DOWNING

The Principal Chief has directed that a special election be held in Canadian District, on the 22d day of August next, for the election of a Senator, to fill the vacancy in the National Council, caused by the death of Johnson Foreman.

The Principal Chief has also directed that a special election be held in Illinois District, on the 22nd of August next, for the election of a Senator to fill the vacancy in the National Council caused by the removal of S. H. Bengé out of that district.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 20, 1872
Vol. 3, No. 13-117
W. P. Boudinot, Editor

EDITORIAL ON ACTS APPROVED BY LEWIS DOWNING

We have received from the Department, through the kindness of Senator Pomeroy, an official copy of the act for the sale of the Cherokee Strip. The last section provides that the act shall be final and conclusive "when approved by the Cherokee National Council or by a delegation duly authorized thereby which acceptance shall be filed with the Secretary of the Interior." We had an interview with Col. Downing, Principal Chief of the Cherokees and one of the delegation, yesterday who informed us that the necessary approval was given by the delegation to the act and filed with the Secretary, making it of binding effect on both parties. The surveys have been completed and the plats filed in the local land office and the order from the land office to proceed to receive filings may be expected at an early day.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation

Saturday, July 20, 1872

Vol. 3, No. 13-117

W. P. Boudinot, Editor

EDITORIAL ON LEWIS DOWNING

Col. Lewis Downing, Principal chief of the
Cherokees, and Samuel Downing, his son, have been
spending a few days in our city. This is Colonel
Downing's first visit to Chetopa and he expresses
himself greatly surprised at the growth of the town
itself, and of the surrounding country. Mr. Downing
became chief of his nation at the close of the war
while his people were divided into factions at enmity
with each other, and his administration had many
enemies. -- But the integrity and ability with which
he has conducted the affairs of his people have caused
him to become strongly entrenched in their confidence
and esteem. A few of the Chief's many friends, in-
cluding most of our leading citizens, gave him a
complimentary banquet at the National Saturday even-
ing.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, August 24, 1872
Vol. 3, No. 18-122
W. P. Boudinot, Editor

LETTER OF JAMES S. ROBINSON

TO

EDITOR CHEROKEE ADVOCATE

Tahlequah, C. N.,

August 1, 1872.

Mr. Editor:

Doubtless you will conclude that I have turned to a writing machine since my exit from Fort Smith; well, I am just getting my hand in, as I expect to write much hereafter upon various subjects, provided you are willing to publish them. But the subjects upon which I am writing at present are of deep interest to me, and I believe will be to the public at a distance. That is to know, in point of fact, the actual condition of the Cherokee people in the various aspects as to civilization, government, education, religion, general intelligence and refinement, and, in order to

do this efficiently, it is necessary to ascertain what they are doing in the proper direction, and in pursuance of this, I will proceed to where I left off in my last to you, namely, the second story of the state house. The first two rooms on the left of the hall ten feet wide are the executive office and the private apartment of the executive, neatly furnished and tastefully arranged with every convenience that such places require. In the executive office is the national library, composed of about one thousand volumes of various learning, mostly law. This vast collection reflects great credit upon the intelligence and liberality of the nation and proves their determination to advance in the scale of intellectual being. Here are gathered together the decisions of the supreme court of the United States and of a number of the different States, wherein the enlightened experience of mankind is reduced to a science, and the wisdom of the ablest lawyers, and most profound statesmen, the brightest scholars and the prominent jurists of the last two centuries have expended their richest thoughts, exhausted their immense stores of legal law and executed in them to the highest tension the force and power of human logic, coming from such ripe intellects

as Marshal, Taney, Story, Ulsworth, Kent and a host of others. Surely the reading of such books as those will improve any nation or people. There are a number of historical works and literary productions of great taste and scientific books of the latest improvements in the national library, all of which go to prove that they have been well and skillfully selected with a permanent view to the cultivation of the growing mind in modern law, in modern classics and in ancient and modern history. Allow me to say to the Cherokee people, "go on upon the high road you have marked out for yourselves, you have proved yourselves worthy of the prominent position you occupy -- your destiny is a grand one, and may nothing impede you in carving it out -- the true problem is to let you alone and for us to stand still and see you work it out, when, like marble from the quarry under the chisel of the sculptor, mind will leap under educational tutors to the true status of progressive greatness in a national capacity, then all is well.

Hanging against the wall in the executive office is a fine picture of the celebrated Indian Se-quo-yah, with the Cherokee alphabet in his hand. He originated the alphabet of the Cherokee language and put it into

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practical use, thereby conferring upon his people a national blessing and a means by which they could read and write in their own language. He stands deservedly very high in their estimation as a benefactor to his race. Hanging against the wall in the executive office is a relic of antiquity. It is a very fine picture, containing the treaty made with William Penn and the Indians. The frame is a part of the historic elm tree under which that celebrated treaty was made, and is very highly prized by the nation as a memento, and fearing that anything I could say about it would only mar the sweetness of its tone, the justness of its sentiments, the philanthropy of its liberality and the honesty of its expressed intentions, I transcribe the entire treaty that you may place it before the public, as I believe they will take a deep interest in its preservation.

This frame was made from a piece of the tree under which William Penn's treaty with the Indians was made A. D. 1682. William Penn, the founder of Philadelphia, arrived from England in 1682, when he made a treaty with the Indians, without an oath, and which was never broken. The place where the red and white men met together was on the western bank of the

Delaware on a fine green, near the village of Shack-
amazon, where Kensington now stands. As if purposely
formed to be the theatre of that memorable event, an
elm tree of extraordinary size lifted up its towering
top; this venerable token of justice, brotherly love
and unbroken faith was blown down March 3d, 1810, when
it was found to be 233 years old. It was very wide
spreading and its main branches extended towards the
river and measured 150 feet.

"But thou broad elm, canst thou tell us not
Of forest chieftains and their vanished tribes?

Hast thou no record left
Of perished generations, O'er whose heads

Thy foliage dropped, thou, who shadowed once
The reverend founders of our State,"

Seeing the Indians assembled under the tree,
William Penn, attended by only a few friends, advanced
to meet them with no other mark of rank than a sash
of blue silk. The Indians were struck with his appear-
ance, a stranger advancing towards them with no guards
or weapons of war and no armor of defense, but the
majestic sweetness of his own countenance, was a
spectacle that impressed them all with veneration.
He spoke of them pathetically, saying, brothers listen

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to brothers, we are come to bring good words to your ear; we call you brothers, and we are brothers too. Yes the red men on this side of the big water, and the white men on the other side are all children of the great spirit, and so must love one another, and never fall out. He addressed them at great length, which appeared to please the Indians, for on sitting down, the sachem, with the crown and horn on his head, got up and with the look of one strongly excited, thus replied: Brother, your words are few; we feel them burning in our hearts; brother, we believe that the great spirit is good, our hearts always told us so, and we see it with our eyes, This big water which runs along by this Shackamaxon, with all the fish in it, speaks that the great spirit is good, this ground, which grows so much corn, beans and tobacco for us, speaks that the great spirit is good and would not have done such things for us if he had not been good and loved us so much more, making a sacred pledge of their friendship, which, in their strong language, should endure as long as the sun and moon gave light. The conditions of this treaty were as follows:

1st. The Indians agree to give the great sachem of the white people(William Penn) all the land bounding

the great river from the mouth of Duck Creek to what is now called Bristol, and from the river towards the setting sun as far as a man could ride on a horse in two days.

2d. William Penn agrees to give them in return the articles here mentioned, viz: 20 fathoms match coat, 20 fathoms strand waters, 40 pairs stockings, 100 fathoms wampun, 100 hands of tobacco, 500 tobacco pipes, 20 tobacco tongs, 300 flints, 100 Jews'harps, 50 glass bottles, 40 tomahawks, 100 knives, 100 awl blades, 50 pounds sugar, 20 pounds powder, 20 blankets, 30 gimlets, 30 wooden screw boxes, 5 gallons of molasses, 30 guns, 30 pairs of scissors, 60 looking glasses, 30 steels, 30 combs, 100 strings of beads, 11 skipples of salt, 20 tobacco boxes, 20 kettles, 20 pounds of red lead, 100 bars of lead, 1 barrel of beer, 30 pewter spoons, 200 needles.

"How beautiful the scene portrayed above,
A treaty formed in justice, truth and love,

Our founders and the peaceful friends.
Stooped to no subterfuge to gain their ends."

We here take leave of the executive apartment with an observation in relation to the national seal, which was upon the table in the executive office. It

is about the size of a silver dollar. United States currency, makes a clear and very fine impression upon paper, around the margin are the words, "Seal of the Cherokee Nation, September 6th, 1839." In the center of the seal is a beautiful star with seven points, representing the old time seven clans of the Cherokee people, which were united together for mutual benefit of each and for their mutual defense. The star in the center of the national seal is enclosed with a beautiful wreath of oak leaves, thereby signifying that they are encircled by the emblems of nature and held by the strong bonds of race to perpetuate the purposes expressed by the star and wreath as emblems of their nationality.

Still on the left side of the hall are the clerk's office, of the supreme court, and the supreme court room, the tribunal of last resort in the nation, it is worthy of comment that the judicial department of the Cherokee Nation is divided into district courts, circuit courts and the supreme court, and appeal lies from the district court to the circuit court, and thus its terminus -- an appeal lies from the circuit court to the supreme court, in all actions originating therein, and, upon examination, you will discover in the arrange-

ment a close similarity to the national courts of the United States in relation to the distribution of their powers. As to what legal questions spring up here and the mode and manner of their discussion whether by analysis, logic, and the force and power of reason with its attaches of rhetorical suasion, as well as by an exhibition of the law and the numerous precedents found in the books of the national library I know not, as it has never been my good fortune to witness a court in the country; but I at least apprehend that they aim at justice in the administration of the law.

On the right of the hall is the office of the superintendant of public schools, and the committee rooms of the national council and senate, and the office of the auditor, are well arranged, well furnished, and in good running condition. Here I take my leave of the state house, and promise in several letters hereafter to give more information in relation to this country and people. The printing office, book binding establishment, male and female academies, public men, and the extraordinary advance of music in this country will doubtless be subjects of interests to your readers. I am very respectfully your Friend.

JAMES S. ROBINSON.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, August 24, 1872
Vol. 3, No. 18-122
W. P. Boudinot, Editor

LETTER OF W. A. DUNCAN TO EDITOR CHEROKEE ADVOCATE

Mr. Editor.

The Orphan Asylum is a new thing in our country. There has been but little said about it. And some of the people seem not to understand how it is. I will try to explain it. But I will say two or three other things first.

1. Our people should be true to one another. They should have confidence in one another. They should all know whatever is done by the National Council. They should, also, feel free to speak, and to interchange their views about the affairs of the country.

2. Every Cherokee loves his country. He loves its soil, its sunshine, its streams. He loves his people also, and would be glad to see them happy and prosperous. And every one is willing to labor for the good of his country. But the main thing is to find out what is best. It is by examining things and talking

about them, then the Nation may find out what is best.

3. It is the whole people then make the National Council. They pick out, in each of the nine districts, five of the wisest and best men they can find there. They send those men to Tahlequah every fall. And those men do not go there on their own business. They are the guardians of the whole country. And they are to inquire and find out what is best for the whole country. And when they find out what is best, they then say it shall be that way. This is called making law. And a law in this way, is just the same as if it had been made by the people. Because the Councilors act for the people, and their act is the act of the whole people. And in Council they also speak for the whole people; and their voice then, is the voice of the people. It is thus that the people make their own laws.

The Council, at its last session, passed a bill to establish the Cherokee Orphan Asylum. They thought this would be best. They had for a long time noticed the old orphan system. And it appeared to have some faults. Under that system the orphans did not receive as great benefit as was desirable. This had been the opinion of wise men for a long time. Mr. H. D. Reese had been Superintendent of the schools for a number of

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years. He had noticed the schools with a great deal of care. And in a report which he made to the National Council, he said, there ought to be an Asylum started for the Orphans. And this was the opinion of the Councilors last fall.

So the Cherokee Nation has now an Asylum for the orphans. But this Asylum don't belong to me, nor to you, It don't belong to this church nor the other church, It belongs to the whole Cherokee people. All have an equal interest in it. Every one should do his part to build it up, so as to make it to the greatest amount of good. It ought not to be treated like a lone tree in a prairie. One traveller will go by that tree and break a switch. Another one will go along and break a branch. A wagoner will drive along, and chop into the side of it. As last another comes along and builds a big campfire at its root. And in a short time the tree is dead. But the Asylum should be treated like a flower garden. Every one should do his part to make it grow, flourish and bloom, so as to lend a charm to the entire Nation. It should be warmed with the heart's truest feelings, and made light by gentle smiles and generous words.

The Asylum is intended to be a home for the orphan. And it is the intention to make it a good home.

It must be a far better home for them than they can find any where else. They eat three times a day. Every one eats as much as he wants. And the table is about as good as we generally see in the country. And all persons about the place eat at the same table, and eat of the same victuals with the pupils. There is no exception in this case. It is intended to clothe the pupils comfortably, but not with extravagance. But I will tell more about the inside arrangements of the Asylum in another paper. I will close this paper by making a few general remarks.

Our little Nation is not wholly out of sight. Some stars are so little and so far away that some men cannot see them. But there is one eye that sees them. It is the eye of God. God put those little sparks up there to do their part in lighting up the universe. So God sees our little nation. He intended that our influence, small as it may be, should be felt among the great nations in shaping up the affairs of the world for a better state of things. So good men, too, are looking at us. A bad heart makes the eye so dark that a person can see no good in any thing. But a good heart so gives light to the eye, that a man will see the smallest good, though it be a long way off. And

good people are looking upon us from every way. They see the good we are trying to do, and are glad to give us encouragement. Fond eyes are turned toward us from the big cities of the "pale face;" and from the shores of the two great seas they are looking at us. They want to see what we are going to do by way of improvement. And they are glad when they see that we are doing what we can to educate our people, and to make them good, and wise and great. But many of the people at a distance know but little about the Indians. They think the Indians are yet as they were two hundred and fifty years ago. And whenever they hear the Indians mentioned, they at once think of great scary savages, like the pictures they have put into their books -- like the pictures they drew around the picture of John Smith, with great war-clubs and tomahawks in their hands. And they think all the Indians are of their sort. This is the way they get wrong views of the Indians. People are always more ready to tell of evil, than they are to tell of good. And the newspapers always take great pains to tell of all the evil they can find among the Indians. But they are slow to tell of the good that is here. Now this is not fair. In this way the best person in the world might be made

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a very bad one, to those not acquainted with him. And not only so. But some of the papers do really tell stories on the Indians. And they do this on purpose to hurt the Indians. They want all the people that read their papers to believe that the Indians are all ignorant, lazy and vicious. And then they argue that because the Indians are this way, they ought to have their houses and lands taken away from them. This is bad reasoning. And it is reasoning for a worse purpose. How would they like to have the same reasoning applied to themselves. Their lawyers say, "It is poor rule that worketh not both ways." I presume they would not like it at all. What if the world should adopt the rule that every lazy, ignorant, and wicked man should be compelled to leave his house and lands for some one else? Don't you think in such case, many a white man in every state would have to "get up and dust?"

W. A. DUNCAN.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, August 31, 1872
Vol. 3, No. 19-123
W. P. Boudinot, Editor

EDITORIAL ON W. P. ADAIR

A party of unknown men went one night a few weeks since to the residence of Col. W. P. Adair, and acted so threateningly that he felt justified in firing at them through the window, which he did, causing them to make a precipitate retreat. There had been suspicious movements by various unknown parties about his premises before this occurrence, and the Col. was in consequence fully on the alert. We regret to have to chronicle occurrences of this kind as they -- the occurrences and not the chronicles -- are to be the last degree distressing to a true patriot for the reason that they cannot but be in an equal degree injurious to the well being of his people. We denounce all attempts on human life, except what the law clearly justifies or requires, as the worst folly as well as wickedness which a human being can do whether we consider the

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prosperity of the state or the welfare of the citizen. It is true what was implied by one of our correspondents, if we court ruin we need not look for it abroad; we can find it readily enough here at home. All we have to do is to shatter or even weaken the barriers which the laws throw around life and property among us, and the end will surely and speedily come. There will be no help for it. It is and has been the everlasting word of the Creator from the beginning that the wicked shall perish from the earth, be it wicked nation or wicked individual; and what utter, more deplorable, more destructive wickedness than to sweep God's child from the rightful place upon the earth with a murderous hand. The justice of eternity will have death for an attonement or punishment for such a crime. Not always death to the person who commits the sacrilegious act, but death always and without fail to the nation or government which prompts or permits its commission. We state the most certain lesson of all history. The social attraction which is the foundation of national strength and life, dissolves under an unnatural sense of uncertainty of human life. The cohesive principle which binds a community together and makes it strong, is confidence in the laws and in themselves.

THE VINDICATOR

New Boggy, Ind. Ter.
June 14, 1873
Vol. 2, No. 2, Whole No. 54
T. B. Heiston, Editor

EDITORIAL ON E. C. BOUDINOT

(From St. Louis Times, June 4th)

The announcement, in yesterday's dispatches, that the Cherokee Advocate published at Tahlequah in the Indian Nation, had abandoned its former policy of exclusiveness and declared itself in favor of a territorial government, will be received throughout the country with somewhat of surprise and a great deal of gratification. That a journal, issued and circulating among a people who for the most part are understood to maintain an attitude of pronounced hostility to political incorporation with the Union upon the same basis of organization as other territories, is indicative of the approaching germination of new ideas and that the time has come when sentiments hitherto dangerous to be uttered upon the soil of that peculiar nation, may safely

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be disseminated and receive considerate attention from its inhabitants.

This advance movement, for such it is, and at the same time a very bold one, is no doubt owing in great measure to the intelligent and vigorous efforts of Col. Boudinot, whose influence has been felt even where his presence was not tolerated, and who has accomplished more than any man of the age in bringing about a general change of opinion, not only at Washington, but abroad through the land, relative to the proposed change in the civil status and property relations of the tribes occupying the domain in question.

The prospects of the measure before Congress, owing to the labors of Mr. Boudinot and others in its behalf, and greatly enhanced by the personal observation and inquiry of the late congressional excursionists, had already reached a point far more encouraging than ever before, but they will become infinitely better, the moment that an organ of the cause is securely established in the midst of the people who are to become the chief beneficiaries of the legislation which it proposes. The next session, in all probability, will witness the pas-

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sage of an organic act for the Territory, and thence must date a new era not only in the material advancement of the Indians themselves, but in the commercial intercourse of the States, which has long been much impeded by the existence of this nondescript and isolated government upon our immediate South-western border. We hope to have the pleasure of soon presenting to our readers in full the inaugural article of the Advocate on its new departure, and congratulate the friends of the Territory upon the accession which has thus been secured to a support of their interests.

What has our Cherokee contemporary to say in reply to the above? We have failed to see anything in the Advocate which favors a territorial form of government for the Indians, other than an expression favorable to the voluntary confederation of the tribes under the provisions of the Okmulgee Constitution.

Such a confederation would not abolish the "exclusiveness" so much complained of by the Times, Globe, and other Western journals. So far as we understand the matter, the present laws, customs and usages of the respective tribes would not be

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materially changed by the formation of a purely
Indian government, as was contemplated by the
framers of the Constitution above mentioned.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, August 23, 1873
Vol. 4, No. 17-173
W. P. Boudinot, Editor

EDITORIAL ON W. P. ROSS AND LEWIS DOWNING

Mr. A. Cole, of Vinita, Indian Territory, arrived here this evening and reports the returns of the late election in the Cherokee nation not yet all in, but that both the Downing and Ross party are sanguine of success so far as the local Council and Senate are concerned, but the Ross party were disposed to admit the Downing party have elected a majority to the Grand Council at Okmulgee. The Downing party is composed of half breeds, and are in favor of sectionizing of the land in severalty and opening of territory to settlement, while the Ross party or full bloods strenuously oppose this scheme and favor the holding of the land and property in common.

The above is a sample Report in reference to our late Election, current over the line. Though full of blunders they all happily involve one just concession -- that the Cherokees have a regular government, estab-

lished upon principles with which the reporters are familiar. That means that the Cherokees are largely civilized -- a recognition which we feel truly thankful for, as the withholding of it has done the Nation much injury.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, September 13, 1873
Vol. 4, No. 19-175
W. P. Boudinot, Editor

LETTER OF CORNELIUS BOUDINOT

September 11th., 1873.

A white man was found murdered this (Thursday) morning at the crossing of Greenleaf on the main Webbers Falls road. He was found by Henry Starr and two colored men. When found he was lying across the road with his face down, and pierced by three balls. One, the first only slightly wounding him at the point of the left shoulder and the other two, each mortal, taking effect in the back and head; the one in the back passing through the body. He was a man of medium height, light complexion and "sandy" hair. The killing was supposed to have taken place the evening previous as firing was heard just after dark on that evening in that direction by several persons living near. Upon examining the surroundings, it was found that the man had taken a new pass that led around a bad place in the road until he came to the bed

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of the creek, when he suddenly turned and came up the old road, followed by three persons, one of whom wore moccasins, the other two were barefooted. They followed the main road about forty steps, where they succeeded in killing him. He must have been confronted by the men just as he started into the creek, and turning, ran until shot down. One pocket was turned the wrong side out. In his vest pocket were fifteen cents. Tracks left the body and went towards the creek came out on the other side, and separated to the right and left.

The man was seen about two hours previously by Houston DeArmond, and stated that he was from Van Buren.

I write that you may have the local this week, and also apprise the Agent if necessary. Suspicion rests strongly on certain Creeks.

Your affectionate Son,

CORNELIUS BOUDINOT

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CHEROKKE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 11, 1873
Vol. 4, No. 23-179
W. P. Boudinot, Editor

EDITORIAL ON W. P. ROSS & LEWIS DOWNING

A Cherokee has been writing to somebody in New Jersey about our Political Parties, and the letter has been published in the New York Observer. He is made to say that there are two Cherokee Parties, to wit: The Ross Party, and the Downing or National Party. We were aware that since the death of the late much respected Chief Downing, there have been some doubts about the propriety of continuing to call the last mentioned Party by his name, but had not heard that it was decided to call it "National," though we have frequently heard it called the Opposition Party. But whether Opposition, National, or anything else, the name of a party is of little consequence compared to its principles, and no name, be it ever so grand and imposing will supply their place. "A rose with any other name would smell as sweet," and the nicest name in the world would'nt sweeten "sour grapes." That our two Principal parties

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have principles, we are assured. Those principles must be the political views of their leaders, and hence the parties have taken the leaders' names. Those of the "Ross party" may be found expressed in the last Annual Message of the Principal Chief, wherein important Reforms are suggested. In like manner, the Platform of the Downing Party we presume must be learned by reference to Mr. Downings Messages. The fact that there is no material disagreement in the recommendations of both Leaders, accounts for the quiet character of our Elections, noticed in the above mentioned letter to the New Jerseyman.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 11, 1873
Vol. 4, No. 23-179
W. P. Boudinot, Editor

APPOINTMENT OF A TEACHER BY W. P. ROSS

The Board of Trustees respectfully make known to Parents and Guardians in the Cherokee Nation that Miss Ella M. Noyes has been employed as Teacher of the Female School at Park Hill, and that the School will go into operation about the 15th inst. Miss Noyes is a graduate of the Mount Holyoke Female Institute, located at South Hadley, Mass., and is highly recommended as being well qualified for the position she has consented to fill. The Trustees feel great confidence therefore in commending the School to Parents and Guardians who wish to educate their daughters and wards well, and at the simple expense of boarding them at very reasonable rates. Their co-operation is earnestly invited in building up and sustaining a first class Institution of learning at home, for the Education of the Females of the Country.

W. P. ROSS,

President of the Board.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, November 29, 1873
Vol. 4, No. 30-186
John L. Adair, Editor

EDITORIAL ON W. P. ROSS

On last Wednesday the Senate and Council with the Principal Chief and his Cabinet, made a visit to the Orphan Asylum on the invitation of the Board of Trustees for the purpose of inspecting the management and progress of the institution. A more extended notice of what was said and done will appear next week. Suffice it that all went away satisfied with the condition of the orphans.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 17, 1874
Vol. 4, No. 36,192
W. P. Boudinot, Editor

PROCLAMATION APPROVED BY W. P. HOSS, ET. AL.

Whereas, An Act was approved Nov. 24th, 1873,
entitled "An Act providing for one Clerk in each
District and for other purposes," in the words fol-
lowing, to wit:

An Act providing for one Clerk in each District
-- and for other purposes.

Be it enacted by the National Council. That
in lieu of two Clerks, as now provided for, there shall
be but one to each of the several Districts of the
Cherokee Nation, who shall be resident of, and be
chosen by the qualified voters of the District for
which he is elected -- and who shall act as Clerk of
both the Circuit and District Courts.

That the first election shall be held as soon
after the passage of this Act, as deemed practical or
expedient by the Principal Chief for which purpose
he shall issue his Proclamation at least thirty days

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(30) before holding such election. Thereafter they shall be elected every two years, at the usual time of electing members of the National Council; unless for filling a vacancy.

The Judge of election shall furnish the candidate receiving the greatest number of votes, with a certificate to that effect -- upon which no legal objections appearing -- he shall be commissioned by the Principal Chief -- provided however, that he shall first file his bond for double the amount of his Salary, with good and approved security, to the National Treasurer -- and take an oath to faithfully discharge the duties of his office, without fear or favor.

4 All Bondsmen shall qualify that they own property which is worth the full amount of their obligation, and free from encumbrance.

Be it further enacted. That the Clerks contemplated by this Act, shall each receive a Salary of four hundred and fifty dollars (\$450.00) per annum, payable out of the General Fund -- and be allowed to charge and collect a fee of twenty-five cents for all papers of private or personal character, executed by him, not exceeding one page

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legal cap or two hundred words; fifty cents for all papers exceeding two hundred words and not exceeding four hundred words; and twenty-five cents for every additional or fraction of two hundred words -- provided, however that no additional pay, over and above his Salary, shall be allowed for service rendered, by virtue of the office in criminal cases, or in behalf of "bonafide" citizens.

Be it further enacted. That the National Treasurer, at his earliest convenience, furnish the Clerks, created in this Act, with neatly printed blank forms for the "National Scrip," stamped with the seal of his office, and take their receipts therefor. That he also furnish them with seals. One for each District, bearing on the Margin the name of the District and Nation, and in the centre, the word "Justice," with which every election, guard, and ... certificates shall be ... before issuing. That the Sheriff shall keep a record of all the uses of their office, and promptly furnish the same, as they may arise to the Clerks, whereby ^{they} they may be enabled to issue the necessary vouchers, duly certified and sealed. The Sheriffs shall issue no scrip but nevertheless see that their

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accounts correspond with the vouchers or tickets issued by the Clerks. That all certificates or vouchers of whatever character, emanating from the Clerk's Office, shall be numbered -- beginning with No. 1 and running upward indefinitely through the entire year, to September thirtieth (30) inclusive.

Be it further enacted, That the Clerks be required to furnish on oath quarterly reports to the Auditor, within ten days after the expiration of each quarter. The first quarter shall begin December 31st, the second, March 31st, the third June 30th, and the fourth or last quarter September 30th, and from which the Auditor, on oath, shall furnish the Treasurer with quarterly abstracts. The failure of any Clerk to comply with the provisions of this Act shall subject him to a fine of twenty-five dollars, for every such failure. And the Auditor is hereby required to deduct the same from his Salary. For failure on the part of the Auditor, the Treasurer is hereby required to withhold, for every failure twenty-five dollars from his Salary. The final or yearly report of the Auditor shall be rendered to the Treasurer on or

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before the 20th day of October of every year.

Be it further enacted. That the Principal Chief be and he is hereby authorized to furnish, for the use of the Circuit and District Courts, such Dockets as may be necessary in conducting the business thereof.

Be it further enacted. That the Principal Chief be and he is hereby authorized to purchase by wholesale in addition to the Dockets aforesaid, all paper, ink envelops and other stationary, of uniform quality, required for the use of the National Council, Executive Office, Supreme and other Courts of the Cherokee Nation, and report annually to the National Council, and all Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed, Nov. 24th, 1873.

WM. WILSON,)President Senate.

L. B. BELL,)Clerk Senate.

Concurred with the following amendments:

In case a vacancy shall occur in the office of Clerks, the District Judge of the District, in which such vacancy exist shall report to the Principal Chief the same; and the Principal Chief is authorized to issue his Proclamation ordering a

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new election to be held in the District in which said vacancy exist to fill such vacancy, which election shall be held within at least thirty days from the date of such proclamation ordering said election.

Be it further enacted. That should said Clerk fail to perform the duties of said office by reason of sickness or other unavoidable cause, the Clerk shall have the right to appoint a Clerk temporarily to perform said duties, whose pay shall be deducted from the Salary of the Principal Clerk.

JOHN R. DUVAL,
Speaker of Council.

GEORGE O. SANDERS,
Clerk.

Amendments concurred in.

L. B. BELL,
Clerk.

Approved,

WILL. P. ROSS.

A true copy from the file in the Executive Office.

ALLEN ROSS,
Secretary.

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Now therefore be it known that I William P. Ross, Principal Chief of the Cherokee Nation, do by virtue of said Act issue this my Proclamation, authorizing and ordering that an Election be held in the respective Districts of this Nation, and at their several Precincts for the purpose of electing such Clerks, on Wednesday 21st day of January 1874, hereby enjoining upon all Judges, Superintendents and Clerks of Election to conduct said Election; and due and correct returns to make in accordance with the Constitution and Laws of the Cherokee Nation, in such cases made and provided. In testimony whereof I have subscribed my name and caused to be affixed the SEAL of the Cherokee Nation, this 16th day of Dec. 1873.

WILL P. ROSS,
Principal Chief.

ALLEN ROSS,
Secretary.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 17, 1874
Vol. 4, No. 36-192
W/ P. Boudinot, Editor

AN ACT APPROVED BY W. P. ROSS

Be it enacted by the National Council, That all those persons, who have, by special Act, or otherwise, been readmitted to the rights and privileges of Cherokee Citizenship and who shall fail to return to the Nation within six months from the date hereof -- and thereafter identify themselves with the people of the Cherokee Nation by locating permanently, shall be barred such right of citizenship -- all provisions (of law) to the contrary notwithstanding.

Be it further enacted, ... the Principal Chief cause this ... be published in the CHEROKEE ADVOCATE for six months from date of passage for the information of those concerned.

Approved November 28th, 1873.

WILL P. ROSS

Principal Chief.

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I hereby certify that the above is a true
copy of the original on file in the Executive
office.

Dec. 4th, 1873.

Allen Ross,
Secretary.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 17, 1874
Vol. 4, No. 36-192
W. P. Boudinot, Editor

ACTS APPROVED BY W. P. ROSS

(Act amendatory of the Act of Nov. 15th, 1866,
Entitled "An Act to prohibit the carrying of weapons.")

Be it enacted by the National Council, That the
Act of Nov. 15th, 1866, Entitled An Act to prohibit the
carrying of weapons, be and the same is amended as
follows, to wit: That it shall not be lawful for any
person within the jurisdiction of the Cherokee Nation
to carry any concealed weapon -- unless for the purpose
of hunting or upon a journey, or in pursuit of fugitives
from justice, or in the discharge of duty by virtue of
a legal summon, and any person violating the provisions
of this Act shall forfeit to the Sheriff, for the
benefit of the Cherokee Nation, such weapon, and also
be held liable in the sum of one hundred dollars.

Be it further enacted, That it be and is here-
by made the duty of the Sheriffs to disarm all persons
violating the provisions of this Act -- turn over

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quarterly to the National Treasurer all weapons confiscated, and report the person offending to the Solicitor for indictment, before the District Court, in the sum of one hundred dollars. The judgment of the District Court shall be final, and no property shall be exempt from execution and sale to satisfy said judgment, improvements excepted. One half of fines thus collected shall be divided equally between the Sheriffs and Solicitor, and the other half paid into the National Treasury for the benefit of the Orphans. And all Acts to the contrary are hereby repealed. Nov. 25th, 1873.

Approved.

WILL F. ROSS,

Principal Chief.

A true copy from the file in the Executive Office.

ALLEN ROSS,

Secretary.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 24, 1874
Vol. 4, No. 37-193
W. P. Boudinot, Editor

EDITORIAL ON CHEROKEES

In December 1827, a few days before Christmas, the Senior Editor of the Independent, and Isaac H. Harris, arrived at New Echota, Cherokee Nation. The place was the capitol of the Cherokee Nation at that time; it is now in the State of Georgia. We went into the Nation to print a newspaper for the Cherokees, and Elias Boudinot, the Father of Major E. C. Boudinot, was the Editor. When we arrived at New Echota, the type had not been shipped from Boston. The material had been delayed on account of having to cut new matrices for the Cherokee alphabet. The alphabet, had to be learned by us, and as it consisted of 85 characters, and had never been printed, we had to learn them from written characters. The inventor George Guess, had placed them down as they came to his mind. -- However, the Rev. Samuel A. Worcester, a missionary, and truly

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a man of God, had systematized the alphabet, so that the six vowels were placed at the head of each column, and then followed each letter corresponding to the vowel above; something like ba he bi, &c. The letters represent syllables, and there are no consonant terminations in any letter -- as we said before each letter represents a syllable except one which represents the hissing sound of our s, and is sounded by Cherokees by blowing the breath gently through the teeth.

While waiting for the arrival of the type press, &c., which had to be hauled from Augusta, Georgia, we were occupied part of the time, learning the new alphabet. We were more successful than our companion Harris and learned the alphabet in a very short time. Both of us were printers, and learned the business in Huntsville, Ala., in the Southern Advocate office, under Dandridge Farris, who was the father of that paper. We were then not twenty years of age. --

In January 1828, the type, press and material arrived, and we went to work to opening the latter and laying the cases. But, as there were no cases for the Cherokee type, we had to fall upon some plan to make them. After some deliberation, we concluded to make

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the cases to correspond with the systematized alphabet of Mr. Worcester, and having a couple of rough carpenters, we set them to work, and make cases. They were nearly three feet square, and in one case, with the figures at the top. -- They were heavy and hard to be removed. However, in a few days, we succeeded in putting the office in order. The house was of hewn pine logs, chinked, and the cracks plastered. One log on each side was cut out and long windows made, and very low down, which would have been convenient for a shoemaker's shop, but were too low for printers, and we had to raise them a log higher. In the early part of February we issued the first number of the Cherokee Phoenix, the Cherokee name was Tsa-la-gi Tsu-le-hi-sa-nv-hi. This was the first Indian paper we believe, ever printed in the United States. We set the first Cherokee type, after it came from the foundary. The first proof sheet was very foul, as we never heard the Cherokee language spoken before we went into the Nation, and could not distinguish words. After a few weeks we succeeded in learning the form of words, and grew more proficient in setting the

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type, and we were for several years the only Cherokee type setter. We printed the first edition of Mathew, the first of the Acts of the Apostles, the first of John and the first Hymn book. Our companion Harris never learned to set the Cherokee type, and we believe, never fully learned the alphabet. There was a young half blood, named John Candy, who commenced with us to learn the printing business. He spoke the language, and was an English scholar. He was educated at the Mission School at Brainard, on the Chickamauga river, near Chattanooga, Tenn.

The Cherokee language is very peculiar, and is hard to learn. The fact is, but few grown persons ever learn it. It resembles no Indian language on the continent of America. It has not a sound of b, f, p nor v, in it, and very few words with the sound of m, so an Indian can speak any length of time without closing his lips. There are two dialects in it. One cannot sound the r, but uses the l, in place of it, the other uses the r, and cannot sound the l, but use the r, in its stead. For instance, one says, Tsa-la-gi, and the other Tsa-ra-gi. In speaking these words, the a should be sounded like a in father

and i as e.

The size of the paper printed, was known as roayal, and the first issue was printed on paper made in Knoxville, Tenn. The paper, or most of it made in that day was moulded, each sheet to itself.

The Cherokees, full bloods, we mean, call printing burning, and we suppose the idea came from blacksmiths, who lived among them, making letters of iron to brand cattle and horses with; for when a letter, or brand was made, it was burned upon a plank, or the door of the shop, to see if it was good. The letters always being black, the Indians supposed the letters to be burned on paper.

It is the custom among the full blood to give an Indian name to all whitemen who live among them, as they could not in most instances speak an English name. To us, they gave the name of To-stu-wa, or Red Bird, and in speaking of us, they would say, Red Bird, the burner. --

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 24, 1874
Vol. 4, No. 37-193
W. P. Boudinot, Editor

EDITORIAL ON COOWEESKOGWEE DISTRICT

It is so named in honor of the late Chief, John Ross. It without doubt comprised the fairest and best portion of the Cherokee country. In area, it extends from the Arkansas river, north, to the Kansas line, from Grand River, west, to the 96 meridian. Being traversed by the M. K. & T., it embraces that portion of the country, usually seen by excursionists, reporters, and others from whom we frequently see such glowing accounts of the country in the newspapers. The country warrants their warmest descriptions -- their error consists in concluding that all the country is like that which they see, in consequence of which their statements misrepresent us.

Could all persons, who deem our country a second Eden, travel over the country east of Grand

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River, where nothing but flint hills present themselves to view, it would correct many false impressions, -- the scales would drop from their eyes, as it were, and they, perhaps, would see the injustice they had done us. But to return to Coo-wee-sko-wee.

Should the conditional land grants to Railroads in the Territory ever take effect, and it is not pleasant to feel that such a contingency may arise, the Cherokees would lose the better portion of this District, and would therefore be deprived of their most valuable lands. How can we secure the lands that are in such close proximity to the Railroads, is the question. We are aware that many consider the repeal of the land grants as the remedy, which it is, if it can ... our Delegation have been instructed to make an effort in that direction, but then their success depends upon the will of Congress.

Others there are who regard allotment as the panacea of all our national troubles. If our funds were allotted, they say, and then vested in individuals, the grants could never take effect, whether such would be the result of allotment, we do not propose to discuss, for the matter not being well understood is liable to be misconstrued, and we will consequently

leave it to others. We wish simply to advance our plan, which perhaps is not new, which is this: Let the Cherokees appropriate these lands by settling them. We can do this without rousing any prejudice or ill-will among ourselves. Hundreds of persons who contemplate a change of location would do well to settle in this District. Our young men who design to have future homes, can here select eligible locations. Even those who consider themselves permanently settled, should come here and make improvements for their children. While we rather have a preference for the "rippling streams" and "murmuring brooks" &c., of those flint hills, there is no poetry in making our life-long residence among them, you can do better here, therefore come and try it. Do you wish to farm, here are thousands of acres, free from roots and trees, soil unsurpassed, inviting your attention. Do you wish to engage in stock, the choice grazing lands of Nation are here. Do you wish to hunt; more game here than elsewhere in the country, though I would not advise you to depend upon it for a living. Now Mr. Editor, after presenting the merits of this District, we will gossip a little. First, politically, (not of a partizan nature, bear in mind) our politicians after

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the "late unpleasantness" in regard to the last election, are wiser if not better men. Everything is quiet. The canvas for the clerkship is very quiet. The principle candidates are D. W. Lipe and J. B. Mayes, perhaps there will be one or two others run. Both of the above named gentlemen are competent men, and it is to be hoped that party considerations will have nothing to do in the choice of clerks -- competency is what we want.

Socially, there have been several weddings lately, thus carryong out the Divine injunction. "Be fruitful, multiply, and replenish ac.;" Educationally, the schools are moderately well. I would like to write more, but I've come to the bottom of a page.

RANDOLPH.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation

Saturday, January 24, 1874

Vol. 4, No. 37-193

John L. Adair, Editor

AN ACT APPROVED BY W. P. ROSS

Be it enacted by the National Council, That all those persons, who have, by special Act, or otherwise, been readmitted to the rights and privileges of Cherokee citizenship, and who shall fail to return to the Nation within six months from the date hereof -- and thereafter identify themselves with the people of the Cherokee Nation by locating permanently, shall be barred such right of citizenship -- all provisions (of law) to the contrary notwithstanding.

Be it further enacted, That the Principal Chief cause this Act to be published in the Cherokee Advocate for six months from date of passage for the information of those concerned.

Approved November 28th, 1873.

WILL P. ROSS.

Principal Chief.

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I hereby certify that the above is a true
copy of the original on file in the Executive office,

Dec. 4th, 1873.

ALLEN ROSS,
Secretary.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 24, 1874
Vol. 4, No. 37-193
John L. Adair, Editor

AN ACT APPROVED BY W. P. ROSS

(Act amendatory of the Act of Nov. 15th, 1866,
Entitled "An Act to prohibit the carrying of weapons.")

Be it enacted by the National Council, That the
Act of Nov. 15th, 1866, Entitled An Act to prohibit the
carrying of weapons, be and the same is amended as
follows, to wit: That it shall not be lawful for any
person within the jurisdiction of the Cherokee Nation
to carry any concealed weapons -- unless for the purpose
of hunting or upon a journey, or in pursuit of fugitives
from justice, or in the discharge of duty by virtue of
a legal summons, and any person violating the provisions
of this Act shall forfeit to the Sheriff, for the benefit
of the Cherokee Nation, such weapon, and also be held
liable in the sum of one hundred dollars.

Be it further enacted, That it be and is hereby
made the duty of the Sheriffs to disarm all persons

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violating the provisions of this Act -- turn over
quarterly to the National Treasurer all weapons con-
fiscated, and report the person offending to the
Solicitor for indictment, before the District Court,
in the sum of one hundred dollars. The judgment of
the District Court shall be final, and no property
shall be exempt from execution and sale to satisfy said
judgment, improvements excepted,. One half of fines
thus collected shall be divided equally between the
Sheriffs and Solicitor, and the other half paid into
the National Treasury for the benefit of the orphans.
And all Acts to the contrary are hereby repealed.

Nov. 25th, 1873.

Approved,

WILL P. ROSS.

Principal Chief.

A true copy from the file in the Executive
Office.

ALLEN ROSS,

Secretary.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, Feb. 14, 1874
Vol. 4, No. 40-196
John L. Adair, Editor

ACTS APPROVED BY W. P. ROSS

(An Act fixing Oct. 1st, as the beginning of
the fiscal year.)

Be it enacted by the National Council, That for
the purpose of convenience and a better and more uni-
form administration of the financial affairs of the
Cherokee Nation, there be and is hereby created a fiscal
year, beginning with the 1st, day of October and ending
the 30th day of September of each year. This Act to go
into immediate effect, all Acts to the contrary notwith-
standing Nov. 24th, 1874.

Approved,

WILL P. ROSS.

Principal Chief.

A true copy from the file in the Executive office.

ALLEN ROSS,

Secretary.

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An Act to change the name of Jack Doubletooth.

Be it enacted by the National Council, That the name of "Jack Doubletooth," a citizen of the Cherokee Nation, be and the same is hereby changed to "John T. Beamer.

Approved ,

WILL P. ROSS.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, February 21, 1874
Vol. 4, No. 41, 197
W. P. Boudinot, Editor

SPEECH OF W. P. ROSS

On Feb. 8th, Col. W. P. Ross, Principal Chief of the Cherokees and Chairman of the Cherokees Delegation, appeared on behalf of his people before the House Committee of Territories, and addressed the Committee as follows upon the subject of Mr. Parker's Bill to "carry out certain Indian Treaties of 1866, and to organize the Territory of Oklahoma:"

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE ON TERRITORIES: -- In presenting some reasons why the bill to carry out certain Indian Treaties of 1866, and to organize the Territory of Oklahoma, or any kindred measure, should not meet your approval, I shall be as concise as the variety and magnitude of the questions involved may seem to allow.

The country commonly known as the Indian Territory comprises an area of 44,154,240 acres,

owned and occupied by more than 25 different tribes, with a population estimated at about 70,000 persons.

The circumstances which led Congress to establish this country, whose exterior boundaries are too well known to require repetition are deserving of your consideration. They grow out of the difficulties resulting from a mixed occupancy of the same territory by the whites and Indians, and the consequent conflicts between Federal and State authority. President Van Buren, in his message of 1838, in referring to this subject says, "the remedial policy, the principles of which were settled more than thirty years ago under the administration of President Jefferson consists in an extinction for a fair consideration of the title of all the lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi much more extensive and better adapted to their condition than that upon which they then resided; the guaranty to them by the United States of their exclusive possession of that country forever, exempt from all intrusion by white men, with ample provisions for their security against external

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violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization.

In 1823 President Monroe recommended to Congress the acquisition of a sufficient tract of country west of the State of Missouri and the Territory of Arkansas in order to establish permanent settlements of the Tribes which were prepared to be removed. President Jackson in his message of December 1829, in urging the removal of the Indian Nations, whose representatives are now before you, and others, said -- "as a means of affecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice subject to no control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. In the execution of these recommendations, and to appease the claims of noisy

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demagogues, and to relieve the States of the presence of a population not homogenous in color, culture, habits and inclinations, with their own more powerful and progressive people, Congress passed the Act approved May 28th, 1830, which I will read because it lies at the foundation of this whole question.

"Be it enacted &c., That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the Mississippi River, not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts for the reception of such tribes or nations as may choose to exchange the lands where they now reside, and remove there, and to cause each of said districts to be so described by natural or artificial marks, so to be easily distinguished from every other.

And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will secure and guarantee to them,

and their heirs and successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same; Provided always, that such lands shall revert to the United States if the Indians become extinct and abandon the same.

And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruption and disturbance from any other tribe or nation of Indians, or from any other person or persons whatever."

How fully this remedial policy of President Jefferson prior to the date of this Act, was engrafted and thoroughly established subsequently, is conclusively shown by the following references to numerous treaties with the Indians now before you, to say nothing of the uniform legislation of Congress and judicial rulings in the same direction.

The Preamble of the Treaty of 1828 with the Western Cherokee Nation, recites "the anxious desire of the Government of the United States to

secure to the Cherokee Nation of Indians" a permanent home, and which shall, under the most solemn guarantee of the United States be and remain theirs forever -- a home that shall never in all future time, be embarrassed by having extended around it the line or placed over it the jurisdiction of a State or Territory, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State." Its second Article reads "The United States agree to possess the Cherokees and to guarantee it to them forever, and that guarantee is hereby solemnly pledged of seven millions of acres of land, besides the country known and styled the "Cherokee outlet."

The treaty of 1833 was supplemental to that of 1828, and modified in part its boundaries, and provided that Letters Patent should be issued by the United States as soon as practicable for the lands thereby guaranteed, and this is the country owned and occupied by the Cherokee people, except as affected by the treaty of 1866. It is also important as annulling the sixth Article of the treaty of 1828 which had reference to two questions now

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pressed upon the Cherokees -- the survey and allotment of their lands, and a plain set of laws suited to their condition to be given them by the United States.

The treaty of New Echota, in 1835 repeats the language of the treaty of 1833 in confirming the cession of lands made to the Cherokee Nation. Its third Article stipulates that the United States also agree that the lands ceded by the treaty of Feb. 14th 1833 including the outlet and those ceded by this treaty, shall all be included in one Patent, executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the Act of May 28th 1830.

By the fourth Article of the same treaty the United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing Article shall in no future time, without their consent, be included within the Territorial limits or jurisdiction of any State or Territory; but they shall secure to the Cherokee Nation the right by their National Councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons

and property within their own country belonging their own people, or such persons as have connected themselves with them, not inconsistent with the Constitution of the United States, and the Acts of Congress regulating trade and intercourse with the Indian Tribes.

The first Article of the treaty of 1846 declares: -- That the lands now occupied by the Cherokee people for their common use and benefit, and a Patent shall be issued for the same, including the eight hundred thousand acres purchased, together with the outlet west, promised by the United States in conformity with the provisions relating thereto contained in the 3d Article of the treaty of 1835, and in the 3d section of the Act of Congress approved May 28th 1830, which authorizes the President of the United States in making exchanges with the Indian tribes, to "assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and, if they prefer it, the United States will cause a patent or grant to be made and executed to them for the

same: Provided always, That such lands shall revert to the United States if the Indians become extinct or abandon the same, "neither of which contingencies has yet happened."

By the 26th Article of the treaty of 1866, "the United States guarantees to the people of the Cherokee Nation the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands, or reside in their country."

By its 27th Article it is provided: "And all persons not in the military service of the United States not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same except as herein otherwise provided."

By the 31st Article, "all provisions of treaties heretofore ratified and in force and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force."

By the treaty of 1830, the Choctaw Nation ceded the entire country owned by them east of the Mississippi, and agree to remove from it, the United States promising to cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi river in fee simple to them and their descendants, to inure to them while they shall exist as a Nation and live on it. It was also stipulated that the Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants; and that no part of the land granted to them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from and against all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, treaties and laws of the United States, and except such as may and

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which have been enacted by Congress, under the Constitution, is required to exercise in legislating over Indian affairs.

The treaty with the Choctaws and Chickasaws in 1855 stipulates "so far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self government and full jurisdiction over persons and property within their respective limits, * * * and all persons not being citizens or members of either the Choctaw or Chickasaw tribe found within their limits, shall be considered intruders, and removed from and kept out of the same."

And by the 10th Article of the treaty with the Choctaws and Chickasaws, ratified on the 10th day of July 1866, "the United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent with that treaty, as also by Article 45,

"all the rights, privileges, and immunities theretofore possessed by said Nations, or individuals thereof, or to which they were entitled under the treaties and legislation theretofore made and had in connection with them, were declared to be in full force, so far as they were consistent with the provisions of that treaty.

"To the Creeks and Seminoles not less explicit are the guarantees. In 1790 the first treaty was made with the Creek Nation. It recognized their national existence, established peace, solemnly guaranteed their lands, and placed any citizen of the United States who should attempt to settle on any of them beyond the protection of the United States. Passing over numerous treaties, we find the third article of that of 1833 in these words. "The United States will grant a Patent, in fee simple "to the Creek Nation of Indians for the lands assigned to the said Nation by this treaty or convention whenever the same shall have been ratified by the President and Senate of United States, and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long

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as they shall exist as a Nation, and continue to occupy the country hereby assigned them."

The country thus guaranteed was for both the Creeks and Seminoles, and a part of which they now occupy. Letters patent were issued to the Creek Nation for the lands August 11th, 1852, and are now on record in the Indian Office.

The third article of the Treaty of 1836 with the Creeks and Seminoles provides that the United States do solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of the country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State, nor shall either, or any part of either ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

The 15th Article of the same treaty secures to the Creeks and Seminoles, the unrestricted right of self-government so far as may be compatible with

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the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes. It also gives them full jurisdiction over persons and property within their respective limits, excepting only white persons and their property, who are not by adoption or otherwise members of either the Creek or Seminole Tribe; and all persons not being members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States Agents for said tribes respectively, assisted, if necessary by the military, with but few specified exceptions. By the 1st Article of the treaty of 1866 the United States guarantees to the Creek Nation the quiet possession of their country. By the 3rd Article, the eastern half of said Creek lands being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation.

By the 12th Article the United States re-affirms and re^{esu}sumes all obligations of treaty stipulations with the Creek Nation entered into before the Treaty of said Creek Nation with the so-called confederate States July 10th, not incon-

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sistent herewith. The guarantees to the Seminoles are similar to those made to the Creeks just read.

In the execution of the provisions of the Treaties of 1828, '33, and '35, Letters Patent to the Cherokee Nation for the lands therein referred to, and which were particularly set forth in the 2nd and 3rd Articles of the Treaty of 1835 were signed by Martin Van Buren President of the United States, the 31st day of December 1838, and the parchment is now on file in the Executive Department of the Government of the Cherokee Nation. The granting clause of the Patent is in these words; Therefore in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of land so surveyed, and herein-before described, containing in the whole 13,374,135,12 acres, to have and to hold the same together with all the rights, privileges, and appurtenances thereunto belonging to the said Cherokee Nation forever; subject, however, to the ... of the United States to ... other tribes of red men to ... on the salt plain, on the ... prairie

referred to in the ... Article of the Treaty of the 28th of Dec., one thousand eight hundred and thirty-five, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said Article, and subject also to all the other rights reserved to the United States in and by the Articles herein before recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the conditions provided by the act of Congress, of the twenty-eighth of May, one thousand eight hundred and thirty and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

The rights reserved by the United States referred to the establishment of Agencies, military Stations, and Post Roads. By the second Article of the Treaty of 1835, the United States agreed to convey to the Cherokees by Patent in fee simple 800,000 acres of land in Kansas, and for which the Cherokee Nation paid \$500,000, and this tract and the other lands were to be embraced in one Patent. The act of Congress setting apart the Indian country, and ceding portions of it to different Indian nations

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was passed in the exercise of the authority vested in Congress by Art. 4, Sec. 3rd of the Constitution, which gives it "the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." In view of the history of the transactions under its provisions, and the intent and understanding of the parties in interest, it would be sufficient alone to convey titles to the Indians which Congress and other departments of the Government would be under every obligations of faith and fairness to respect. But the Supreme Court of the United States has gone farther, as I understand its opinion in the case of *Holden v. Joy* No. 360 December term 1871. This opinion is worthy of the attention of Congress, but its length will not allow me to consume the time or weary the patience of this committee in reading more than a very few sentences from it which define the status and rights of the Cherokee Nation so far as they came under review in the case. Although the Neutral land was the subject of its opinion, its reasoning applies to the country retained by the Cherokee Nation as it was embraced in the same patent.

"Indeed, treaties have been made by the

United States with the Indian Tribes ever since the Union was formed, of which numerous examples are to be found in the seventh volume of the public Statutes"

-- "Indian tribes are states in a certain sense, or states of the United States, within the meaning of the second section of the third article of the Constitution, which extends the judicial power to controversies between two or more States, between a state and citizens of another state, between citizens of different states, and between a state or the citizens thereof and foreign states, citizens and subjects. They are not States within any one of these clauses of the Constitution, and yet in a certain domestic sense, and for certain municipal purposes, they are States, and have been uniformly so treated since the settlement of our country, and throughout its history, and numerous treaties made with them recognize them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggressions committed on the citizens of the United States, by any individual of their community."

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"Laws have been enacted by Congress in the spirit of those treaties, and the acts of our Government, both in the Executive and legislative Department, plainly recognize such tribes or nations as States, and the courts of the United States are bound by these Acts."

"Beyond doubt the Cherokees were the owners and occupants of the territory where they resided before the first approach of civilized man to the western continent, deriving their title, as claimed, from the Great Spirit to whom the whole earth belongs, and they were unquestionably the sole and exclusive masters of the Territory, and claimed the right to govern themselves by their own laws, usages, and customs."

"Throughout the Indians, as Tribes or Nations, have been considered as distinct independent communities, retaining their original natural rights as the undisputed possessors of the soil, from time immemorial, subject to the conditions imposed by the discoverers of the continent, which excluded them from intercourse with any other government than that of the first discoverer of the particular section claimed. They could sell to the government of the discoverer, but they could not sell to any other

governments or their subjects, as the government of the discoverer acquired, by virtue of their discovery, the exclusive pre-emption right to purchase and the right to exclude the subjects of all other governments, and even their own, from acquiring title to the lands" &c. &c. &c.

This decision is important not only in what I conceive to be its full establishment as a fee simple, as the title by which the Cherokees hold their lands, and deductively also, the Choctaws, Chickasaws, Creeks and Seminoles, and perhaps every other tribe legally resident in the Indian Territory, especially those acquiring title from the Cherokee Nation under the provisions of the 6th Article of the Treaty of 19th July 1866 between the United States and the Cherokee Nation that it shall be conveyed to them in fee simple, to be held in common or in severalty as the United States may decide," but also that it fully recognizes these Indian communities as of capacity to negotiate treaties which have the same force and sanctity as other treaties lawfully made. This fact was admitted and if I may so express it, enacted by Congress in the Indian appropriation Act approved March 3rd, 1871,

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where it ... that nothing herein con... shall be
construed to invalidat... obligation of any treaty
heretofore lawfully made and ratified ... Indian
Tribe." All ... treaties with these Nations here
...sented, and which are found ... our statute
books, covering a period from 1785 under the
confederation down to 1868 under the Constitution,
and numbering 21 with the Cherokee Nation alone, are
thus fully recognized by the law-making Departments
of the Government.

I have been thus full, and I fear wearisome
in order to show that that grave questions of law,
right, and principle, are involved in the subject
now before you, and that no inconsiderate or un-
authorized legislation should be allowed to emanate
from your committee to weaken the faith or tarnish
the fame of your government.

But it has been said that the treaties of
1868, authorize the passage of a territorial Bill
for the Indian country. This I deny, and affirm
that these provisions were intended to preclude the
exercise of such legislation by Congress. The
creation of the General Council of the Territory
by those treaties was to provide the only govern-

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ment there contemplated. Even the oft quoted treaty of the Choctaws and Chickasaws, who appeared as a sheep before the shearers after the close of the war in which they became involved, as did other tribes because of the weakness and the failure of the Government to extend the protection promised and due them, does not authorize or contemplate the legislation here proposed, or sanction any interference by Congress in extending over them a Territorial government of the United States. The bill under consideration does not conform to the Choctaw and Chickasaw Treaty. Yet if it did such treaty has no binding force upon Tribes not parties to its making, and is not sufficient authority or pretext for Congress to supplant by its use, the provisions of other treaties of equal sanctity. The Muskokees, Cherokees and Seminoles made treaties the same year as separate and independent communities. As such, they exist. As such they should be respected. Their treaties are equally the law of the land and are entitled to equal consideration.

These treaties of 1866 fix the form of government for the Indian Territory, and define its character. The manner of enlarging its powers, as

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defined by Cherokee treaty of 1866, is vested not in Congress, but in the President of the United States and National Council of the parties consenting to the establishment of the general Council; that is the Government ordained by the treaties of 1866, and was all required by the Government of the United States at the close of the war -- when these Indian communities were in such condition that they were almost literally forced to acquiesce in whatever terms the Government saw proper to exact. I therefore take the broad ground that Congress has no moral or legal right to legislate upon the question, "without the consent of the Indians." And who are the persons to be effected by your legislation, and whom it is proposed to include in one government? Why, not less than seventy thousand persons, mostly Indians divide into many nations and tribes with different languages, laws, customs, and interests, men whose rights are as sacred in the eye of law and honesty, as the rights of any other men whatever may be their complexion, men as devoted to their homes as any one on the face of the earth; men who are now at peace among themselves, who live

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on their own resources, who are giving you no trouble or cause for anxiety, who protest any interference with their rights, and only desire to be allowed to enjoy their homes in peace and quiet; men who either themselves or their forefathers were forced from their homes elsewhere, under the pledge of this Government that they should not be again troubled in future.

What are the influences at work to encompass the legislation for overrunning that country. They are altogether outside of the treaty.

So far as my knowledge extends, no person, identified by residence with its people, has asked for the legislation proposed. On the contrary, you have the earnest protests of the National Councils of all the principal authorized nations and the General Council of the Territory against it time and again reported.

Then whence comes this annual visitation of these Territorial schemes, threatening the stability, jeopardizing the rights, distorting the quiet, retarding the progress and endangering the peace of the country.

Why gentlemen, look at the charters of the railroads passed in 1866, and whose charters make

grants of land contingent upon the extinguishment of the Indian title to more than 20,000,000 acres -- in that thing alone you will see the coveted prize.

Look at the prevalent sentiment among thousands of people who are eager to squat down upon Indian lands, and the number of aspiring men who are already looking forward to the place and power in anticipation of your action. And then need you wonder at the costly excursions given to congressmen, legislatures and capitalists, by the railroads passing through it.

To the greedy avidity a part of the border press and the telegraph are used to chronicle and distort every unfavorable, or unlawful act that occurs or is provoked in that country, and the extraordinary efforts put forth to ... public attention towards it, ... upon it the gauge of cupidity. And what are the interests to be effected by these measures? Why, they contemplate a thorough revolution in the policy of the Government towards the Indians, and in the condition of the people, their money and their lands, a change in all the internal and external relations. They mean the breaking down of the tribal institutions, rights and distinctions that exist there. The division

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of their lands, the seizure of political power and control, the distribution of their funds, and the ultimate subjugation of the present population.

And what is that population? Why, chiefly Indians who own their own tracts of land and have their own laws and customs, their independent relations with the Government, their own degrees of civilization and their own peculiar languages.

You have the so called civilized tribes, the seven civilized and the untutored.

The Cherokees and others pushed from Georgia; the Delawares from Pennsylvania; the Sac and Foxes from the Northwest; the Caddoes from Louisiana, and the Modocs from the Lava beds of Oregon, &c. And what is the condition of the population heterogeneous as a whole, but separate and distinct in their respective relations and habitations.

From the Report of the Board of Indian Commissioners for 1872, I extract the following statistics respecting the Indian Territory and bearing directly on this point.

It will be seen from the comparison, that the Indian Territory, in population, number of acres cultivated, products, wealth, valuation, and school

statistics, is equal to any organized Territory of the United States, and far ahead of most of them. It has a smaller area than any other, and a larger population than any excepting Utah and New Mexico, It has more acres of land under cultivation than Washington Territory, over one-third more than Utah, and more than twice as many as Colorado or Montana, and the number of bushels of wheat, corn, and other farm products raised in the Indian Territory is more than six times greater than either Utah, New Mexico or Colorado.

Although any addition to the force of these facts will seem needless, it is but just to remark that the civilized Indians of the Territory had their lands devastated and their industries paralyzed during the war of the rebellion, in the same relative proportion as other parts of the South, and have not fully recovered from the effects; and that the reports of this year show an additional marked increase in population, acres of land cultivated, productions and wealth. The partially civilized tribes, numbering about 50,000 souls, have in proportion to population, more schools, and with a larger average attendance, more churches, church

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members, and ministers; and spend far more of their own money for education than the people of any Territory of the United States.

Life and property are more safe among them, and there are fewer violations of law than in any Territory. The Cherokees, with a population of 16,000, have two boarding schools and sixty-five day schools, (five of which are for the children of freedmen,) with an average attendance of 1,948 pupils, sustained at a cost of \$25,000 last year. The Creeks numbering 12,000, have three missions and 2,050 church members and an average Sunday school attendance of 464. They have one boarding school, attended by 860 pupils, at a cost of \$14,258, for the past year.

The Choctaws and Chickasaws, numbering 20,000, have three missions and 2,500 church members. They have two boarding schools and 48 neighborhood day schools. Thirty-six of these are sustained by the Choctaws, at a cost of \$36,500; fourteen by the Chickasaws, at a cost of \$33,000 last year.

But there are murders and outrages committed

in that Territory. Alas there are; such are the passions and violence of men -- the infirmities of poor human nature that crime and inhumanity and perversity crop out there as elsewhere.

And yet those who most loudly wail over such things in the Indian country, are most familiar with them at home.

Kansas on our border had its Benders, its mob at Lacygne, and its shootings along the line of its railroads and border towns -- Arkansas offers rewards, it is stated in the issue of a single paper, for fourteen murderers, to say nothing of the proceedings of mobs, white and colored, and individual acts of violence, which occur in the swamp and mountains. In Missouri the knights of the hood in broad daylight cause the gate keepers of city Fairs to stand and deliver; mobs stop railway trains, plunder or murder their passengers, shoot down the officers of the law in order to hang men who have been consigned to imprisonment. But more than this, here in full view of this Congress, which convenes in this most magnificent building of the world, not only are murders frequently committed, but the utterance of the noble

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motto emblazoned on the shield of one of the proudest states in the Union, the the "sic semper tyrannis" of Virginia has been sealed to the lips of exulting patriotism by its association, recorded in the page of time. And yet where is the man so weak of intellect, or so devoid of truth, or so insensible to manliness and justice as would visit with indignity, with calumny, with violence, the virtuous, the intelligent, the honest, the law-abiding, the patriotic multitudes in the fair communities or towns or states in which these things occur. Much as there may have been of crime in that country, amply as it may be deplored, I assert that in view of the surroundings of the cause of the agitations allowed to be kept up here by unauthorized persons by the fomenting of mischief in their midst, there is no undue proportion of unpunished crime there, and that life and property are as secure as anywhere else in the surrounding states.

If the laws of the United States do not cover, and adequately punish offences committed there, why does not Congress amend them and establish courts in such a manner, and with such jurisdiction as will remedy the evils, Congress has the authority to do

it, and Indians should not be held responsible for any acts placed beyond their control. But I appeal to experience to show that the charges of lawlessness are exaggerated. There is no obstruction to travel, whether on foot, by horseback, by wagon or by rail. No injury so far as I am advised has been done at any time to the railroad track, no bridge burnt, no cars wrecked, no passengers injured or molested, not telegraph wire ever cut or destroyed. These facts speak for themselves and show that the complaints are groundless. That some say that the country stands in the way of progress, and is the abode and harbor of crime, are unfounded, and that the people who belong to it are engaged in the quiet pursuits of moral life, that they are at peace among themselves and with the whites who surround them. Let me entreat you gentlemen to foster, not destroy that condition of things. But you are told that the freedmen in that country are in a most deplorable state, houseless, homeless, friendless, despised and neglected. This is a new cord to the Territorial Harp of a thousand strings, touched by a new and unskilled hand, its notes nevertheless are so sweet

and gentle as to be suggestive -- sweetest are the notes of the swan. Now let us seek the truth in respect to this Indian country. From the best information I have been able to obtain, there are not exceeding seven thousand freedmen in in the whole country, and the estimate of three thousand of them are among the Choctaws and Chickasaws is believed to be too large, and what is their status? The Cherokee Nation, by an Act of the National Council, abolished slavery February 1863. By the treaty of 1866, all freed persons who were former slaves to the Cherokees, and all free negroes residing in the Nation at the beginning of the war and who shall return to the nation within six months from the date of the treaty, and their descendants have all the rights of native Cherokees. The Choctaws and Chickasaws, Cherokees, Creeks and Seminole treaties of 1866 all contain the familiar prohibition that neither slavery nor involuntary servitude shall ever exist among them. otherwise than in the punishment of crimeswhereof the parties have been duly convicted in accordance with law applicable to all the members of the tribes -- alike.

By the third Article of the treaty of

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Washington with the Choctaws and Chickasaws, it is provided that they will "give to all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage of citizens of said nations, except in the annuities, monies and public domain claimed by or belonging to said nations respectively; and also to give to such persons, who were descendants, forty acres each of the lands of said nations, on the same terms as the Choctaws and Chickasaws."

And by the 4th Article of the same treaty it is provided that, "The said sections further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and then fully recognize the right of the freedmen to a fair remuneration, or reasonable and equitable contracts for their labor, which the law should enable them to enforce. And they agree on the part of their respective nations,

that all laws shall be equal in their operations upon Choctaws, Chickasaws and Negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected from injury." It also provides that said freedmen shall have privileges of farming while they remain among the tribes, and to an equal distributive share of \$30,000, set apart especially for the freedmen by the Choctaws and Chickasaws.

By the Article of the treaty of Washington of July 19th, 1866, with the Cherokees, it is provided that, "All the Cherokees and freed persons who were formerly slaves to any Cherokee, and all free negroes; not having been such slaves, who resided in the Cherokee Nation prior to June 1st, 1861, who may within two years elect not to reside north east of the Arkansas river, and southeast of Grand river, shall have the right to settle in and occupy the Canadian District southwest of the Arkansas river, and also all the tract of country lying northwest of Grand river, and bounded on the southeast by Grand river, and west by the Creek reservation, to the north west corner thereof," as will include

a quantity of land equal to one hundred and sixty acres for each person, who may so elect to reside in the territory above described in this Article. Article 2nd of the treaty Washington of the 14th June, 1866, with the Creeks it is provided, "Inasmuch as there are among the Creeks many persons of African descent who have no interest in the soil, it is stipulated that hereafter these persons, lawfully residing in said Creek Nation under their laws and usages, who have been thus residing in said country, and many return within one year from its ratification of this treaty and their descendants, and such others of the same race as may be permitted by the laws of the said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (Thereof) shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds and the laws of the said Nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe."

By the 2nd Article of the treaty of Washington

of March 21st, 1866, with the Seminoles is the same as that of the Creeks.

From these provisions of the treaties it will be evident that the leading tribes of the Indian Territory, and which are the only ones within its limits who held slaves at the beginning of the war, have dealt with them in the main, in a just and liberal manner. The Cherokees, Creeks and Seminoles have been munificent towards them placing them upon an equal footing with native citizens, and this signifies equal rights under their laws in political franchises in lands and moneys. Among these three tribes there are more than three thousand colored people thus situated to-day, and there are probably something over one thousand more who are there by sufference and enjoy no rights of citizenship, simply because of the United States and have no legal claim to be admitted to share in the lands money and privileges found. The treaties make them intruders, as other citizens of the United States and whatever may be our sympathies in the case, and I have shown mine so far as those among the Cherokees are concerned, they have no legal rights there, and the government cannot more fairly force their admission to a participation in the property of the people

of that country than in that of the people of Missouri or New York.

It is said by the advocates of those measures that the Indian country stands as a barrier in the highway of progress and development. That enterprise is checked and thousands of acres of land are sealed, to the industrious and landless. This is not the case. The treaties before referred to grant, Yes, grant the right of way to Railroads running East and West, North and South across their domain. One of these roads has been completed and the other partially so.

Thus enterprises were undertaken with full knowledge of the condition of the country and the policy of its people and of the Governmen towards it, and if their projectors have reasoned erroneously, it is their fault and Indians should not be despoiled for their benefit. Besides these roads there are numerous highways and cattle routes travelled annually by thousands of travellers, emigrants and drovers with their families and herds. So far as the question of land is concerned, I remark that I have shown that it belongs to the Indians, that the portion of it unoccupied at present is set apart for

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the settlement of other Indians who are to be brought into the Territory, provisions has been made for their acceptance and there is no opposition to their admittance. You have untold millions of acres of your own domain beyond their limits to provide homesteads for your own people. Neither intercourse, commercial facilities nor the wants of your population require the opening of that country. Again it is alleged that the Indians do not improve. The reverse is the fact, They are progressive, rapidly progressive, and self-sustaining as shown by the statistics. They are expending largely on their own means for the education of their children in the English language. But thousands upon thousands of both adults and children are wholly ignorant, not only of your books and laws, but of your language and of the languages spoken by each other. There is not one of the civilized nations that does not require the use of interpreters in the transaction of business in their legislative proceedings. And does not this fact alone show that the question of consolidating, wisely and harmoniously such communities is a work of great delicacy. Do these proposed territorial measures possess such magic

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power that all these incongruities shall vanish as the mist of the morning before the rising sun? Are they so efficacious as to cause all the diverse, conditions, rights and interests to coalesce and flow together in one stream of unity and good feeling.

Do not be deceived. The complete consolidation of these Indians is a work which will require time, patience, labor and encouragement, and it must be begun by building up and not tearing down and be carried on in consonance to some extent at least with not only their wishes, but even their prejudices. In regard to the Bill now under consideration, I object to it first, because I am opposed to any such measure as unauthorized by Treaty, not warranted by the condition of the Indian country, uncalled for by the people to be affected by it and as the inaugurating of system of Legislation which once begun will not stop short of the utter disruption of the Indian people, whose only hope lies in quiet protection and fostering care. Because it singles out the provisions of the most unfavorable and to the other Indians the most objectional Treaty of 1866, as the nominal basis upon which to found provisions objectionable to the

other nations to be affected by it, and not in accordance with guarantees made them in equal good faith -- of equal sanctity.

As evidence of this I refer to Sec. 3rd where it deprives any tribe of representation whose population does not exceed five hundred. To Sec. 5th, which empowers the assembly to legislate for the construction of works of internal improvement, I need not tell you that the legislative power of that Territory organized upon the basis of this Bill, will be the absorbing power of the Territory, and that the interests of works of national improvement, the directing and controlling influence of that power. The lands of the Cherokees are their own. Their Treaty does not confer this grant of power over their domain, upon any authority beyond themselves and they will not consent to place these important interests in the hands of strangers and aliens, into a common pool where the shrudest and most daring adventurer will grasp the prize. The Proviso to the 9th Sec. discriminates against all Indians in the Territory, binds the Choctaw, Chickasaw, Creek, Seminole and Cherokee Nations and makes no provisions for the protection of their tribal organization, legislatures,

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judiciaries, rights, laws, privileges and customs, while the provisions of the Treaties of 1866, upon which this Bill is professedly based, places all tribes consenting to the establishment of the General Council of the Indian Territory upon an equal footing in respects to such subjects.

Section 11 makes the Superintendent of Indian Affairs the Executive of the said Territory, with the title of Governor of the Territory of Oklahoma. That provision is peculiar to the Choctaw and Chickasaw treaty. Not only the position and the title of this Executive Officer, but even the name of thing is unknown to the other nations and tribes of the Indian country, and involves a position -- the governorship of the Territory -- in regard to which they are most sensitive because it is second in importance to no other officer in the Territory.

Section 12th, to the Indians is a nut without a kernel, while Section 13th is the Trojan Horse. Indian suffrage is placed upon the adoption of the customs of civilized life, that of citizens of the United States upon legal residence. Upon what customs and upon what lawful residence? And who are to determine these questions? What are the customs of

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civilized life, and how many must an Indian have to be allowed the right to vote in his own country, or be deprived of that right? The customs of civilized life as we know it are both numerous and somewhat mixed, and who are to determine the degree of advancement in those things, the exact standard of excellence or proficiency in these "custom's" necessary for the exercise of this important right. Adopt this provision if you think best, but let me suggest that you create a new Board of civil or uncivil service, as the case may be, to settle these questions, and allow the candidates for the exercise of the right time to prepare for the examination. This provision is to the people of that country, and if you by the passage of this Bill make them citizens of the United States, it is unconstitutional. It will debar thousands of the people of that Territory, while any trader, any government official, any railroad employee, any laborer, in it, under the sanction of law will be allowed to vote. Even more than this, the Proviso blots out every distinction of color as to rights in the Territory, and destroys any safeguard seemingly thrown around the Indians. For, if not so intended, it will overflow the country with white and negro

votes.

Section 15 is contrary to the Article of the Cherokee Treaty of 1865, which vests the question of surveying and allotting their lands exclusively in the will of the National Council.

But, gentlemen, I weary you. In conclusion, let me say that the line of wisdom in this as in any other case is the line of justice. Keep your faith. But few Indian are left. Those, in the Indian Territory, are quiet, peaceable, progressive, and friendly. They ask simply your protection. You have promised it. Extend it, and thus, instead of their extermination, in the course of a few years, they may imperceptibly be mingled in blood, sentiment, intelligence, and high aspirations with your own descendants.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, February 28, 1874
Vol. 4, No. 42, 198
John L. Adair, Editor

LETTER OF W. C. GOULD TO EDITOR OF THE SUN

Sir:

I attended a lecture delivered before the Young Men's Christian Association in this city on the 9th by Col. E. C. Boudinot, and found a large audience, who received the versatile orator with the warmest tokens of welcome, while the easy and graceful style in which he delivered himself elicited general approbation. He showed great familiarity with the manners, customs, traditions, and present condition of the civilized Indians of the Indian Territory. He dilated at length on the scores of treaties which had been made with the Indian tribes, in each of which they had been prevailed upon to cede their homes and accept other reservations a little further on out of the way, which are always pledged to them so long as water runs or as grass grows. But the Colonel condemned this policy as most absurd

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and unjust, causing nine-tenths of the Indian troubles, contending that in no solitary instance since the foundation of the Government had the removal of the Indians been effected through their own desire.

He represented that all but about sixty thousand of our Indians were as wild as when Columbus first planted the Cross and the standard of Spain upon the shores of this continent, thus intimating that the lives of the civilized Indians would not be safe if the wild ones should settle in the Territory, in the face of Gen. Harney's assertion that after fifty years residence among these same wild Indians he had never known an outrage perpetrated on the whites by those Indians that had not been preceded by a worse outrage by the whites on them; and also in the face of the fact that our four hundred treaties made mostly by wild Indians with our Government if has been claimed on the floor of Congress that not one of them was ever first broken by Indians.

After discoursing largely on the injustice and impositions inflicted on his race, thus inspiring his audience with the belief that he was only actuated by the most unselfish desire for the welfare of his brethern, Col. Boudinot began to pave the way for Indian Ring speculation by setting up the pretence

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that, as the Indians in the Indian Territory were civilized, they needed the same laws as we do for the better protection of their lives and property, when it is a well-known fact that if the speculators and white trash who have no right there were cleared out life and property, would be safer there than in the States. The Colonel then, on behalf of the Indians in the Territory, entreated the audience to aid them in obtaining a Territorial form of government, providing for a survey of the lands, giving each Indian and child in the Territory 160 acres, the balance to be sold by Government for \$1.25 per acre, thus giving the Ring a chance to clutch about 37,500,000 acres at \$1.25, or, by virtue of railroad charters, for nothing, when much of this land is worth from \$5 to \$500 per acre. His plan would doubtless extinguish the Indian title to all the land except the 160 acres named for each Indian, letting the rail road companies seize the immense subsidies named in their charters, leaving 200,000 wild Indians, as they are called, on the verge of starvation for the want of this very land.

After complaining so bitterly against the violation of Indian treaties by our Government, Col. Boudinot not proposes not only to violate but to

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abolish the most sacred and important Indian treaty ever made, thus covertly robbing his race of the splendid domain of forty-five and a half millions of acres so sacredly pledged for their sole use as a home, and which is sufficient to give over 165 acres per head to every Indian adult and child in the United States and Territories. But the strongest evidence of deception is yet to be told --- namely, that while speaking as the undisputed representative of the Indians in the Territory, he kept his audience (so far as I could learn) in most blissful ignorance of the grand council held on the 1st of December last at Okmulgee, Indian Territory, where seventeen tribes (which must have embraced all the tribes in the Territory) were represented by delegates, who, after due deliberation, voted (as was stated) unanimously against the Colonel's pet scheme of territorial organization.

I of course do not pretend to know that Colonel's secret purposes, but I was constrained to believe that if his very respectable and intelligent looking audience had had a glimpse of the foregoing facts no such loud applause would have been accorded him. If your readers will consider that this scheme

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will afford a chance for the Ring to clear from fifty to one hundred millions of dollars out of the thirty-seven and one-half millions of acres taken from the Indians, they can easily perceive whether it is not the most gigantic Indian swindle that was ever attempted, and whether the Colonel is a traitor to his race or not.

But it may be said that the Peace Commissioners have just reported against this scheme, and therefore it cannot succeed. It is true that among many excellent suggestions they have also made such a report, but we must remember that they are merely an advisory board, and that in spite of similar reports heretofore made by them, the diabolical influence of the Indian Rings at Washington (according to a letter from the Hon. Wm. Welsh, the former Chairman of this same board, to President Grant published in the New York Sun of the 10th inst.) is still in full force. I am sorry to add that President Grant himself has been prevailed upon to recommend this proposed law.

Published by request of our Executive Committee.

W. C. GOULD.

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Sec'y. of the Am. Indian Aid Association.

318 Fulton Street, New York, Jan. 31, 1874.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 7, 1874
Vol. 4, No. 43, 199.
John L. Adair, Editor

THE PARKER BILL INTRODUCED

Washington, D. C.

Feb. 9th, 1874.

Mr. Editor:

On the 7th inst. the Committee on Territories of the House, took into consideration Mr. Parker's Bill to organize the Territory of Oklahoma and heard Col. W. P. Ross, our Chief state his objections to the Bill, on part of the Cherokee Delegation. I sent you a full copy of his remarks yesterday, being aware from personal experience of the anxiety to receive news from Washington felt by all our people. The Chief's address occupied about two hours in delivery, and, I judge was very well received by the Committee, as it was unquestionably unanswerable and clear, especially upon the title to the land. In regard to this most material point the

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address shows thorough research, and should be carefully studied by every Cherokee, as well as seriously considered by Congress, as I believe indeed, it will be.

There were present besides the Cherokee Delegation, the Choctaw Delegate, Col. P. P. Pitchlynn, the Delegates, Col. McIntosh and associates, and other Indians who happened to be in the city, and who considered it a piece of very good fortune to be able to be of the audience.

After Mr. Ross concluded, he was asked by Mr. Hines, one of the Congressional Committee from Arkansas, whether the same objections in regard to the difference in language and culture which, Col. Ross, had just urged against the establishment of a Territorial Government, would not also apply against the establishment of a United States Court in the Indian country? Col. Ross replied generally that he had no doubt the present citizens of the Territory were sufficiently intelligent and capable to furnish all the material that may be required for the composition of such Court or Courts as the United States Government is authorized, to establish in pursuance to treaty.

Mr. W. P. Boudinot was asked if he had not had

ample chances to become acquainted with the sentiments of the Cherokees in reference to a Territorial measure, and replied. "That he had such opportunities, and thought he knew what the ideas of the Cherokees were upon the subject though not from any public expression of their opinion by mass meetings or political gatherings (which were not usual there) but from an extended personal acquaintance and the frank utterance of opinion in private conversation. The feelings and opinions of the Cherokees in regard to the matter has always been, as they are now, governed and shaped by a supreme regard for what they have agreed to in their Treaties, and what the United States have agreed to in the same instruments -- aware as they were and are, that their salvation as a Nation and as a Race depends upon the faithful observance of what was intended to protect and preserve both -- namely mutual obligations of white and red as formed in the stipulations of treaty. Any Bill therefore proposed in Congress affecting the Indians would be tested by a comparison of its provisions with treaty covenants. Should this Bill or any Bill agree with the treaties now in force between the United States and the Cherokees, the latter would be the last ones to withhold their approval. If on the other hand

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the Bill did not agree with what they had pledged and with what the Government had pledged to them, they might be expected to be among the first to protest against and oppose it. The Cherokee idea had been heretofore that Territorial Bills were intended to violate the faith of the government and destroy the Indians. Here we have a Bill purporting to establish a government and to carry out the treaties of 1866. The question with the Cherokees will be, does the Cherokee treaty authorize the creation of any general government at all over the Indian country. If so, is Congress authorized to establish it, and if so, is the kind of government provided to be established by treaty, established by this Bill. Thus the Bill must be taken in one hand, and the treaties in the other, and a fair and just comparison made between them.

From the 1st to the 9th Sections of the Bill the provisions do not differ materially from the provisions of the treaty so far as the organization of the Grand Council or assembly is concerned. In so far the Bill may seem to be fully authorized. But it is not so, because in so far it is unnecessary and superfluous, and therefore is an assumption by

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Congress of the power to create a general Council of the Indian Territory which power it is tacitly intimated Congress obtains from treaty, but which it does not in view of this plain fact. The Grand Council is already created and has been in full operation for several years, without any aid or action from Congress to set and keep it going except the mere appropriation of money to pay the members, which is a distinct obligation imposed upon the Government by treaty also. In so far then as this Bill implies that Congress may, in pursuance of treaty stipulation, establish a Grand Council of the Tribes, with certain defined legislative powers, the said Council to take its authority directly from the Government of the United States alone, I cannot but think the Bill is superfluous as well as likely to inculcate erroneous notions upon the whole subject. This I have understood to be the opinion of Col. W. P. Adair and I concur in it as I understand it. But I do not agree with his reported opinion that the Government as contemplated by treaty with the Cherokees, of which the Grand Council is the legislative department is complete, as intended by all the treaties of 1866 including that with the Cherokees. I notice the close of those parts of the treaties respectively which relate to the Grand Council or General Assembly, that

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it is invariably agreed between the parties that a Court or Courts shall be established by the United States in the Indian Country with such jurisdiction as the United States shall see fit to give to it, or them. This provision concerning Courts occurs in all the treaties except that of the Cherokees, as the concluding clause of the Section devoted to the creation and regulation of the Grand Council, and in the Cherokee treaty it comes in a separate Section immediately following that in reference to the Council. If there is anything in the connection between ideas as well as in the ideas themselves, the Court or Courts to be thus created by the United States were designed to constitute the Judicial Branch of a Government of which the Grand Council is the Legislative Branch, and the Superintendent of Indian Affairs the Executive Head. It is not to be supposed that the Cherokees would or will object to the enforcement of laws they have expressly agreed shall be enacted, even without any provision for their enforcement. But here we have such a provision as expressly provided as is the reason why it should be.

That a general Government of some kind was intended by the Cherokee treaty to be created in and

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for the Indian country is conclusive. It is equally conclusive that it not only was not intended to be a Territorial Government in the usual sense of the word, but it was intended as our Chief says to preclude the necessity of subjecting the Indians to such a government. There is a general legislature which it took the assent of all the tribes to make general. This legislature is empowered to make laws regulating the intercourse between the members of different tribes and between members of the tribes and all other persons. This is a vast field for civil regulation left uncared for and uncultivated, and the neglect of which is more prolific of disturbance and difficulty in the Indian country than all other causes put together.

Why? Because the Government does not do what it has agreed to do, which is to create a Judicial Power to carry out the laws the Grand Council or Assembly is authorized to make. With the legislative power exerted by the Grand Council, the Judicial power exercised by the Courts the Treaty provides shall be created, and the Executive power lodged in the Superintendent, the Government will be complete, but it will not be a Territorial Government while every proper object of a Territorial Government will be answered.

After Mr. W. P. Boudinot made the above remarks in substance, Col. W. P. Adair, Cherokee Delegate, submitted certain documents having relation to the subject and against the proposed measure, and said: -- "The United States Government have entered into certain agreements with the Indians of the Territory which the bill now considered proposes to violate. All that the Indians ask of the Government is that it should keep its faith. The Cherokees have kept theirs, and will continue to keep it. But here is a positive provision in treaty which authorizes, and by implication requires the General Government of the United States to establish Courts in the Indian country. The General Government has failed to do so these five years or more. All this would be very well were it not for the fact the results of this omission of duty on part of the Government is laid to the door of the Cherokees and served as a pretext for urging the passage of some kind of a Territorial Bill looking to our destruction. If there are any reasons, gentlemen in the condition of the country and of society in the Indian Territory which seem to justify a Territorial Bill, they are reasons of the

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Government's own making or permitting. Who knows or can tell whether the presence of United States Courts in the Indian country, established in conformity to treaty would not wholly cure the state of affairs so much complained of there, and which is made the pretext for so many efforts to supplant the local Indian Governments? The best evidence that it would cure is that the cure is avoided, while at the same time cruel advantage of the disease, if disease there is, to any further extent than usually afflicts civilized society. Be that as it may, neither this Bill nor any Territorial Bill can be passed without making the Indians citizens of the United States and depriving them of all claim to special protection of the Government. Exposed to the inevitable repugnance and hostility of the white race, excited by differences in language, color, manners and everything else that goes to make natural enemies or friends out of neighbors the red man will be doomed to destruction, by an act of pretended grace and honor. And the act will not only be cruel but it will be treacherous so far as it will be attended with results, which are not visibly intended. The best legal talent has

been consulted and there is no disagreement in the opinion that the result of this Bill will be to make all the residents of the Territory citizens of the United States, and consequently I say that it will have any other effect than to carry out the treaties of 1866, which intend to accomplish no such thing, but indeed the exact reverse.

What Congress may and should do in compliance with treaty stipulation, is to amend the Intercourse law, and if necessary, to establish the Courts authorized to be established by the United States in the Indian country. The Intercourse law has amended twenty-two times, and may be again and again to suit the necessities of the times as they arise. As for the Courts authorized by treaty to be created, let them be created if they are required. But who is to judge? Certainly not the Indians. The Courts are to be established by the United States when the United States see fit. There is no restriction or condition, and the Cherokees will be the last ones to protest against what they have deliberately assented, to, at a time when they are urging others to imitate their own steady fidelity.

The Bill is further worthy of attention in

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respect of this point. Article 4, Section 2d of the Constitution of the United States provides that the citizens of any state within the territorial boundaries of the United States shall have, and be allowed to exercise, all the rights and privileges of those of another State. The term State has been defined by the Supreme Court to mean not only a State Government but a Territorial Government. Granting then, that the Government intended to be created by this Bill is a Territorial Government of the United States, (which will hardly be denied) it follows, according to the decision and Section of the Constitution just referred to, that all citizens of the United States will have the same rights within the Territory to be created that are exercised by the present residents. No one can be, or will be, excluded, or accounted intruders. The question of the opening of the Indian country to white settlement will be settled in the affirmative. The Indian question will be, as usual, settled by the destruction of Indian nationality and the extinction of the Indians -- if this Territorial Bill becomes a law."

After Mr. Adair concluded his remarks the Committee adjourned to meet on the following Wednesday.

Yours truly,

RAVEN.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, March 28, 1874
Vol. 4, No. 46, 202
John L. Adair, Editor

MEMORIAL OF CHEROKEE DELEGATION ON PROTEST

To the Congress of the United States:

The undersigned would respectfully beg leave to call the attention of your honorable body to the bill No. 505, reported to the Senate by the Committee on Indian Affairs during your present session. This bill provides for the removal and subsistence of the Cherokees, now east of the Mississippi river to the Cherokee Nation, and for that purpose specifies that a new census of said Cherokees shall be taken, and that a sum of money be appropriated out of the Treasury of the United States equal to the sum of fifty-three dollars and thirty-three cents per head for said Cherokees. To these provisions we have no particular objections, as our treaty stipulations with the Government provided that when such removal and subsistence become necessary, they shall be at the expense of the

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Government. But the bill under consideration has a proviso to which we object, and which specifies that the funds thus appropriated out of the Treasury of the United States "shall be charged to the general Cherokee fund under the treaty of New Echota and shall be reimbursed therefrom."

As before indicated, the United States Government under our treaty of 1835 is bound, at its own expense, to remove all of the Cherokees residing east of the Mississippi to the Cherokee Nation. On this subject our treaty of 1825, art. 8, provides; "The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steamboats and baggage wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician, well supplied with medicines; shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so, and they shall be allowed in full of all claims for the same twenty dollars for each member of their family.

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and in lieu of their one year's rations, they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it. Such Cherokees also as reside at present out of the Nation, and shall remove with them in two years west of the Mississippi, shall be entitled to allowance for removal and subsistence as above provided."

The last section of the article quoted embraces such Cherokees as the bill No. 505, under consideration, has reference to; and by the operation of the 12th article of the same treaty, (of 1835) such Cherokees as failed to remove west to the Cherokee Nation within two years from the date of that treaty became citizens of the States wherein they resided. That article 12 specifies as follows: "Those individuals and families of the Cherokee Nation that are averse to a removal to the Cherokee country, west of the Mississippi, and are desirous to become citizens of the States wherein they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due proportion of all the personal benefits accruing under this treaty for their claims, improvements and per capita, as soon as an appropriation is made for this

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treaty." Under this provision we are informed that the Cherokees remaining east of the Mississippi received pay for their "claims," "improvements," and their "per capita" moneys, in like manner as those Cherokees who removed west; and hence, under the provisions of the treaty quoted, became by their own acts, "citizens" of the States wherein they resided," and as a consequence they forfeited under said treaty all of the other rights and benefits, to which they would have been entitled, had they removed west within two years under the terms of the treaty as the other Cherokees did. Although the 10th article of the Cherokee treaty of 1846 provided that these east Mississippi Cherokees should not lose any of the rights and benefits conferred upon them by said treaty of 1835; yet this treaty of 1846 conferred no new rights upon these Cherokees, nor in any manner extended those conferred by the treaty of 1835-6. The 10th article of the treaty of 1846 reads as follows: "It is expressly agreed that nothing in the foregoing treaty (of 1846) contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi river had,

or may have under the treaty of 1835 and the supplement thereto."

About two years after the date of this treaty, namely, in 1848, Congress passed the act of that date, and of which the bill No. 505, under consideration, is amendatory. The act of 1848, so far as the Cherokee Nation is concerned, is altogether arbitrary, and has never had the assent of said Nation but has received its constant protest, and if it be so construed as to compel the Cherokee Nation, instead of the Government, to pay the expense of removing and subsisting the Cherokees or any part of them, to the Cherokee Nation, then it is in violation of our treaties, and is moreover in decided conflict with the acts of Congress of July 2, 1836, (U. S. Statutes, Vol. 5, page 73,) and of June 12, 1838, (U. S. Stat., vol. 9, page 241,) which appropriate the funds to pay the expenses of the removal and subsistence of all the Cherokees. The first named act sets apart the sum of six hundred thousand dollars (\$600,000) for the removal of the Cherokees, and for their spoliation claims. This amount does not come out of the five millions of dollars due the Cherokees under the treaty of 1835 for their lands east of the Mississippi, because the

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very same act also appropriates this sum of five millions dollars less the sum of five hundred thousand dollars deducted for the cost of the Cherokee "neutral lands."

The second act referred to above, of June, 12, 1838, appropriate the sum of one million and forty-seven thousand and sixty-seven dollars (\$1-047,067) out of the Treasury of the United States "in full" for all objects specified in the 3d article of the supplementary treaty of 1836, including the subsistence of the Cherokees west for one year as well as their removal provided for in said 3d article. We invite your special attention to the following proviso in this act referring to those funds to pay for the removal and subsistence of the Cherokees:

"Provided, That no part of said sum of money shall be deducted from the five millions stipulated to be paid to the said tribe of Indians (Cherokee) by said treaty (1835); And provided further, That the said Indians shall receive no benefit from the said appropriation, unless they shall complete their emigration, within such time as the President shall deem reasonable, and without coercion on the part of

the Government."

The appropriation named in these two acts, viz, \$600,000, and \$1,047,067, go to make up the \$1,647,067, that were added, (as funds of the United States,) to the \$5,000,000 of the Cherokees, for their lands, under the treaty of 1835; and both sums constitute the \$6,647,067, named in the 9th article of our treaty of 1846, as a base of settlement between the Cherokees and the Government, and out of which certain funds were to be set apart to "pay for improvements, ferries, spoliations, removal, and subsistence and commutation therefor, debts and claims against the Cherokee Nation of Indians for an additional quantity of land ceded to said Nation, and the several sums provided to be invested as the permanent funds of the Nation" -- and also the "per capita" moneys due the whole Cherokee people.

From our treaties of 1835-'6, and 1846, and your several acts of appropriation in relation thereto, this \$6,647,067, was set apart in the following funds permanently:

- 1st. For the Cherokee National Fund \$300,000.
- 2d. For the Cherokee School Fund \$150,000.
- 3d. For the Cherokee Orphan Fund \$50,000.

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4th. For the payment, for the Cherokee neutral lands \$500,000.

5th. For the removal and subsistence of the Cherokees, and commutation therefor, and for ferries, improvements and for spoilation, provided for in the 3rd article of the Cherokee supplemental treaty of 1836, and the 6th article of the treaty of 1846, as per acts of appropriation of July 2d, 1836, and June 12th, 1838 \$1,647,067.

6th. For amount due the whole Cherokee people as "per capita" moneys \$4,000,000.

Total amount \$6,647,067.

The Funds set apart for the removal and subsistence of these east Mississippi Cherokees, and as provided for by the act of 1848, in question, have been funded from time to time heretofore, and may be funded from time to time hereafter, from the "general removal and subsistence" fund of \$1,647,067 above stated, as such Cherokees may remove; and after their final removal the whole costs of their removal can be reimbursed out of said fund, which is in the Treasury of the United States, subject to be drawn on hereafter, as it has been heretofore, and which constitutes no part of the \$5,000,000 due the Cherokees

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for their lands. The Indian Bureau took this view of the subject in 1868, when the act of Congress of that date was passed amending the act of 1848, for a new census roll of said Cherokees with the view of a proper application of the funds set apart by that act of 1848. This is evident from the fact that said act of 1868, makes no new appropriation for the removal and subsistence of said Cherokees.

The act of 1848, after providing for a census of the east Mississippi Cherokees, authorized the application to their removal and subsistence west of a sum of money out of the United States Treasury, equal to \$53.33 per head of each Cherokee removed, with the proviso that the money thus applied should be "charged to the general Cherokee fund, under the treaty of New Echota, and be reimbursed therefrom." In considering the question, in 1868, as before stated, as to whether the Cherokee Nation was bound under this proviso to pay the expense of the removal and subsistence of said Cherokees to the Cherokee Nation, the Indian Bureau coincided in our views as expressed, and decided that the "fund" alluded to in the proviso, in view of the Cherokee treaties of 1635, 1836 and 1846 and 1866, and the acts of Congress

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referred to of 1836 and 1838, constituted no part of the five millions of dollars allowed the Cherokees for their lands, nor had any reference to any of our funds arising under the treaty of 1866, but applied solely to the general Cherokee "removal and subsistence" fund included in the \$1,647,067, appropriated for these purposes by said acts of Congress, with the express priviso that no part of the same five millions of dollars. This view of the subject is not only in accord with our treaties, and the several acts of Congress carrying them out, but is also sustained by the consequent action of the Government, whereby said five millions dollars fund has been permanently disposed of by it, and absorbed for purposes outside of the "removal and subsistence" of the Cherokees, and is now, by this action of the Government, entirely beyond its legitimate reach for removal and subsistence purposes. This absorption of said five million fund has been provided for by said treaties and acts of Congress, as follows: 1st. Invested for school purposes in the Cherokee Nation, \$150,000; for orphan purposes, \$50,000; for national purposes, \$300,000; paid for the Cherokee "neutral lands" in Kansas,

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\$500,000, making a total sum of \$1,000,000, permanently disposed of by the Government. This sum being deducted from the \$5,000,000 referred to leaves the sum of \$4,000,000 that ought properly to have been paid to the Cherokee people as "per capita" moneys under the treaties of 1835, 1836 and 1846; whereas only a part of that amount, viz., about \$1,446,923 was, actually paid, leaving a balance of said "per capita" moneys of \$2,453,077, which the Government has either withheld or misapplied; and the Cherokees have a just claim on the Government for that amount, with five per centum interest, from the date of the treaty of 1835, according to a resolution of the Senate of September 5, 1850. I have thus shown that said five million fund is not applicable to the "removal and subsistence" of the Cherokees; and that it has been otherwise disposed of by the Government; and that the only fund set apart by the Cherokee treaty of New Echota for the removal and subsistence of the Cherokees, is embraced in the \$1,647,067, appropriated in the acts of 1836 and 1838, and which has been in the Treasury ever since the acts of appropriation, and drawn on from time to time heretofore, and may be drawn on from time to time hereafter to defray the expenses of the removal and subsistence of the Cherokees, until it shall have been completed.

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I would further call your attention to the fact that, under the 10th article of our treaty of 1835, the funds invested for national, school, and orphan purposes, are "permanent funds" of our Nation, the interest on which cannot be applied in any other manner than that specified in the treaty; and that under the 23d article of our treaty of 1866, these funds, together with all other funds then due our Nation or that might thereafter accrue to it from the sale of any of its lands, are provided to be invested in United States "registered stocks," at their current value, and the interest on the same is to be applied semi-annually, fifty per cent, to the support of our Nation, thirty-five per cent, to the support of our schools and fifteen per cent, to the support of our orphans.

This article of the treaty of 1866 reads as follows:

"All funds now due the Nation, or that may hereafter accrue from the sale of their lands by the United States, as herein provided for, shall be invested in United States registered stocks, at their current value, and the interest on all said funds shall be paid semi-annually, on the order of the

Cherokee Nation, and shall be applied to the following purposes, to wit: Thirty-five per cent, shall be applied for the support of the common schools of the Nation, and educational purposes; fifteen per cent, for the orphan fund, and fifty per cent, for general purposes, including reasonable salaries of district officers."

Thus you will see that this treaty of 1866, being of a later date than the act of 1848, places beyond the reach of that act all of our invested funds accruing under our treaty of New Echota (1835) as well as all of our funds to arise under said treaty of 1866. So that there are no funds arising from any of our treaties, that can possibly be applied for the "removal and subsistence" of the Cherokees except the "removal and subsistence fund" of \$1,647,067, already alluded to as having been set apart by the treaty of New Echota and the acts of Congress named, of 1836 and 1838. Of this fund there ought to be yet in the Treasury vastly more than a sufficiency remaining, subject to be applied, for the transportation and subsistence of all ~~Cherokees~~ ^{one} Cherokees yet to be removed to the Cherokee Nation.

In view of the facts set forth, I respectfully

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petition that you strike out the "Proviso" contained in said bill, No. 505, and pass the bill so as to appropriate the expense of removing and subsisting the Cherokees, named in the bill, out of the United States Treasury, to be refunded, after final removal, out of the "removal and subsistence fund," provided by the treaty of New Echota, 1835, and the treaty of 1846, and provided for by the acts of appropriation of July 2, 1836, and June 12, 1838, so that the Cherokees will not be required to pay any of such expense. Although the Cherokees provided for in said bill, No. 505, have forfeited all of their rights, as citizens of the Cherokee Nation, yet on account of a common blood and sympathy, and in view of their distressed condition, the Cherokee Nation have always kept its doors open for their reception, and it now welcomes them to come to the Nation as their home; but protests against said Cherokees having equal rights in the lands and moneys of the Nation, until they shall have removed and located therein, as citizens thereof, the same as the other Cherokees have done.

WILL P. ROSS,

Principal Chief.

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JOHN B. JONES,

W. P. ADAIR,

R. O. ROSS,

D. W. BUSHYHEAD,

Cherokee Delegates.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, April 4, 1874
Vol. 4, No. 47-203
John L. Adair, Editor

LETTER OF WM. C. GOULD & J. B. JONES
TO EDITOR OF THE SUN

To the Editor of the Sun.

Sir:

The following important letter of the Joint Indian Delegations at Washington to the Secretary of the American Indian Aid Association, fully sustains the position of our Association on the subject of the proposed Territorial Government for the Indian Territory, and the criticisms heretofore published in The Sun on that subject and the extraordinary position of Col. E. C. Boudinot.

WM. C. GOULD.

Secretary A. I. A. A.

American Indian Aid Association.

Sir:

Enclosed please find a brief statement of the construction given by such signers of the Indian treaties of 1866 as are now in this city, to the articles authorizing the creation of a general Indian council for the Indian Territory.

It so happens that I am the only signer of the Cherokee treaty of the year now in this city. None of my colleagues on the delegation of this year were associated with me in making the treaty of 1866; yet I feel sure that all who helped to make it, and who represented the Cherokees, will coincide with the statement here made. We are led to make this statement by the fact that for some years Col. E. C. Boudinot has been trying to distort those articles authorizing the General Council into an authorization of a territorial Government of the United States over the Indian Territory. He made an address recently before the House Committee on Territories with this special object in view, to give this construction to the treaties.

We wish to have our friends know our view of this matter, and we feel happy to know that your society is our friend. We thank you for your kind

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words of sympathy with the Indian, and your manly
and vigorous defence of the Indian's rights. We
saw your remarks in The Sun with reference to Mr.
Boudinot's lecture a few days ago, and considered
them a severe rebuke.

Cel. W. P. Adair joins me in expressions
of gratitude for your kindness and your persevering
efforts in behalf of the Indians.

Very respectfully and truly yours.

JOHN B. JONES,

For the Cherokees and Choctaw Delegates.

Washington, D. C.,

Feb. 18, 1874.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, April 18, 1874
Vol. 4, No. 49-205
John L. Adair, Editor

LETTERS OF W. P. BOUDINOT, W. P. ROSS, ET. AL.
TO THE PRESIDENT OF THE BOARD OF TRUSTEES

Fort Gibson, C. N.,
April 8th, 1874.

To the President of the
Board of Trustees of the
Cherokee Orphan Asylum.

Sir:

The undersigned citizens would respectfully
request from your Board, a public statement of the facts
connected with the locating of the Orphan Asylum.

They do so because various conflicting reports
have been circulated in regard to it, and because the
only wholly reliable source from which the truth can be
obtained is the Board itself.

The subject is one of great interest and import-

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ance to the Cherokee people, made more so at this time by certain petitions giving the authorities of the United States occasion to assume control of the School and Orphan funds, and to set aside legislation of the National Council, thereby eminently imperilling our rights of self-government.

Very Respectfully,

W. P. BOUDINOT,

D. H. ROSS,

J. A. SCALES,

GEO. C. SANDERS,

H. C. MEIGS,

TIM M. WALKER,

WM. HENDRICKS.

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Tahlequah, C. N.,
April 9th, 1874.

Mr. Editor:

The President of the Board of Trustees of the Cherokee Orphan Asylum, on behalf of the Board, takes this occasion to inform the people of the facts in reference to the location of the Asylum, for these reasons:

If the action of the Board is to be made the occasion or excuse for relinquishing to the United States one of our most important national privileges -- the control of our Funds -- it is of the highest consequence that the people should not be misled by misrepresentation of that action or kept in ignorance of the true character while it is yet time to prevent so serious an injury to their interests. The law authorizing the Board to act does not require a Report from them until the next Council convenes. But the extraordinary course of certain parties in prejudging the action of the Board before hearing from it, or asking to hear from it, and in making the simple selection of a site by the Board a pretext for soliciting the interposition and aid of a Foreign Power to

annul that selection, and the action of Council that authorized it, leaves the Board no alternative. They must state the facts as they are, or be in some measure responsible for the very serious injury to the Nation that threatens to result from a misstatement of them by others. As a secondary but sufficient consideration I may be permitted to mention the imputation upon the integrity and fidelity of the Board which is involved in the attempt to invalidate their authorized choice of a location for the Asylum, and which the facts of the case will show to any candid reader to be wholly unjust, and I may say, outrageous.

When the Orphan Asylum was established in 1871 the choice of a proper site for the necessary buildings became an important consideration with the Board of Trustees, and they bestowed unusual care and attention to the subject then and afterwards. Previous to the session of Council in 1872, they deliberated upon and compared the respective advantages of various locations in the country, and became acquainted with the superior facilities presented by the Lewis Ross place on Grand River. It was in answer to their Report upon the subject that the National

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Council passed the following Act which speaks for itself. The Act may be found among the printed laws of 1872:

"An Act authorizing the Board of Trustees of the Orphan Asylum, to select a suitable location and Report to the next Session of the National Council.

November 30th, 1872.

To the National Council:

Your Committee to whom was refered the subject of locating the Orphan Asylum, for want of sufficient time, to thoroughly investigate the matter, would respectfully recommend that the subject be referred back to the Board of Trustees, with instructions that they make a thorough examination of the Lewis Moss, Doctor Ross, and such other places as they may deem eligible, and report to the next session of the National Council, the terms on which they can be procured, with estimates of building &c., whereby the National Council can clearly comprehend its duty in permanently locating the Orphan Asylum.

Signed,

WILLIAM WILSON,
Chairman.

Be it enacted by the National Council, That
the recommendation in the above report is approved
of by the Senate, and the Board of Trustees are
authorized and instructed to act accordingly.

Tahlequah, C. N., December 2d, 1872.

CHARLES THOMPSON,
President of Senate.

C. N. VANN,
Clerk of Senate.

Concurred in

JOHN R. DUVAL,
Speaker of Council.

R. B. PATTON,
Clerk of Council.

Approved Dec. 4th, 1872.

JAMES VANN,
Acting and Assistant Principal Chief.

Acting under the authority given by this Resol-
ution of Council, the Board proceeded during the follow-
ing year to examine various eligible locations offered
to their notice which they did not know. The principal,
first-class places east of Grand River and away from the
river they were already acquainted with to a sufficient

degree to compare and judge their merits for the purpose in view. That purpose, I may here state, was, in the view of the Board, signified by the law setting apart two miles square, to be a combination of all the advantages of a residence and farm in proportion to the extensive limits fixed by law -- a proper proportion of good and excellent land with the indispensable requisites of water, wood and health.

The Board did not expect to find a place of the size desired, combining the qualifications mentioned, in the unimproved portion of the country. In view of the enterprising spirit of our citizens, and the fact that they have now had forty years to make their selections of homes out of the common domain it would be preposterous to expect to find a firstclass place unimproved and unclaimed. The Board therefore confirmed their attention principally to improved places, of value for their natural and acquired advantages. After comparing and examining those considered the best adapted and most suitable on account of their respective attractions, the Board saw no reasons to change the preference which they had already given and expressed for the Lewis Ross place on Grand River, which place they had been expressly

required to examine and report upon. They accordingly reported as much to the National Council of 1873.

The Council being aware of the preference of the Board, and having full confidence in their fidelity to their trust, proceeded, after hearing the Report of the Board, to finally dispose of the subject of the location of the Asylum by the passage of the following Act, Entitled "An Act authorizing the locating permanently of the Orphan Asylum and the House for the Insane, Deaf, Dumb and Blind of the Cherokee Nation."

"Be it enacted by the National Council, That the National Treasurer and the Superintendent of Public Schools, together with the Board of Trustees of the Orphan Asylum, be and they are hereby authorized permanently to locate the said Orphan Asylum, and also the Home for the Insane, Deaf, Dumb and Blind persons of the Nation, provided for by the Act approved October 31st, 1872, and that they adopt such measures as may be necessary for the early establishment of said Institutions, as is provided for by law and the ~~sum~~ of twenty thousand dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of the Orphan Fund provided for in said Act of

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October 31st, 1872, for the establishment of said Orphan Asylum, and that the sum of twenty thousand dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of the Funds provided for by the said Act of Oct. 31st, 1872, for the establishment of said Home for the Blind, Insane, Deaf and Dumb, and the Principal Chief is authorized to draw warrants in whole or in part as necessity may require from time to time for the same.

Be it further enacted, That said Treasurer and Superintendent of Public Schools and Board of Trustees of the Orphan Asylum be and they are hereby required to report the result of their labors as required by this Act to the next Session of the National Council -- during its first week.

November 27th, 1873.

WM. WILSON,
President of Senate.
L. B. BELL,
Clerk of Senate.

Concurred in
Act

JOHN R. DUVAL,
Speaker of Council.

GEORGE O. SANDERS,
Clerk of Council.

Approved Nov. 39th, 1874.

WILL P. ROSS,
Principal Chief.

Thus having committed the duty of examining locations with the view of enabling the Council to make choice of one for the Orphans, and having heard the report of the Board thereon, and knowing that the Board had fixed its preference upon the Lewis Ross place and so declared in order that the Council might take what action it should see fit understandingly, the National Council closed the matter by directing the Board to fix the location themselves, with the assistance of the intelligent and responsible officers added, and not only so but considering the matter settled the Board were empowered to proceed and establish the Institution at the point selected. The action of the Board under their new and responsible duty might have been expected. Having faithfully performed their duty of examining locations, and decided upon their choice so far as to recommend it, the choice of another site which would have been a

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confession of neglect or unfaithfulness, could not have been looked for. The Lewis Ross place therefore was fixed upon as a permanent location for the Orphan Asylum and contracted for under terms which I do not hesitate to say are most advantageous to the Nation.

The whole improvement has not decreased in value since it was appraised under oath after the death of Mr. Ross the sum of three thousand dollars at most. It was then appraised at thirty-five thousand dollars. The Doctor Ross residence and improvement which lies within the usual legal limits of the Lewis Ross place was obtained with the latter. The Doctor Ross place was appraised at twelve thousand dollars. After careful examination of the buildings and the grounds within the extensive limits prescribed for the Asylum, the Board was satisfied that a location equally good elsewhere, if such could be found, with improvements and buildings of equal service and use to the Orphans, made and erected thereon, would cost the Nation, at a moderate estimate, at least several thousand dollars more than the two Ross improvements, after they have undergone the comparatively slight repairs needed, and such attachments,

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as may be found necessary. The natural advantages of the location, the excellence of the improvements are of the superior character that might be supposed to exist at and around the home of a gentleman whom nothing could have prevented from making choice of the best, and improving it in a suitable manner. Nothing can be truly said against the healthfulness of the place. It has the largest matured orchard in the Nation worth, according to the value placed upon fruit trees by a well known Missionary, when presenting his claim for their loss to the General Government, several thousand dollars. If it should be decided to give our colored citizens the benefit of the Orphan Fund, nothing could be better adapted to the purpose than the Doctor Ross residence and improvement, obtained as it is for hardly one half what a building of equal service to the object would cost.

The whole improvement and buildings belonging to the two Ross places chosen and purchased for the Asylum was obtained by the Board for the sum of twenty-eight thousand dollars.

I would not exaggerate the value of the improvements named or the service of the Board. The improvements are there to speak for themselves. I

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only make this statement in behalf of the Board and the Nation because a statement of them has become necessary. So far as the character of the Board is concerned, they can wait confidence to be vindicated by time. But if the action of any authorized persons or body serving under express authority and direction of the National authority is to be made a pretext for seeking and obtaining the interference of the United States in our local affairs, the grave consequences that may ensue demand at least that that action shall not be misunderstood.

RILEY KEYS,

President Board of Trustees of Orphan Asylum.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 2, 1874
Vol. 4, No. 51-207
John L. Adair, Editor

AN AGREEMENT BY W. P. ADAIR, ET AL

Article of Agreement, made and entered into at Washington, D. C., this seventh day of June, A. D. 1869, by and between H. D. Reese and William P. Adair, duly authorized delegates representing the Cherokee Nation of Indians, having been duly appointed by the National Council of said Cherokees, parties of the first part, and Graham Rogers and Charles Tucker, duly authorized delegates representing the Shawnee tribe of Indians, parties of the second part;

WITNESSETH, Whereas it is provided by the fifteenth article of the treaty between the United States and the Cherokee Indians, concluded July 9th, 1866, that the United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96⁰, on such terms as may be agreed

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upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with certain provisions specified in said article; and,

Whereas, the Shawnee tribe of Indians are civilized and friendly with the Cherokees and adjacent tribes, and desire to settle within the Cherokee country on unoccupied lands east of 96°;

IT IS THEREFORE AGREED, by the parties hereto, that such settlement may be made upon the following terms and conditions, viz:

That the sum of five thousand dollars belonging to the Shawnee tribe of Indians, and arising under the provisions of treaties between the United States and said Shawnee Indians, as follows, viz:

For permanent annuity for educational purposes, per fourth article treaty, third August, 1795, and third article treaty, tenth of May, 1854, one thousand dollars;

For interest at five per centum, on forty thousand dollars for educational purposes, per third article treaty, 10th of May, 1854, ~~ten~~ ^{two} thousand dollars;

For permanent annuity, in specie, for

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educational purposes, per fourth article treaty, 29th September, 1817, and third article, 10th of May, 1854, two thousand dollars;

Shall be paid annually to Cherokee Nation of said Indians, and that the annuities and interest, as recited, and the investment or investments upon which the same are based, shall hereafter become and remain the annuities and interest and investment or investments of the Cherokee Nation of Indians, the same as they have been the annuities and interest and investment or investments of the Shawnee tribe of Indians. And that the sum of fifty thousand dollars shall be paid to the said Cherokees, as soon as the same shall be received by the United States, for the said Shawnees, from the sale of the lands in the State of Kansas known as the Absentee Shawnee Lands, in accordance with the resolution of Congress, approved April 7th, 1869, entitled "A Resolution for the relief of settlers upon the Absentee Shawnee Lands in Kansas," and the provisions of the treaty between the United States and the Shawnee Indians, concluded May 10th, 1874; and also that the said Shawnees shall abandon their tribal organization,

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AND IT IS FURTHER AGREED, by the parties here,
that in consideration of the said payments and acts
agreed upon as hereinbefore stated, that the said
Cherokees will receive the said Shawnees -- referring
to those now in Kansas, and also to such as properly
belong to said tribe who may be at present elsewhere,
and including those known as the Absentee Shawnees
now residing in Indian Territory -- into the country
of the said Cherokees, upon unoccupied lands east
of 96°; and that the said Shawnees shall be incor-
porated into and ever after remain a part of the
Cherokee Nation, on equal terms in every respect,
and with all the privileges and immunities of native
citizens of said Cherokee Nation. Provided, That
all of said Shawnees who shall elect to avail them-
selves of the provisions of this agreement shall
register their names, and permanently locate in the
Cherokee Country as herein provided within two years
from the date hereof, otherwise they shall forfeit
all rights under this agreement.

IN TESTIMONY WHEREOF, the parties hereto have
hereto subscribed their names and affixed their seals
on the day and first above written.

H. D. REESE, (Seal.)

WM. P. ADAIR, (Seal.)

Delegates representing the Cherokee Nation of
Indians.

GRAHAM ROGERS, (Seal.)

CHARLES TUCKER, (Seal.)

Delegates representing the Shawnee tribe of
Indians.

Attest:

W. R. IRWIN,

H. F. MCKEE,

A. N. BLACKLIDGE

JAS. B. ABBOTT.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 9, 1874
Vol. 4, No. 52-208
John L. Adair, Editor

MARRIAGE CEREMONY OF THE ANCIENT CHEROKEES

The following we extract from Rev. Cephas Washburn's reminiscences of the Indians. There are many persons among the Cherokees who were personally acquainted with Mr. Washburn, becoming so when he was a Missionary at old Dwight Mission. He first came among the Cherokees in 1819 and from that time until about 1840 he remained and labored among them in the capacity of preacher and school teacher, spending the prime and rigor of his manhood in performing a work with his co-laborers, to which is mainly attributable the present enlightened and Christianized condition of the Cherokees.

When he left the Cherokee Nation he settled in Benton County, Arkansas, where in our boyhood under his instruction and the kind influences of his estimable family we received whatever is of good at present in our

composition.

The marriage ceremony as described by him was not in vogue at the time when he came among the Cherokees, but is referred to as ancient custom and received by Mr. Washburn rather in the order of tradition, and describes it as follows:

"The whole town were convened, all attired in their gayest apparel. The groom, accompanied by the young associates of his own sex, was feasted in a lodge at a little distance from the council-house. The bride, with her maiden associates, was similarly feasted in a lodge equi-distant from the council-house and on the opposite side. First the old men took the highest seats on one side of the council-house, next the old women took similar seats on the other side. Then all the married men took seats on the side occupied by the old men, and all the married women sat on the side with the old women. At a given signal, the companions of the groom conducted him to the open end of the open space between the men and women in the council-house. The companions of the bride conducted her to the other end of this open space, and they now stand with their faces towards each other, but at a distance of from thirty to sixty feet apart, according

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to the size of the council-house. The groom now receives from his mother a leg of venison and a blanket; the bride receives from her mother an ear of corn and a blanket. The groom and bride now commence stepping towards each other, and when they meet in the middle of the council-house the groom presents his venison, and the bride her corn, and the blankets are united. This ceremony put into words is a promise on the part of the man that he will provide meat for his family, and on the woman's part that she will furnish bread, and on the part of both that they will occupy the same bed.

After this, holding each to an end of the blankets, and the husband holding the corn and the wife, the venison, they walk alone and silently to a new cabin which is to be their future home."

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 23, 1874
Vol. 4, No. 2-210
John L. Adair, Editor

ORPHAN ASYLUM

Fort Gibson, C. N.,
May 3rd, 1874.

Mr. Editor:

In the Advocate last week, is an article criticising the official report of the President ("pro tempore") of the Board of Trustees of the Orphan Asylum. That report we believe to be moderate, fair and truthful, and that it was necessary for a proper understanding of the subject treated.

The article we allude to purports to be from S. H. D., Member of Council. If S. H. D. is the real author of the article, he should have been more candid in stating the action of the various parties connected with the locating of the Orphan Asylum. If willing for another to use his name, then

he should be cautious that such use does not amount to abuse. Be this as it may, S. H. D. Member of Council, is, by this article, made responsible for the following statement, which will not bear scrutiny: He says -- "When the Orphan Asylum was established in 1871, the Board of Trustees then elected were authorized to examine locations with a view to a selection of site for the erection of the institution and to report the result of their labors to the National Council in '72. After examining several places the Board did report in favor of the Lewis Ross place, and recommended that the Asylum be established at that point. But did the National Council endorse the recommendation of the Board as to location -- not at all ---the resolution to so locate was rejected by a vote of the Senate, and the matter referred to a committee of that body, of which William Wilson was Chairman. Such committee not having time nor opportunity to decide on a location recommended that the matter be referred back to the Board with instructions that they make a thorough examination of the Lewis Ross and other eligible places, and report to the next National

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Council, recommendation was approved by the Senate, by Act of December 4th, 1872. This Act the Chairman quotes in full, but he makes no statement of the Acts of the National Council, just preceding the passage of the Act referred to. The Board accordingly after renewed examination reported to the National Council of 1873, and again in favor of the Lewis Ross place," &c. &c.

Signed,

S. H. S.

Member of Council.

Now Mr. Editor, is this statement of S. H. D. Member of Council, the truth, the whole truth, and nothing but the truth? S. H. D. may think so, but we think not; and with your permission we will show to the candid minded reader wherein it is untrue; and if untrue, being as it is, the very key stone in S. H. D. Member Council's tower, its removal must cause a crash to the whole structure. When S. H. D. Member Council and his co-petitioners had made an effort to thwart the action of the National Council, and to deprive the Board of Trustees of the Asylum, of the locating power by inviting the interference of the United States, a plain statement of the chief

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facts touching the history of the Asylum, become necessary to a proper understanding of the action of both the National Council and the Board of Trustees. That petition and subsequent Acts, had accomplished much more than the petitioners ever expected to accomplish. Our affairs at Washington, thereby, had become fearfully complicated; leading to a rupture in the delegation, a suspension of payment of all Cherokee moneys, a move to wrest the cause of education from the control of our National Council, and it is believed to that move in Congress for a partition of lands and moneys in favor of those citizens of our Nation who might wish to withdraw their interest in our common National heritage.

All manner of evil reports were in circulation, highly prejudicial to the Board. Hence, it was necessary for the Board to vindicate its action or stand convicted of either inefficiency or of corruption.

The mass of the people were uninformed; and had been the action of their servants; and the Advocate being the organ of the Authorities of the

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Nation, they had the right to expect a statement of facts through its columns. Chief Justice Riley Keys, President "pro tempore" of the Board, was called upon to make this statement. He gave the information as a sworn officer of the Cherokee Government. S. H. D. Member of Council, at once takes issue with the President of the Board, and in his effort to refute his (the Presidents) statements, wholly misrepresents the Act of '71 and the action of the Cherokee Senate of 1872. At that time S. H. D. was not, we think, a Member of Council, and did not of his personal knowledge fully know, or if he did, he has failed to state correctly the facts connected with the action of the Senate, touching the Board and the Lewis Ross place. Our chief purpose, at present, is to put S. H. D. right, as to the Acts of 1873, as well as to the action of the Senate of 1872. In doing this, permit us to state a few facts worthy of remembrance.

The Act of the National Council of 1871, authorized the Board of Trustees to locate the Asylum permanently and unconditionally, and report at the next annual session. Report what? The thing accomplished, as to place and terms; not for the approval

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or rejection of the National Council, but simply for the information thereof.

That Board, with the late Chief Downing as President, went actively to work, and after much research decided upon the Lewis Ross place, near the Grand Saline, agreeing to pay the executor, W. P. Ross, thirty thousand dollars for that property; or five thousand dollars less than the appraised value; payable in four annual installments. Col. Downing died before the transfer was made. W. P. Ross, the present incumbent, was elected to fill the unexpired term of the deceased Chief. What did he do under the circumstances? He was then, as he is now, executor of the Lewis Ross estate -- an heir by virtue of his wife's one fourth interest in her father's estate, -- Principal Chief and President of the Board of Trustees of the Orphan Asylum. Did he consummate the trade, and transfer the institution to the new site, as he was clearly authorized to do, under the Act of 1871? Not so; -- but for reasons always satisfactory to a conscientious public servant, he decided to lay the whole matter before the National Council, for their consideration,

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approval, or rejection. This he did in a special message, a short time before the close of the session of 1872. Whereupon the Senate, in accordance with parliamentary usage, on the motion of Senator _____, committed the message to the Senate Committee on Education, with instructions to examine and report. The Committee was composed of Senators Wm. Wilson, John Landrum and D. H. Ross; Wilson acting as Chairman and Ross as Secretary. Landrum and Ross were well acquainted with the Lewis Ross place and improvements, Wilson was not, except from current report. He was however, satisfied from the information he had, that the place was well worth the price at which it was offered. The Committee were unanimous in this opinion. There was no disagreement on this point; none as to the desirableness of the place, for the purpose intended; but was it the wisest and best thing to do under the circumstances? Might not a place be improved, out and out, with buildings better adapted, for the same or a less sum of money! So argued the Chairman Mr. Wilson. Upon this point the Committee had no data, -- no estimates whatever. Messrs Landrum and Ross

were of the opinion that to improve a new place would cost more money, besides necessitating a delay in opening the Male Seminary. In the opinion of these two members of the Committee, the only objection to the purchase of the Lewis Ross place, was the close proximity of the Doctor Ross place, which lay between that of Lewis Ross and the Grand River, and might in course of time, lead to a conflict of title. They deemed it of the first importance that the two places should be embraced in the two miles square, and that it would be better to secure both places for thirty-five thousand dollars than the Lewis Ross place alone at thirty thousand.

The National Council was on the eve of adjourning. The Committee had not time to visit the property, consult architects, examine and compare estimates, arrive at a satisfactory conclusion, and report to that Council. They accordingly decided to recommend that the whole matter be recommitted to the Board of Trustees, with instructions to examine both of the Ross places, and other eligible places, and to ascertain the probable cost of improving, and to report to the next annual session of the National Council. Based upon this recommen-

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dition of the Senate Committee on Education, the Act of December 4th was passed; and thus the matter was recommitted to the Board of Trustees; the National Council reserving, this time, the right of approving or disapproving the action of the Board, whatever it might be. If S. H. D. Member of Council, will examine the Acts of 1871 and 1872, he will find this difference; -- that of '71 imposed the whole duty and responsibility of locating the Orphan Asylum upon the Board; -- that of '72 imposed the duty of recommending only; -- the Council reserving the rights to locate. I mention these things to show that the present Chief and Board have not betrayed their trust, by acting independent of the National Council, as they might have done under the Act of 1871, but have shown a desire to defer at all times, to the wishes of that body. Such was the action of the Board under the Act of 1871, such the action of the newly installed Chief, in November, 1872, such the action of the Senate and Senate Committee on Education in 1872, such the action of the National Council of 1872. Nothing more, nothing less: No action of the Senate of that year, involving the

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question of purchase of the Lewis Ross place, other than as stated by the subscriber.

Such Mr. Editor, are some of the facts upon which S. H. D. Member of Council, lays so much stress in his effort to disparage the statement of the President "pro tem" of the Board of Trustees of the Orphan Asylum. If the action of the Senate had been all that S. H. D. Member of Council claims that it was its subsequent action in specifically instructing the Board to examine and report upon the two Ross places, ought to set forever at rest the allegation that the Senate of 1872, was opposed to those places.

Pursuant to the Act of Dec. 4th, 1872, the Board again took the matter of a location into hand. The President tells us how faithfully they discharged that trust. A new Council of which S. H. D. was a member, met on the first Monday of Nov. 1873. The Board was again ready to report, and did report in favor of the Lewis and Doctor Ross places, the executor in charge having agreed to sell the Dr. Ross place for much less than one half the cost of the buildings. The Chief's message accompanying the report, together with the report, on the motion of Senator W. P. Adair

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went at once (according to usage) into the hands of the Committee on Education. Col. Adair being Chairman, with Messrs Benge and Chambers as associates.

A few days before the session closed the Committee reported. S. H. D. knows what that report was. The Committee had agreed upon nothing save to add the Treasurer of the Nation and Superintendent of Public Schools to the Board, for the express and sole purpose of aiding in locating the Asylum at once and permanently, the National Council very wisely declining that responsibility. Col. Adair, Chairman, read the report and accompanying Act thus increasing temporarily the Board, and moved a suspension of the rules and the adoption of the report. Senator Fields of Canadian District, asked to be heard -- said that he had an amendment to offer -- that he moved to exclude the Board from the consideration of the Lewis Ross place, and to confine the Board to within eighteen miles of Tahlequah. His colleague, J. Porum Davis, objected to imposing any restrictions. Mr. Fields withdrew his motion, and the report as proposed was adopted.

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The lower House concurred in this action; S. H. D. we believe, voting in the affirmative.

The Board thus increased, went to work again, and again agreed upon the two Moss places, which they secured for the round sum of twenty eight thousand dollars; which sum S. H. D. knows to be less than one half the original cost of the two residences alone, and independent of the fine orchard, spring, and out houses, one of the most diversified and valuable bodies of land, timber, stone and water in any country. As to the place in dispute, being old, worn out, and sickly, facts deny the truth of the assertion.

In 1842 Lewis Ross purchased the place, and placed upon it less than forty negroes, big and little, young and old, male and female. In 1852 they had increased to nearly one hundred and thirty. Two very aged men died during this time, one man of middle age, one woman and two or three colored infants. Mrs. Moss died there at an advanced age, and of a disease of long standing. Lewis Ross died there a few years since, aged seventy years. He lost one son at Park Hill, one in Pennsylvania, two infant grand children on the place, and none others, excepting William Thompson his clerk, who died of disease

contracted in the South. Such the mortality upon ---
place, between 1812 and 18... What more need we on
that ... As to the land, S. H. D. knows ... much of
it is Grand River both ... which never wears out, much
of ... balance is number one up land ... surpassed for
small grain, and ... residue is first rate for rails
... wood. What more would S. H. D. have? Water?
There he has ... an excellent spring, and in Grand
River, one of the most beautiful ... pure streams on
the Western Continent.

I fear, Mr. Editor, that my friend S. H. D.
is not looking at this pure National question through
his office glasses, but through the lean spectacles
of some one who is not mindful of our common good as
... ourselves should be. We know S. H. D. too well
to doubt his patriotism, yet we think that he has
made a great mistake in his strictures upon the
President of the Board of Trustees, and a greater
one in signing that protest to the Government of
the United States, praying for a suspension of the
16th Section of Article 3rd of the Constitution of
the Nation, and to be found in the following words:
-- "No power of suspending the laws of this Nation
shall be exercised, except by the National Council

or its authority," -- which provision, every officer of the Nation, before entering upon the official duties, obligates himself to respect and defend. A cheerful support of, and obedience to, the law and constituted authorities of our country, we deem to be the first ... and highest privilege of the citizens.

Notwithstanding his argument on the contrary, we believe that S. H. D. will be glad to hear of the utter failure of that protest; especially when he knows that it has led ... suspension of payment of all of ... moneys, -- a bold move to deprive the National Council of the control of our Schools, and a move looking ... a partition of lands and moneys ... favor of every discontented ... among us. If S. H. D. is willing to admit that the United States, or any other power, has authority to disannul the legislation of our National Council in one case, then he ... admit that right in any other. That done, we virtually cease to ... Sovereign power. When a lad ... school, we asked our teachers to send us a piece to memorize and declaim. He selected the piece which S. H. D. no doubt has often read, beginning, "The loss of a firm National charter, or the degradation

of a National honor, is the inevitable preluded destruction" -- saying. "I would have you remember, my boy, that your Nation, as well as mine, has a character above dollars; be true to ... first yourself, then you may expect others to be; hold your own institutions and rulers in little esteem, and you may depend upon it, others will do the same." "Governments usual flourish so long as there is strict obedience to lawful authority, but whenever this ceases they begin to wane."

It is said that bad laws duly ... respected, are better and safer than good laws not respected; and that it is the duty of those who make law to set the example of obedience, --- they expect obedience of others. ... this be true, we are at a loss to ... that upon what rule of propriety, S. H. as a member of the National Council, could have given his name ... that protest, and to the article over his signature in defense of the ... Believing that S. H. D. will in less than two years see this matter in the same light in which seen and treated by the President "pro tem" of the Board, his (S. H. D.) strictures to the country notwithstanding, and that the Board will be fully sustained by the Cherokee

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people, as whereas by the Hon. Secretary of the
Interior of the United States.

We are for the present S. H. D.'s friend
and Obedient Servant,

NATIVE

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 30, 1874
Vol. 5, No. 3, 211
John L. Adair, Editor

LETTER OF W. P. BOUDINOT TO EDITOR CHEROKEE ADVOCATE

Mr. Editor:

Now that the vain and ill-timed opposition to the choice of a site for the Orphan Asylum by the Board of Trustees no longer distract the public attention, it is to be hoped that the following all important counsel given by the President of the United States to the Indians of the Territory will receive the attention it certainly merits. I have delayed giving it to you to publish until that should be the case. Without censuring any party or person, in particular, it is proper to remark that anyone who, at this juncture of our National existence, is willing to see our people disabled by civil discord from seeing and providing against an imminent national peril, certainly deserves censure.

The Indians have a better friend than General

Grant. No one in a public or private station, so well understands their situation -- its difficulties, danger, and demands, -- or can give them sounder and more appropriate advice. There is no one living who so well deserves to be listened to should he advise them. Well, he has given them the benefit of his views upon their position and their needs. Of course he could not have been expected to come personally to this Territory, convene the Red men in Council and make them a speech. All that could be asked or expected was that he should communicate fully and frankly with those members of the Tribes who might have had an opportunity of visiting him, and it is their business to make known as extensively as possible the message of which fortune has made them the carriers. It is with this view that you are now respectfully requested to allow the columns of the only Indian Journal in the Territory, and perhaps in the world, to be used to let the Indian know what the President said to some Cherokees who visited him last winter in Washington. It was understood between the visitors before they called, that the President should be frankly asked to give his views of the situation of the Tribes of this Territory, to say what in his opinion was the best for them to do --

... him at the same time ... efforts when they got home ... be employed to acquaint their fellow Indians what he might and advised. Much precious time has since been lost in waiting for the settlement of the Orphan Asylum matter so that the undivided attention of the Cherokee might be directed to the great question of their national rights and dangers. It will be admitted that the views and advice of General Grant deserves the most serious consideration of all the Indians of this Territory.

It does not matter who the visitors were. They were Cherokees, called to Washington on business connected with ... of Judge Wright, and ... accompanied and introduced ... his estimable lady. A gentlemanly professional Reporter was in attendance, who took down the words of the President exactly as they fell from his lips. This last fact is what attaches superior importance to this interview. Since the Presidents views, often expressed before to other visitors, could not be reported to the public in full and correctly for the first time.

After being introduced, one of the visitors said: -- "President Grant, we are about to return to

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the Cherokee Nation, We live there. Before returning we wished to take occasion to call upon you and inform you that the Cherokees, as well as other Indians, consider you one of the best friends to them they ever knew, and that your opinion would probably have more weight with them than that of any other person, and that it would be extremely gratifying to us to be able to communicate to them what your opinion is as to what they ought to do under present circumstances."

To this request the President made the following reply, which the Reporter above referred to placed upon record on the spot.

"I have been very unreserved in stating my views on this subject. My views on the Indians question were formed when I was an officer in the army -- a Lieutenant. I then imagined that all our Indian hostilities were either directly or indirectly the result of unfair dealing with them -- harsh treatment, and a disregard on the part of the people who were sent as agents, traders &c., for their rights. I was stationed on the Pacific coast at one time for two years, where the Hudson Bay Company had trading posts, and there was no time when there were hostilities between the Americans and the Indians that a

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Hudson Bay Company man couldn't get on his pony and go alone, unarmed wherever he pleased. He found the Indians he met little children looking up to him as a superior being -- that is, as superior in knowledges. If he had a distance to travel, they would send some of their number along with him to see him through. He would be willing to divide with them and stay in their camp. And I naturally inquired of myself this distinction between the Boston men as they called the Americans and the King George men as they called white people of all other nationalities. Well, I came to the conclusion that it was because of the bad faith that had been shown in our treatment of them, not on the part of the Government particularly, but the result of mismanagement on part of politicians, and the Indians came to be looked upon as fair game. Appropriations would be made and expended in the purchase of useless articles, -- useless to the Indians, and these articles which were of high price they did not deliver to them as they would represent. Of course they could not stand that without resentment. And no doubt their resentment in many cases has fallen upon the innocent who were suspected of trying to wrong them.

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I determined, the moment I had the opportunity, to see if I could not inaugurate a system of good faith with the Indians to convince them we were capable of being friends, if they had the right sort of government -- at least for a time -- and have underwent opposition as you have seen yourself. I have inaugurated a Peace Policy which we have endeavored to carry out, no, nearly five years, and with the assistance of every humane means, by appointing persons to visit them, and particularly to be present when purchases of articles are made for distribution among them. I know we are thwarted here and there in spite of all our efforts to do what is right. We know that a man here and there creeps in who does manage to deceive them and to cheat them. But then it is to a very limited extent to what it has been heretofore, and is growing less. It is getting so unprofitable that I think we are about at the end of it. I should regard my object as realized to see the wild Indians gradually tamed and civilized, and ultimately to see your Territory become a State -- not in my day of ... I should not desire to ... mayerial Government ... or one reason, and that I have ... several times to number our people; and the reason why I am very anxious

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to see a Territorial Government now is because, if I live I shall be in office three years more -- I shall hope during that time, to have the Territorial Government so well established that no future administration will dare to trifle with it. As you know, there are two railroads running through your country, the condition in their charters being that they shall have the same land grants through the Territory that they had elsewhere through the public lands, at the moment the Indian title becomes extinct, I have fought that wrong, and successfully so far. There are white men in your country who might go somewhere else. I do not mean that you cannot cope with the white man, for you can compete with him any place, there or any where else, but then there are a great many among you who cannot. I suppose you are better acquainted with that fact than I am. What I want to see this winter is if possible -- I want your approval of it -- is a Territorial Government formed which will give you, as far as practicable, a government of your own; which will give to every Indian in the Territory his land in severalty, the title of which shall be inalienable for twenty years, either to lease or to sell; that he must own it for twenty years, then their children,

and that the surplus lands shall be disposed of to actual settlers -- other Indians -- who may come in, the proceeds of which shall be invested in good securities -- United States Bonds, or other securities equally good for the benefit of the whole, to be used in educating the rising generation, and in the support of the indigent, insane, crippled, and such others as cannot provide for themselves -- the whole of the Territory which is not given in severalty to be the exclusive property of the Nation, and only to be disposed of to people who are admitted there by the Territory itself -- its own people. And the money I say, instead of being squandered at once, have it invested in interest paying securities, the interest to be used in the way suggested. Now this is my idea in regard to the Indians, if they do not want it, I do not want it. If they want to take their chances with another Administration, it is their look out, not mine. I know that there are many persons who, had it not been for my position the last four or five years, would have had their white settlements east and west, and north and south just thick as bees. Of course I cannot make the law, but owing to my

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position, I have influence in preventing its being made."

The President was listened to with the marked attention his sentiments, so frankly and fully expressed, justified; and when he closed, his auditors thanked him in the name of the people they were representing at the time, for the candid and full exposition of his views.

General Grant resumed . -- "If it is in my power I shall protect them against any possible chance of these Railroads getting their lands. My object in regard to the Territorial Government is that it may be so framed, that it shall secure that object, and, as I said before, and I repeat, my anxiety for a Territorial Government there is for their benefit. If they do not want it, I do not want it. If they decide they do not want a Territorial Government, but want to take their chances with my successor, I am willing to leave them to their judgment."

Here then at last the Indians of this Territory have a complete, unequivocal, and direct expression of the opinions and advice of a man who is their life-living friend, and who has made their condition, their

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rights and their remedies an especial study, with every advantage which his high office gives him. If the Indians neglect this advice or reject it -- that is their business, not his. It is his duty to tell them how they are situated, because above all others he is so placed as to see and know most clearly. It is his duty to advise them what to do because he is enabled to give them the best advice. These duties done, the President is quit of all responsibility in the event, and it is wholly thrown upon the shoulders of those who have had the benefit of information and advice from him.

It is evident that the President, when he speaks of a Territorial Government for our country, does not mean a Territorial Government of the United States in its usual sense. He means an Indian Government, extending over the whole Territory, by and through which, the Red men will be enabled to hold all the lands of the Territory for themselves and other red men, to the exclusion of white men as they shall prefer. In order to accomplish this effectually the President says there should be an allotment of the lands, as provided by treaty, the balance of the

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country to be held by Indians for Indians. All this should be fixed in the Organic Act creating an Indian Territorial Government, which the President thinks is necessary to be agreed upon and passed to defeat the designs of the Railroad Companies in regard to large portions of our country, and which the President plainly intimates can only be done while the Indians have a friend in the Presidential chair. If it had not been for him, there are persons strong enough and bad enough to have robbed us of our country already while he has been President. As plainly as it is possible to say anything President Grant tells the Indians of this Territory that their position is a precarious one, but that it can be made firm, and that it is for them to say whether it shall be so made secure or not. To wait, and expect to make the inevitable change for the protection of their interest under a succeeding Administration will be to imperil all they have. Now is the time when they can depend for assistance upon the co-operation of a powerful department of the Government, and a true friend at the head of that department.

Such is the substance of the President's advice and opinion addressed to the Indians of this Territory.

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It was perhaps his duty frankly to express himself.
It was the duty of those to whom he personally addressed
himself to perform the service of true and faithful
messengers to the Indians. All that has now been done.
The Indian public is now in possession of what they
ought to consider of the utmost importance to their
safety. As General Grant says, it is their business
whether they make use of it or not.

W. P. BOUDINOT.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 30, 1874
Vol. 3, No. 3-211
John L. Adair, Editor

EDITORIAL ON W. P. BOUDINOT

We would call attention to the communication of W. P. Boudinot, giving the result of an interview with the President. It appears that General Grant has made the Indian question a special study, and has full faith in his Indian policy. That he is a friend to the Indian cannot for a moment be doubted, and we hope the Indians, and the Cherokees in particular, will give the consideration to his advice, which it undoubtedly deserves.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, June 6, 1874
Vol. 5, No. 4, 212
John L. Adair, Editor

LETTER OF NATIVE TO EDITOR

Fort Gibson, C. N.,
May 9th, 1874.

Mr. Editor:

We have to-day received with his compliments, the annual Report of Hon. Edward P. Smith, Commissioner of Indian Affairs, for which we tender thanks to the author. Having torn the wrapper from the book, our first impulse was to see what was said about our own people, the Cherokees. We accordingly turned, at once, to the report of Rev. John B. Jones, United States Agent for Cherokees, and with bated breath read among other startling things the following:

"I recommenend that the educational interests of the Indians be placed under the supervision of the Commissioner of Education; that provision be made by

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Congress for the appointment of subordinates as may be necessary to inaugurate and carry into effect efficient measures to promote the work of education among the Indians." What Indians? Cherokee Indians, we suppose; as Mr. Jones would hardly go outside of his own Agency to dictate for the Choctaws and other Nations and Tribes that have Agents of their own, ~~who~~, no doubt, have their own views for the management of the Indians under their care.

In strict accord with this recommendation, and in furtherance of the plan ~~proposed~~ by Agent Jones, there was, a few weeks since, introduced in the House of Representatives, an Act ~~placing~~ the whole cause of Indian Education just where Agent Jones suggested -- that is, under one principal Superintendent, and such subordinates as he might see fit to employ.

It is said that the Principal Chief, W. P. Ross, in behalf of the Cherokee Delegation, at once, took steps to have his Nation, the Cherokees, exempted from the operations of the Act should it become a law. Every true hearted Cherokee will be glad to hear that this has been done -- and yet it may not be.

Will the National Council and the Cherokee people consent to this innovation; this usurpation by Congress

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of one of their most sacred and cherished rights, the right of managing their own affairs? We think not.

Upon what principle of justice does Mr. Jones expect to vindicate his action before the Cherokee people? Upon what Treaty provision does he found the right of Congress to usurp the authority of our National Council in the management of their school fund?

Now, suppose that this bill passes Congress and becomes a law, without exempting the Cherokees from its operations -- what then? Mr. Jones urges Congress to adopt measures for "the inauguration of, and carrying into effect, efficient measures to promote the work of education." What does Mr. Jones mean by adopt and inaugurate? We will not insult the good sense of the readers of the ADVOCATE by giving Webster's definition of these words. Every school boy who knows how to read knows that inaugurate means to originate and put in motion, and that adopt means to select and take. These are the evident meaning of Mr. Jones. He would have Congress take control of, without consulting us, our school funds, school houses and books, undo all that is now being attempted by the Cherokees, and originate and put in motion some plan entirely different from that of the past and present.

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In conformity with Mr. Jones' recommendation, some person would assume the duties that now devolve upon our National Council, Board of Trustees, Superintendent, and the Board of Education. He would, in school matters, be autocrat, answerable to Congress only. It would be for him to say what schools should be sustained, upon what plan conducted, who should be teacher, what salaries paid, &c.

The Ollendorff or other like system of educating full-blood Indians, might prove highly satisfactory to Congress and its chief agent. It would no doubt prove lucrative to those who had the making of the books, maps, &c, and yet it might, and we believe would be, a failure when compared with the plan of the Principal Chief of this Nation, that is, the family or boarding industrial school plan.

Mr. Jones says there are some who do not appreciate his plan. It is true that they have not favored it, -- and why? Because they believed that there was a better: and altogether available. Mr. Jones in his report, seems to think that it is the duty of our public men to endorse his views upon this matter, and that the fact of their not having done so, is sufficient cause for the rupturing by Congress of

Treaty obligations.

Mr. Jones admits, in his report, that the Cherokee Orphan Asylum is a success; and that it was inaugurated and is conducted chiefly by Cherokees who were educated in their own Nation. He does well to say that this institution is doing well, and that the Cherokees hope to make it a model institution.

The full-blood children who have been admitted to this school have all acquired the English language sufficiently in one years time, to speak it and think in it.

This is the plan that our leading men favor for our full-blood children. Cheap, comfortable buildings on the plan of old Dwight Mission, with a good farm, is what we deem necessary. We believe this to be the true plan, the most practicable, quickest, and quite as cheap as any other.

But it was not our intention to enter into a discussion of this or any other plan of education, Mr. Jones is entitled to his views. We are willing for him to enjoy them, and to urge them ^{up} upon the consideration of our National Council. But when he attempts to force his measures upon an unwilling people by breach of the National plighted faith, then

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he must expect resistance.

How Mr. Jones can afford to invite his breach of good faith on the part of the Federal Government, in view of the fact that he was one of the signers of the Treaty of 1866, and in view of his oft-repeated assurances to the Cherokee people that as Agent he would religiously defend their rights, is beyond our comprehension.

NATIVE.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 18, 1874
Vol. 5, No. 10-218
John L. Adair, Editor

SYNOPSIS OF SPEECH OF CAPT. JAMES VANN

My Children:

In accordance with a provision of the Constitution I will address you in the capacity of a Chief visiting the various districts of our Nation. In the first place I will mention, that at all times we should live in perfect friendship one with another, but more especially at present when there is so much to dread because of any division among us, and so much to be hoped for should harmony continue within our borders. It is the duty of every citizen to contribute as much as possible to the welfare of his neighbors, and be united as a people in the common defense of our country, at all times sustaining the dignity of the laws, defending the Constitution and yielding a strict compliance to the treaties. In doing this you will aid in perpetuating our institutions. I warn you against the formation of parties and

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against all violence, as you may rest assured that these will precipitate national destruction and individual ruin. Therefore let our coming together have for its object the peace and prosperity of our country, and an united determination to support the laws and the Constitution.

Against the committal of crime I would warn you more especially, as crime and disturbances in our midst are seized upon as arguments for the establishment of a Territorial Government over us.

Against sectionizing and allotting our lands I would warn you likewise. If the country is ours under our present tenure it will continue to be ours, and a change in the manner of holding it will not make it more secure.

Finally, my children, let us be united as a people, having for our object the good of all and the maintenance of the laws. Our ancestors lost their country because of division among themselves. From them let us take warning.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, October 17, 1874
Vol. 5, No. 23-231
John L. Adair, Editor

SPEECH OF W. P. ROSS ✓

Vinita, Sept. 11, 1874

Friends and Fellow-Citizens:

In accordance with my response to an invitation from some of your number, I am here for the purpose of addressing you in my humble way upon topics of general interest to the people of the Cherokee Nation. In proceeding to do so, you will allow me to declare that I am no agitator of any question of mooted Indian policy, no candidate for popular applause, no panderer to any public prejudice, no servitor at the footstool of wealth or power, and no apostate from the traditional faith of our common history. Neither have I any personal animosities to gratify, partisan purposes to subserve, conceits to ventilate, nor any gnawing appetite for notoriety, to satiate. But I claim to be loyal to the government and institutions of our country, how humble soever they may

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be; friendly to the rights of every citizen of every color, and shade of color, and faithful to every interest confided to my trust or implied in my position. The oaths of office which I have taken time, and again, affection for the precepts of a patriotic mother who yet survives upon the borders of fourscore years and ten, a proper regard for the associations of more than thirty years of active life among as fine specimens of native nobility as were ever produced by any community; to say nothing of my own conviction of right and justice and law and expediency and honor and patriotism, would stamp me, were it otherwise, as ungrateful and false to the common impulses of our common nature. My friends, what are the influences, the inspiration and the interests, to which I thus avow my adherence and allegiance? They are not merely those which spring from birth and the associations of childhood, and youth -- from mountain, plain and valley -- from bubbling brooks or swift flowing rivers -- from the graves of our kindred and race -- from the fertile fields of labor and achievement, or the barren rocks of trial and disappointment. They are these and more! They come from the pride of country, honorable anywhere, and which forms the bond of cement among men, and leads to all that is noble in sentiment

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and heroic in action.

Doubtless the humble member of the little republic of San Marino with its two thousand inhabitants, nestling "like an eagle in his eyrie" high up in the Alps, as he dwells upon the centuries which have chronicled the freedom of his ancestors, feels as pure a glow of patriotism and delight as ever animated the brow of ancient or modern hero. No Indian nation on this continent has shown a more conspicuous bearing in the history of America than the Cherokee. "The mountaineers of America" have been overpowered, but not destroyed. Distinguished for their valor, love of country and independence of character, no pallor has blanched their cheek in battle, nor whining despondency marked the hour of defeat. Whether among the palmettos of Carolina, or the interests on the shores of the northern Cherokees, in the mountains of Virginia or on the plains of the West, from St. Clair's defeat to the battle-fields of the late war, they have been distinguished alike for prowess and fortitude. Chillicothe and Chattanooga, the Etowah and the Tennessee, will bear upon their brows or roll upon their bosoms, long as the history of this continent shall endure, the remembrance of their

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name and their noble defence of their altars and their firesides. Not less honorable, not less determined than is their position to-day. Standing in the gateway to the Indian country it is no reflection upon their neighboring brethren to say that they are second to none, and that their defence of their own rights and of those common to all the inhabitants of the territory has been constant, unflagging, and successful thus far despite the powerful influence arrayed against them. Not less fixed in the past was their position than to-day; not less fixed will it be to-morrow in the assertion and defence of their rights of every character. Pride may deride, ignorance ridicule, selfishness calumniate and the diabolism of greed seek to destroy them, but be the result of, the pending contest what it may, no man of generous and truthful impulses will fail to respect them while living, and honor them when dead. But it is not on this account alone that my humble voice has been raised in their behalf, but because my judgment tells me and my conscience approves the verdict. They are better off now than they will ever be under the changes sought to be enforced upon them by self-constituted guardians and interested intermeddlers. In expressing this opinion I refer not only to the

material interests and political condition of the Cherokee Nation, those of the overwhelming authority of the Cherokee people in our individual capacity. And this shall attempt to show by contrasting their actual and probable situation under the existing order of things , and that which it has been attempted to fasten upon them without their consent and in defiance of their oft-reiterated remonstrances.

From a statement published for the treasurer of the Nation it appears that the government of the United States holds in trust stock and money credits for the Cherokee Nation the following sums:

Cherokee national fund.....	\$1,534,476,77
Annual interest.....	8,553,073,73
Cherokee School fund.....	901,408,25
Annual interest.....	49,877,04
Cherokee orphan fund.....	405,553,60
Annual interest.....	12,420,92
Cherokee asylum fund.....	67,675,27
Annual interest.....	4,060,52
Total principal.....	\$2,909,113,88

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Total annual interest..... \$161,889,21

This sum does not include the ordinary home income, which fairly collected and accounted for should increase it several thousand dollars and constitute a fund sufficient to meet all reasonable expenses in administering the affairs of a small community like ours.

In addition to them, cash assets the nation still owns between seven and eight millions of acres of land west of the Arkansas river, within the limits of the Indian territory, an unsold portion of the "strip" in Kansas, and some school lands in Alabama. Efforts to obtain payment for the lands west of the Arkansas; including a considerable portion of them assigned to the Cheyennes and Arapahoes seven years ago by the government have thus far not been successful; but when sold they will realize several millions of dollars; to be added to the wealth of the people, in their national or individual capacity, as the future may determine. These figures do not include our permanent reserve of 3,844,712 acres east of the ninety-sixth meridian of longitude west, upon which we now stand and where our homes are located. These

acres, every foot of them, are our own, bought for a consideration, paid for, patented and held by a fee-simple title, denied by none, but recognized by all departments of the government; a title which cannot be except by brute force or abandonment or the extinction, not of the Cherokee Nation, but of the entire Cherokee people. Here we live, here we have the right to live, and here will our children and our children's children have the right to live unless they see fit to order otherwise. Not only so, but we enjoy civil and political rights which should be esteemed of priceless value, secured to us as they are by the solemn pledges of the government of the United States. I know, gentleman, there are those, who, speak flippantly and contemptuously of the faith and the integrity of that government, notwithstanding they may have shared its clemency and reaped its benefits. But I am free to proclaim that I neither cherish nor inculcate such sentiments among the people of this country. While the integrity and solvency of the government of the government, of the united States, exists, our rights will be responsible extended to us. Beyond this we shall not need them. For, when this great republic shall go into bankruptcy, when President

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Grant or his successors, the justices of the supreme court and majority of the members of congress shall cease to respect the provisions of the law, the demands of justice, the dictates of humanity and the promptings of magnanimity, their constituencies will have been previously demoralized, the traditions of the past dishonored and the bonds of society loosened from their fastenings and swallowed by chaos. I know that the Indians have borne wrong and oppression, broken faith, fraud and speculation, the abuse and insolence of power, and a lavish share of that "inhumanity of man to man which makes countless millions mourn" -- I know all this, and hate and despise it. But what would they have been but for the protecting arm of the general government? What were they in colonial times, when their parent government was the same as it is now of the Dominion of Canada? What were they in Georgia and Mississippi and Texas, and what would they be, from the lakes to the Rio Grande, and from the Mississippi to the Pacific, if that power had been withdrawn, and the management of Indian affairs, tribal or individual, remitted to the states and territories -- to the tender mercies of a certain class of the border population, which possesses among its members those who are as

aggressive, as bloodthirsty and as cruel as the wandering
 mad of the plains? True, there are great evils con-
 nected with our condition; but it is not less true that it
 is infinitely better than that of any considerable portion
 of the Indian race beyond the limits of this territory,
 whether they retain their tribal character or have become
 citizens of the state. I do not claim for the government
 of this nation much strength and wisdom. I know that is
 feeble and halting, but yet it is deserving of both my
 respect and fidelity. I honor the memory of those who
 founded it and stand shoulder to shoulder with those who
 defend and would perpetuate it. What though its officials
 fall below a high standard of statesmanship, what if its
 judges are not men profoundly learned in the intricacies
 of the law, that its laws are not the most complete and
 well ordered; that our number is small, our resources
 few, our productions limited and the bulk of our popula-
 tion, native and adopted, not so refined and industrious
 and intelligent and virtuous and law abiding as people
 claim, some justly and others unjustly to be elsewhere,
 still there is another side to the picture, another
 contract of conditions that should not be forgotten or
 omitted. Take the average Cherokee and contrast him
 with the average member of the tribe of the Comanches

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or the more numerous class of "We uns and Youns," and can you doubt for a moment which is the true nobleman? Is it nothing that the Cherokee people have a local habitation and a name? It is nothing that they have houses, and farms, and churches, laws, judges and courts, jurors, voters, legislators, lawyers, ministers and schools taught by competent teachers, who are "to the manner born" or from the green fields of the North, or the classic shores of New England? Is it nothing that they have homes and land, flocks and herds? that they plow and sow and reap? that if there is no great individual wealth and opulence, there is ordinarily less pauperism and suffering? that every man has land, wood, water, fuel and a salubrious climate in which to dwell? and that they are free from public debt and direct taxation? Aye, my countrymen; these are great privileges and great blessings. They show great advancement, and are the earnest of a more rapid progress in the future, of a purer Christianity, and a higher civilization. We cannot too highly prize them, too tenderly nurture them, too vigilantly watch them, too bravely defend them. Powerless be the arm that would strike them down. I concede that evils of no ordinary character exist in our midst. There is less charity and forbearance, one toward

other, than there should be; partisan feelings so often degenerate into personal animosities and hatred; law is not always sufficient to restrain crime; property is too insecure and life too often falls beneath the blow of the assassin. I am no apologist for these things; I deprecate and abhor them; but where do they not exist? Doubtless they are deplored by all good men. But notwithstanding these admissions and the exaggerated newspaper paragraphs and untruthful telegrams, I affirm that life and property are as secure here as anywhere in the bordering territories. I am in favor of a strict compliance with the requirements of all the laws and treaties properly in force in the Indian country, but beyond that I am not willing to go; least of all am I willing to be instrumental in forcing upon an unwilling people changes of any character in their form of government or in their relations to the United States. The country included in our diminished reserve is ours; let not a foot be alienated except in accordance with the requirements of treaty. The right of self-government is guaranteed to the Cherokee people; let that right be maintained. The guarantee is ours that our country shall never be included within the jurisdiction or limits of any state

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or territory without our consent. Upon that guarantee I stood yesterday, stand to-day and will stand to-morrow.

It is not every change that brings improvement, and there is sound philosophy in the maxim that it is "better to bear the ills we have than fly to those we know not of." The changes proposed by the advocates of territorial schemes are experiments upon the rights and interest of every man, woman and child in the Nation, without the color of authority, and in defiance of their known and oft-reiterated opposition, and which in the history of other tribes who have tried them, like the footprints of the exiles to Siberia, or of those in the lion's den, all point in one way. The general result to them has been the same everywhere, within the scope of my knowledge, from the reservation granted to Cherokees under the treaties of 18, 17 and '19 to the allotment of lands to the Pottawattomies of Kansas in 1872. Intrigue, chicanery, fraud and intimidation have ousted the Indian, wrested from him his land, and cast him fourth a despised pauper in the midst of an uncongenial and unsympathising population. If the present title to our lands is insecure when high as any known to courts of law, what reason

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against poverty and ignorance and consequent weakness. In such a contest can you doubt the result? Has it not been the same anywhere else, and why should it be different here? Let not truth be disgusted. In my judgment no division of land can be made in severalty among us that will materially benefit any considerable portion of our people without destroying the nation and endangering the welfare of the bulk of our population. An individual title without the right of alienation, is not so good as the one they now hold to their farms and improvements, a title with the right to alienate only to citizens of the nation, would have the effect to build up a few selfish landholders at the expense of the majority of the needy and destitute, while a title absolute will inevitably lead to the immediate overthrow of the Cherokee Nation. Under my present convictions of mind, and in the present condition of the people of this Nation and territory, the overwhelming mass of them not being familiar with even the English language, and in known hostility to this scheme, no consideration can induce me to advise or connive at, or acquiesce in precipitating or forcing upon them the changes it involves. For the same and kindred reasons, I have opposed every bill yet introduced into

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have we to suppose that any other will be more safe? If the supreme court of the United States, honored by the memories of a Marshall, a Chase and a Story, cannot be trusted, what faith can be placed in the inferior tribunals of a state whose judges obtain and hold their places and live by the breath put into their nostrils by those who will constitute the bulk of their jurors, litigants and witnesses; and be their masters by virtue of numbers, learning and force of character? Ah! but you are to be of these voters yourselves, and that is the "king cure-all" under the glories of the promised dispensation. But, what if you are! Does not commonsense tell, your ratio to others will be but a drop in the bucket, and bear about the same relation to them as the vaunting fly does to the wheel that raises a dust? The newspapers teem with accounts of the intimidation, abuse and slaughter of hundreds of American citizens, for simply daring to exercise the elective franchise; and will it be better with you?

Now the interest is common, the protection mutual, the defense combined, and the weak, the ignorant and the poor find their strength and salvation in a common cause. Divide into severalty, and then it will be wealth and knowledge and resulting power

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congress to organize a territorial form of government over this country. There has been no such measure yet introduced which in my judgment did not open the door to wrong and imposition upon the entire citizen population of the Nation. Indeed, belief is that none of them have had their origin in their interest, but in sentiments and purposes foreign to it, and the means used to secure their success have been in harmony with those purposes. You know, and any intelligent man in the country knows, that not one of these measures has had its origin among the people to be affected by them -- not one of them has met with the approval of a single tribe, or any appreciable number of a tribe. No authorized exponent of the views of even an insignificant band of Indians has raised a whisper in their favor. But the resolutions of the general council of the whole territory, the resolutions and enactments of the national council of all the leading tribes and the unanimous voices of the Indian people have gone up in one harmonious volume of protest, remonstrance and determined opposition. On this point there is no room for doubt, cavil or denial. But on the other hand, the press, the telegram, the rostrum and all the appliances efficacious in creating and moulding public

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sentiment, and so available to capital and cunning, have been used with a lavish hand in their behalf. The beauty, richness and luxurance of Naboth's vineyard have been portrayed in terms of grandiloquent extravagance if vice, crime and lawlessness have been studiously exaggerated, and the people of the country, native and adopted, been sneeringly derided by those who would rob and plunder them, as the vilest of the Lo family, "of the meanest of the white race." Excursion after excursion of congressmen, legislators, capitalists, agriculturalists and journalists have been rolled across the country in palace cars, or halted in your midst, and led up to these eminences, and the glories of the world pointed out to them, and all promised to them if they would fall down and worship mammon. If these unusual appliances are resorted to now to advance the overthrow of this Indian country what will be the reality of our people when all protecting barriers are broken down? When I recall the scenes which preceded, attended and followed the enforced removal of our people from states east of the Mississippi river; the enactments of state legislatures -- lyingly styled "Acts for the better protection of the Indians " -- which were the infamous instruments

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of wrong and persecution; when I read in the investigation by congress into the corruptions, which rankled and stunk as a bloated carcass beneath a blazing August sun, in counts of so-called justice, which held absolute jurisdiction over the persons and property, the reputation and the lives of our fellow men; when I see the tired and wasted remnants of once powerful tribes, like the Delawares, the Shawnees and the Modocs, which have been driven into this territory from states far and near, and know that wrongs, indignity and murder are wantonly perpetrated upon individual Indians by depraved and unprincipald men all around who profess a higher civilization, I confess that my prayer is that these things may be averted from our families and our country. I am no alarmist, but be ye not deceived. The survey and allotment of these lands in limited quantities to our own people and the alienation of a portion of it to other occupants from abroad and the extension of a new form of government without their consent, in which they will be insignificant in numbers, knowledge and influence by the side of those who will rule and control, means the repetition of all these things and more. It means conquest, revolu-

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tion, change in every relation and condition among us; the influx of a heterogenous mass of mortality, the driftwood on the first flow of the swelling tide. It means wrong fraud, deception, vice, immorality, insult, retaliation, blood, extermination. Let me not be misunderstood here nor elsewhere. I desire simply to promote the harmony and the highest welfare of every class of people in the country. No, the time for these things is not now. This country, with its laws; funds, resources and institutions, is all our own. No unsatisfied ^{EW}, no great public good, no pressing necessity in the interests of humanity demands their surrender, while the best interests of the great majority of our people forbid it. Let restless men say what they may, I tell you, in all candor and sincerity that we have cause for contentment and thankfulness. True, the withholding of fruitful showers in due season, and the scorching sun have parched the earth and shriveled our crops; but health and herds and fertile acres and manhood and, if need be, public relief, remain; and with a government that guarantees every reasonable right of conscience, word and deed, what more need we crave than the continued extensions of the faith of the government of the United States

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for their enjoyment? But let it not be said that I am the enemy of progress and improvement. Far from it.

I neither decry nor oppose improvements and progress. I know the power of knowledge and have some feeble comprehension of the mighty deeds wrought in this wonderful age -- wonderful in its ships, bridges, railroads and telegraphs, -- wonderful in the revolutions, wars, progress, activity and achievement! Nor am I the enemy of railroads in our midst. Every right and privilege contained in our compact should be extended to them in the future as in the past, but when this is done let them avoid wrong and aggression and not seek to fill their exchequers at the cost of rights and the existence of the people of this country. My earnest desire is for the preservation of every right belonging to the Cherokee people -- the extension of every franchise, to every citizen, to which he may be entitled -- the elevation of the people in knowledge and virtue -- the safe development of the resources of the country and the preparation of the entire people for such change in their relations to the government of the United States as their wishes and interests or circumstances may produce. To these ends I would

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inculcate, greater care and economy and industry and more diversified pursuits.

Instead of multiplying the number I would elevate the character of the public schools of every grade, adequately reward suitable qualifications in teachers, and demand the exercise of those qualifications. I would, as a matter of right and wisdom, spare no means or efforts to diffuse a knowledge of the English language among those now ignorant of it. I would seek fitness for official positions and enforce the fair and impartial administration of law towards the white men, the Indian and the negro -- the native and the adopted citizen -- pitying the ignorance, despising the prejudice and abhorring the villany that would withhold truth, justice and fairness from any man on account of party, sect or color. I would provide for the honest collection and disbursement of the income of the Nation, and stop all useless or unnecessary expenditures; and under this head I am free to class the large delegations sent annually to Washington. Years ago I sought to correct this practices by providing for the appointment of an agent who should remain in Washington, when deemed necessary, under reasonable compensation and suitable instruction. The

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knife should be applied and this cancer on the body politic be cut out by the roots. The sums paid on this account and the employment of attorneys since the war has been largely in excess of the public necessity. But while I feel that no official responsibility attaches to me for any excess in this particular it is due to candor and fairness to say that the interests involved before the government have been great and inestimable, and not to be measured by ordinary considerations. It is proper to state in this connection that no money has been paid, so far as I know, to any member of congress for services rendered as attorneys for the Cherokees while such member. In regard to the situation of affairs at the close of the late session of congress, permit me to say briefly, that all the funds due from the government on general and special accounts, including those for the orphan asylum, the school for the indigent and home for the insane and blind, were paid to the treasurer of the Nation, and those institutions will be put into operation without unreasonable delay. Several territorial bills were introduced into congress and referred to different committees, but none of them were reported. The one presented by Mr. Hynes of Arkansas was discussed before the committee on territories of the house of representatives, but was not acted upon. My impression

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is that nothing will be done by this congress upon the subject. The leading features of those measures are the same; the material difference between them being that some are sugar-coated and others plain, some circuitous, others direct -- they all aim at the same general end -- a thorough and radical change in the condition of this whole Indian country, the seizure of its political power and the opening of it up to immigration and settlement. The sum and substance, the alpha and the omega of the whole matter, is to blot out all distinctions between this country and other portions of the United States either by direct means or by implication, and I regard the whole of them as thoroughly unjust in their provisions towards the Indian people. It is unjust to the Cherokees to say that they shall be allowed only 160 acres of their own land, when the 23d article of the treaty of 1866 expressly provides that it shall be surveyed at the expense of the United States and allotted to them by the secretary of the interior whenever the national council shall request it, and is both a wrong and insult to the manhood of the entire Indian speaking portion of them to say that after the 160 acre have been allotted and they been made citizens of the United States, they shall not have the right to alienate it for a term of years, long

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enough to place a vast majority of the adults in their graves and to fill the land with irresponsible administrators and guardians, who will treat their children as other Indian orphans have been treated in Kansas, and elsewhere, and despoil them of their rights. Having discussed this whole question at the last session of congress, and the provisions of the bill named, I beg leave to repeat my language there before the committee on territories.

In regard to the bill now under consideration; I object to it because I am opposed to any such measure as unauthorized by treaty, not warranted by the condition of the Indian country, uncalled for by the people to be affected by it, and as inaugurating a system of legislation here which, once begun, will not stop short of the utter disruption of the Indian people, whose only hope lies in quiet, protection, and fostering care; because it singles out the provisions of the most unfavorable, and to the other Indians the most objectionable treaty of 1866 as a nominal basis upon which to found provisions objectionable to the other nations to be affected by it, and not in accordance with the guarantees made them in equal good faith and of equal sanctity. As evidence of this I refer to section 3, where it deprives any tribe

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of representation in the assembly, whose population does not exceed five hundred; to section 5, which empowers the assembly to legislate for the construction of works of internal improvement. I need not tell you that the legislative power of that territory, organized upon the basis of this bill, will be the absorbing power of the territory, and the interest of works of internal improvement, the directing and controlling influence of that power. The lands of the Cherokees are their own. Their treaty does not confer this grant of power over their dominion, upon any authority beyond themselves, and they will not consent to place these important interests in the hands of strangers and aliens -- into a common pool, where the shrewdest and most daring adventurer will grasp the prize.

The proviso to the 9th section discriminates against all Indians in the territory besides the Choctaw, Chickasaw, Creek, Seminole, and Cherokee nations, and makes no provisions for the protection of their tribal organizations, legislatures, rights, laws, privileges, and customs, while the provision of the treaties of 1866, upon which the bill is professedly based, place all tribes consenting to the establishment of the general council of the Indian Territory upon an equal footing in respect

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to such subjects.

Section 11 makes the "superintendent of Indian affairs the executive of the said territory, with the title of governor of the territory of Oklahoma." That provision is peculiar to the Choctaw and Chickasaw treaty. Not only the position and the title of this executive office, but even the name it assumes to give to the country is unknown to the other nations and tribes of the Indian country, and involves a position, the governorship of the territory, in regard to which they are most sensitive, because it is second in importances to no other office in the Territory.

Section 12 to the Indians is a nut without a kernel, while section 13 is the Trojan horse, Indian suffrage is at the first election placed upon the "adoption of the customs of civilized life," that of citizens of the United States upon legal residence. Upon what customs and upon what lawful residence? and who are to determine these questions? What are the customs of civilized life, and how many of them must an Indian have to be allowed the right to vote in his own country, or to be deprived of that right? The customs of civilized life, as we know it, are both numerous and somewhat mixed; and who are to determine the degree of advancement in these things, the exact standard of

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excellence or profficiency in these customs necessary
for the exercise of this important right? * * *

This provision is unjust to the people of that country,
and if by the passage of this bill you make them citizens
of the United States it is unconstitutional. It will,
debar thousands of the people of that territory, while
every trader, every government, official, every railroad
employe, every laborer, every soldier in it, under sanction
of law, will be allowed to vote. Even more than this;
the provis^o blots out every distinction of color as to
rights in the territory, and destroys every safeguard
seemingly thrown around the Indians, for if not so intend-
ed, it will overflow the country with white and colored
voters. Section 13 is contrary to the 22d article of the
Cherokee treaty of 1866, which vests the question of
surveying and allotting their lands exclusively in the
will of their national council.

But, gentlemen, I weary you. In conclusion, let
me say that the line of wisdom in this, as in every other
case, is the line of justice. Keep your faith. But few
Indians are left. Those in the Indian territory are quiet,
peaceable, progressive and friendly. They ask simply
your protection. They have promised it -- extend it; and
thus, instead of their extermination in the course of a

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few years, they may be imperceptible mingled in blood, sentiment, intelligence and high aspirations with your own descendants.

No, gentlemen, the form of government outlined for the people of this country by the treaty of 1866, in making provision for the general council of the Indian territory, was an Indian government. While the manner of allotting Cherokee lands was provided, but the time when it should be done was vested exclusively in the discretion of the national council. Congress has no lawful authority or actual control over the subject. But if you are willing to concede that control, as I am not, and if you are prepared for the changes the exercise of that authority must inevitably bring, as I do not believe a majority of the Cherokee people are, or if you desire them, or think them inevitable, assert both your right and manhood in the premises. Have all your lands appraised, equalized and divided; demand a full and perfect title to every acre of them; withdraw your investments and distribute the proceeds per capita among yourselves, and then be free, if choice or circumstances make it desirable, to repeat your own history, and go forth from these hills and valleys and outstretched plains, and limpid streamlets and rivers as your fathers

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went forth from their native land, or as Milton sent
forth Adam and Eve from Eden, when

"The world was all before them, where to choose
Their place of rest and Providence their guide."

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EDITORIAL ON L. B. BELL

The case of Cherokee Nation versus L. B. Bell et al for tax on ties furnished the Missouri, Kansas and Texas Railway Company was decided by the Supreme Court in favor of defendants. The decision was mainly based upon the fact that there was no proof before the court, that the defendants had ever furnished a tie. Their bonds were to secure tax upon ties actually furnished, and, although in each bond ten thousand ties are mentioned as the number upon which the tax was secured, these provisions could not be taken as grounds upon which to render a judgment against the defendants without the proof that the ties were furnished as alleged.