

CHEROKEE

1874-1889

PAPERS



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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, November 14, 1874
Vol. 5, No. 27-2357
John L. Adair, Editor

COUNCIL PROCEEDINGS

Senate, -- Wednesday No. 11, 2 o'clock p. m.

Senate Bill No. 1, admitting David L. N...
and family to the rights of Cherokee citizenship, was
introduced by Mr. Benge of Illinois District. Adair
moved that the bill be placed upon its second reading.
Motion carried. Adair moved again that the bill be put
upon its third and final reading, and a vote be taken
upon its passage. Carried.

Senate Bill No. 2, as amendatory to the law pro-
viding for a tax on stock driven into the Cherokee Nation,
was introduced by Adair, read and interpreted. The bill
is intended to prohibit the driving of stock into the
country between the months of October and April for the
purpose of grazing, but does not interfere with the direct
transit to Northern markets. The penalty prescribed for
the violation of this provision is prosecution before
the United States District Courts under the law regulat-

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ing trade and intercourse with the Indian tribes. The bill further provides that from and after its approval all stock driven through the Cherokee country shall be closely herded and not allowed to mingle with the stock of the citizens of the country, and pre scribes the same penalty for any violation of the provision as provided in the first instance. Citizens of the country, who wish to purchase and collect stock for market, are also required to keep it closely herded and not be allowed to intrude upon the premises of any citizen without his or her consent -- are subject to a prosecution before the courts of the country for any violation.

A joint resolution was introduced by Adair, authorizing the Principal Chief to have 200 copies of the laws of last session of the Council printed for distribution. Carried.

Senate Bill No. 3, to amend the law providing for rebutting testimony, was introduced by Adair, read and interpreted.

Senate Bill No. 4, providing for two reporters, one for the Senate and one for the Council, to furnish the CHEROKEE ADVOCATE with the proceedings of either house was introduced by Mr. Charles Thompson. Mr. D. H. Ross moved that the rules be suspended and the bill be put upon its passage. Carried.

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The petition of Malinda Young for readmission to the rights of Cherokee citizenship was presented by Mr. George Wilson, with Senate Bill N^o. 5, admitting her and her children. Mr. Wilson moved a suspension of the rules and a vote be taken on the bill. Both carried.

Mr. Richard Fields moved that a Committee on Public Buildings be appointed. Motion carried, and Messrs. Chambers, Fields, Keith, John Ross of Flint, and Thompson of Delaware were appointed by President Wilson.

On the motion of Adair the Senate Adjourned until to-morrow 2 o'clock.

Thursday 2 P. M.

The Principal Chief sent down a special message notifying the National Council of vacancies in several offices of the Nation, office of Solicitor of Sequoyah District, and that of member at large to the General Council, occasioned by the death of Col. Clem Vann. Both houses having convened in joint session for the purpose of electing officers to fill the vacancies, Black Haw Sixkiller and Capt. W. H. Turner were nominated, and vote being had Sixkiller was elected by a majority of eleven, -- the vote being 29 and 18. For Solicitor Laey Lasley and Joe Coody were nominated. Vote taken Result -- Lasley,

28 -- Coody, 19.

The claim of John Ross (Senator) for the pay of services rendered in issuing clothing and provisions to destitute Cherokees from the Indian Agent's office during the war was presented. After considerable debate the claim was referred to the Committee on Claims.

Council Bill No. 1 admitting R. T. L. Mitchal and family and William Walker to the rights of Cherokee citizenship, was received from the Council and read. Adair moved that the bill be concurred in. Carried.

Senate Bill No. 6, providing relief for the destitute citizens of the Cherokee Nation was introduced by Mr. Fields, read and interpreted. The bill provides that the \$100,000 set apart by the Act passed December 5, 1873 out of the Cherokee Strip in Kansas be paid as per capita. Mr. Fields moved that the rules be suspended and the bill put on its passage. Motion withdrawn at the request of Mr. Benge until to-morrow.

A petition from those of the colored people who failed to reach the Cherokee Nation within the six months as provided in the treaty, of 1866, was presented by Mr. Benge, and Senate Bill No. 7, admitting such to all the rights and privileges of Cherokee citizenship was read and interpreted. The bill provides that all

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those having thus failed shall be so entitled after proving their identity before the Chief Justice.

Senate Bill No. 8, authorizing the appointment of a delegation was introduced by Mr. George Wilson. Adair moved that the bill be put upon its second reading and made subject to amendment. Carried.

Senate Bill No. 9, admitting Joseph V. Crutchfield, James Crutchfield and Alice Bantly to Cherokee citizenship, was reported from the Committee on citizenship. Adair moved that a vote be taken on the bill. Mr. Chambers objecting, the motion was withdrawn and the bill subjected to the rule.

On motion of Adair the Act to amend the cattle tax law was taken up. D. H. Ross moved to amend by the following: "Be it further enacted, That the cutting of hay within the limits of the Nation for the feeding of stock not in the Nation or not belonging to citizens of the Nation shall be deemed grazing such stock," and shall subject such hay cut, to the liability of seizure and sale for the benefit of the Nation. Adair proposed to carry the amendment further and prohibit the cutting of hay by non-citizens for such purpose as named in the amendment. This addition was accepted by Mr. Ross. Some discussion was indulged in between Fields and Adair

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on the Bill. Mr. Fields advocating the penalties to citizens of the Nation; but as that would make the Bill a Penal Act and require its publication for ninety days before it went into effect the motion to so amend was withdrawn by Mr. Fields. Then on motion of Col. Adair the Section of the original Bill, relating to citizens speculating in stock and requiring them to herd the same when brought from the States, was stricken out. The object of the Bill and the reasons making its passage necessary, was fully explained by Col. Adair. That the drouth, the grasshoppers and the chinch bugs had nearly eaten us up, and now Kansas cattle and hogs were finishing us. Mr. Jesse Thompson spoke in advocacy of the Bill. Col. Adair offered an additional amendment in relation to hogs. Making it unlawful for non-citizens to stop with such stock in the Nation, but requiring them travel on at the rate of travel prescribed by the original Act passed 1869. Bill was laid over until tomorrow.

Senate Adjourn until 2 o'clock p. m. tomorrow.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, November 14, 1874
Vol. 5, No. 27-235?
John L. Adair, Editor

PROCEEDINGS OF THE SUPREME COURT

Court met according to the requirement of the Constitution on the first Monday in October, a quorum not being present on account of sickness &c., adjourned till the 19th of October. Court met according to adjournment and proceeded to business, 13 cases on the Docket. Present Chief Justice Keys and Associate Scraper.

To the first calling, parties being ready in the case of Connor and Journeysake, v. s. Sarah Cumpton, the case was briefly argued and submitted. The question involved the right to an estate of John connor, place in possession of Sarah Cumpton. The Court decides as Follows: "After mature deliberation the Court is of the opinion that the Defendant in the case, never possessed a bona-fide title to the place now in question; * * * and therefore decides in favor of Plaintiff, Connor and Journeysake, and give judgment against Sarah Cumpton with cost of suit."

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October 21st. Present Chief Justice, Associates Vann and Scraper, Elowie Doublehead v. s. War-le-see-ne-cow-ee, to determin the right to property. This case involved the question of heirship. Argued and decision rendered as follows: "The Court is convinced from evidence that the Plaintiff has failed to sustain his claim as sole heir of the property, as he is not the legal husband under the Act regulating marriage estates approved October 24th, A. D. 1855, and we therefore sustain the decision of the lower court, and give judgment against Plaintiff with cost of suit."

October 22d. Present, Chief Justice Keys, Associates Vann and Scraper. In the matter of F. A. Kerr, v. s. Nancy Shaw administratrix, defendants counsel, Col. Wm. P. Adair objects to Associate Justice John S. Vann sitting upon the case, on the ground of affinity. Chief Justice notifies the Chief of the vacancy thus created, and the case awaits the filling of said vacancy.

October 23d. Present, Chief Justice Keys, Associates Vann and Scraper. D. W. Bushyhead, Treasurer, v. s. L. B. Bell et al. This is a suit for tax alleged to be due on ties furnished the M. K. & T. Railroad by L. B. Bell and others. The case determines several

important questions. W. L. C. Miller, Attorney on behalf of the Nation, delivered quite an elaborate argument. The case was finally submitted, and still under advisement.

October 26th, Present, Chief Justice Keys, and Associate Scraper. Jane Alberty Administratrix on the estate of J. D. Alberty v. s. Wm. McCrackin was then considered and disposed of. Decision. "The Court, with an eye to equity and justice have carefully considered the different points of disarranged evidence. It follows in the opinion of the Court that the Defendant has failed to prove that he ever made any settlement with J. D. Alberty (deceased) during the years 1860 and 1861. On the part of the Plaintiff there is prima facie evidence in favor of Plaintiff. The Court accordingly decides in favor of Plaintiff, and gives judgment against Defendant with cost of suit."

October 27th. Present, Chief Justice Keys, Associate Scraper. Ann Herford v. s. Wm. Choteau for damages for assault and battery. Case called. Attorney Adair objected to any further reading of the evidence. He stated that the case was either civil or criminal, if criminal, it should be by indictment, if civil the party to the suit had no right to testify. The nature of the suit and the right of the party to testify, left to the

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Court for decision. "The Court is of the opinion that the case is a civil suit, and should be disposed of under the Act relative to the trial, expenses etc. of assaults and battery suits. The Court accordingly decides to dismiss the evidence of complainant. It being contrary to law to admit interested parties to testify in civil suits." Case was then argued and submitted. The Court rendered the following decision: "The Court is of the opinion from the evidence on the part of the prosecution that there was a difficulty between the parties, and that Defendant did insult, use improper language, make improper advances in the absence of her husband, this all being in violation of law and good order in every civilized

--- The Court decides in favor of Plaintiff, and gives judgment against the Defendant to the amount of one hundred and fifty dollars damages and cost of suit."

October 29th, Present Chief Justice Keys,
Associate Scraper. Francis E. Eaton v. s. James J.
Audrain, for possession of improvement. Continued.

Cherokee Nation v. s. B. B. Adair et al for
forfeiture of a \$1000 bond. Continued.

Cherokee Nation v. s. John B. Edwards for viola-
tion of Permit Law, appealed from Saline District, Con-
tinued.

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J. G. Harlin, (Guardian) v. s. E. M. Adair, to the right of improvement. Motion by Attorney Walker to dismiss, on the ground that Plaintiff has no right shown by the evidence to sue. Motion sustained and case dismissed at Plaintiff's cost.

October 30th. Present, Chief Justice Keys, Associates Vann and Scraper. Wm. Percival v. s. J. M. Bryan for note of hand, amount, \$1,419,82. Case submitted for argument. A lengthy and elaborate argument in favor of Plaintiff by W. L. G. Miller.

Case decided in favor of Plaintiff with cost of suit.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, November 14, 1874
Vol. 5, No. 27-235?
John L. Adair, Editor

THANKSGIVING PROCLAMATION

WHEREAS, The President of the United States has recommended Thursday the 26th inst. as a day of Thanksgiving, and a desire been expressed to me that the people of the Cherokee Nation, in view of the gratitude due from them for the manifold blessings they have been permitted to enjoy during the past year, should be invited to join in its observance. Now Therefore,

I, Will. P. Ross, Principal Chief, do by this Proclamation, invite all persons within the Cherokee Nation in the language of the President, "To assemble in their places of worship, on Thursday the 26th day of November (instant) and express their thanks for the mercy and favor of the Almighty God during the past year, and laying aside all political contentions and all secular occupations to observe such day as a day of rest, thanks giving and prayer.

In testimony whereof I have hereunto affixed my
name and the Seal of the Cherokee Nation, at Tahlequah,
this 7th day of November, A. D. 1874.

WILL. P. ROSS,)Principal Chief,

ALLEN ROSS,)Secretary.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, November 14, 1874
Vol. 5, No. 27-235?
John L. Adair, Editor

EDITORIAL ON JOHN ROSS, SEQUOYAH

All nations have their great men who have distinguished themselves in some way, either in war, in statesmanship, in letters, in discoveries, or in those inventions, which by their great utility bless the people of the inventor and immortalize his name -- great men, who crop out here and there above the common level of humanity like Sauls above their brethren in those characteristics that make great men. As if in compliance to the law of demand and supply, or to meet those exigencies that here and there arise as crises in the history of every people, great men make their appearance as military leaders, as statesmen, or if as benefactors in the humbler walks of life, not less worthy of nation's pride or gratitude.

If though according to the advancement that each nation has made in the science of government and popular intelligence, each great man's renown may be graded, yet

he is not less worthy of the name because of the standard by which he is measured, or as determined by those or that nation's degree of advancement in these respects.

The history of our people, both written and traditional, furnish many examples of individual greatness in valor, in diplomacy, in oratory, and invention, but it is only the memory of their achievements that remains with us, while the great actors themselves appear more mythical than real. How they looked or where or how the signet of their greatness was stamped upon them the fancy of the artist can only supply.

It has been, and is the pride of all nations, not only to perpetuate by song and history the names of their great men, but their lineaments and their living appearances by painting and sculpture. To them as tributes of respect and admiration arise monumental piles, or colossal statues, or stand in honored places paintings and busts.

The time has arrived in our history as an intelligent and appreciative people to emulate civilized nations in this respect, and to snatch from the grave the lineaments of our honored dead. Nothing is wanting to do this. The great men we have had, whose features can yet be preserved in marble or bronze, -- men who

would be considered great in any country. The means we have likewise, and at a little cost in comparison to our public wealth, the features of Sequoyah, John Ross and Lewis Downing may, as they deserve, be preserved to posterity, the one as the great Indian Cadmus, and the others as patriots and rulers of a grateful people. As ornaments to our capitol, and as promoters to the higher and nobler walks of life among the youth of our country, nothing could be more elegant as the first, and nothing more inspiring as the latter.

Miss Vinnie Ream, the justly celebrated American sculptress, who executed the statue of President Lincoln, has prepared two busts in plaster, one of Sequoyah and the other of John Ross, which will be exhibited to our National Council as specimens of her skill. The opportunity thus presented to perpetuate the memory and features of our great men is in keeping with our ability to present the art in its highest form to our people, not only as samples for imitation in the art, but as exhibitions of a nation's appreciation of those who aspire to be as equally great or good.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, December 19, 1874
Vol. 5, No. 31
John L. Adair, Editor

COUNCIL PROCEEDINGS

Senate,
Thursday, 3,
9 a. m.

Adair moved that the nomination of W. P. Boudinot to fill the vacancy in the Board of School Commissioners be confirmed. Mr. Boudinot was elected.

Adair moved to accept the report of the Joint Committee appointed to settle with the Treasurer.
Carried.

An Act making appropriation for the Female High School.

Adair introduced an Act instructing the delegation.

Mr. George Wilson reported from the Committee on Foreign Relations a bill defining that portion of the treaty of 1866 relative to confiscated property.

Mr. D. H. Ross proposed to introduce an Act incorporating the Cherokee Fair and Agricultural Association, but it being within three days of the adjournment a two-third majority was necessary to suspend a provision of the constitution forbidding the introduction of bills within that time. Roll called -- carried. He then moved the second reading of the bill -- carried.

The Act to remove those who have failed to establish their rights to Cherokee citizenship out of the limits of the Nation returned from the House concurred in.

Mr. Charles Thompson called for the bill repealing the Act prohibiting the carrying of concealed weapons, and after some discussion the bill was put to the vote. Lost.

Mr. John Ross asked for the resurrection of the bill repealing the Act establishing a Board of School Commissioners. To do this a two-third majority is necessary, pending which adjourned until 2 o'clock.

Senate, 2 p. m.

Bill permitting Mr. H. C. Cullon to herd and graze sheep in Canadian District, returned from the

Council concurred.

The "No. 1" bill was introduced making an appropriation to pay the members of the National Council -- rules suspended and bill went through unanimously.

Bill instructing the Treasurer to make a loan from the \$15,000 fund to pay the salaries of officers returned from the Council concurred in.

Mr. Fields called up the bill authorizing the Treasurer to purchase a safe for his department, and moved its passage -- carried.

Senate -- Friday 4,
9 a. m.

Mr. Benge called for the third reading of the bill making appropriation for the Female High School read, and passed.

Message received from the Executive nominating Judge T. M. Walker member of the Board of Trustees of the Male and Female High Schools. Confirmed.

Bill making an appropriation for the Public Schools returned from the Council concurred in.

Bill instructing delegation was read and interpreted the second time.

Report of the late delegation was called for, and on motion of Adair a Committee was appointed to inform the Council that it was the wish of the Senate that both houses meet in joint session at 6 o'clock to hear it read.

Message of the Chief, transmitting his objections to the Act authorizing H. C. Cullom, a citizen of the United States to herd and graze sheep in the Cherokee Nation. His objections were that "it is special legislation which is contrary to the spirit of the Treaty of 1866, and will form a precedent that will lead to repeated applications of similar character. I am opposed to such legislation and am aware of no reason why the authority of the Nation should be used to such extent in favor of a single citizen of the United States to the exclusion of all others.

Because such privileges lead to complication in our relations with the United States and introduce indefinite numbers of persons not amenable to the laws of the Nation at the very time that the United States are called upon to remove a large number of persons from the limits of the Nation as intruders.

Because the extent of the privilege is unlimited as to the amount of stock that may be introduced into

Canadian District and which may be grazed at any point in it whether conducive to the interest of the Cherokee people of that district or not.

The discrimination it makes against other persons who are driving and grazing stock through the country is marked and unwise. By the terms of this Act flocks of indefinite numbers have every right pertaining to those of native citizens for the paltry consideration of ten cents per head per annum, while those of other citizens of the United States will be taxed five cents per week, or two dollars and sixty cents per annum.

If existing laws upon this subject are unwise I would suggest that you modify them but let them remain general in their applications.

Adair introduced a bill authorizing a loan of \$2,500 to defray the expenses of an Old Settlers delegation to Washington. Rules suspended, bill passed.

Adjourned until 2 p. m.

Senate, 2 p. m.

A bill making an appropriation to defray the expenses incurred last session of National Council in investigating the contested election in Coo-wee-skoo-wee District, read and interpreted.

Committee on public building reported a bill appropriating \$1,000 in favor of Mr. Byrne, Jail contractor, in addition to the \$6,000 appropriated last Council, conditioned upon the double grating the windows of the basement prison with heavy grates to the satisfaction of the Building Committee.

Report of the Trustees of the Orphan Asylum was read and interpreted. Rules suspended -- carried.

Bill appropriating the \$1,000 in favor of Mr. Byrnes, Jail contractor, carried.

The report from the Committee on the New Code with the amendments of the Committee to it, came from the House concurred in. Mr. Bengt moved a concurrence of the Senate, pending which adjourned until to-morrow morning 8 o'clock.

Senate -- Saturday 5,

9 a. m.

Bill admitting John Backman to citizenship returned from the Council concurred in.

Bill instructing the delegation was called for, and Mr. Jesse Thompson proposed to amend by striking out the clause authorizing the delegation to dispose of the "dark question" relative to those of African descent who

failed to reach the Cherokee Nation, within the time allowed them in the Treaty of 1866. Mr. Thompson in support of the amendment said, that the question was, in his opinion, too grave a one and involved too much to be left to the discretion of two or three men, and should, because of these considerations, be left to the action of the National Council; that in fact the question was settled by the treaty, and that every obligation on the part of the Cherokee Nation, relative to the reception of these people as citizens of the country had been complied with in every respect, and if there were any further obligations they were not in law or treaty, and that to legislate outside of these was gratuitous. Motion carried and the clause was stricken out.

Mr. Bengé moved a concurrence with the Council in amendments to the New Code, made by the Joint Committee, pending the discussion of which, as the time was nearly up, Adair presented a joint resolution recommending a joint resolution to adjourn at 10 A. M., and fixing the hour at 4 P. M. -- Carried.

The nomination of D. H. Ross, W. P. Adair and J. A. Scales as delegates was received from the Executive.

Mr. J. Porum Davis moved that the vote be taken upon them separately -- carried. The nomination was confirmed.

Mr. Bengé called for the bill instructing the delegation, and requested that it be disposed of. Moved to amend by authorizing the delegation to ask for a compliance to that portion of the treaty of 1866 in which the United States promised to establish a United States court in the Indian Territory -- carried.

Mr. Porum Davis moved to strike out the clause authorizing the delegation to treat with the Miami Indians, and in support of the measure said, that the dissatisfaction caused by the treaty with the Shawnees, entered into and concluded in the same manner as contemplated in the present bill of instructions, with the Miamies, was, in his opinion, sufficient to authorize no further privileges of the kind; that their petition to become citizens of our country east of 96 should be considered and disposed by the National Council; that the loose manner of admitting whole tribes of Indians into our country, as were the Shawnees, he was not in favor of, and to guard against the re-occurrence of such a thing he moved to strike out the clause -- motion lost.

Mr. Bengé moved that the bill be put upon its

passage -- bill passed.

Adair called for the bill defining that portion of the treaty of 1866 relative to confiscation. Mr. D. H. Ross proposed to amend by striking out all except the first clause; said that the bill as it stood would interfere with that which properly belonged to the judiciary, and that the Shawnee case, which the bill seems expecially intended to decide, belonged to the courts and not the council, and that he could not support the bill unless it was amended as he proposed. Adair accepted the amendment, as the bill was his.

Benge again moved a concurrence in the amendments to the new code, which at once caused a hot discussion, as the resolution referring the code to a joint committee provided its adoption in case the amendments were concurred in by both houses, and to go into opperation the 1st of November 1875. Mr. Charles Thompson spoke at length in opposition, followed by Jessie Thompson, Jesse Redbird and others; Adair and Benge in favor. The question was again called for and the vote was as follows:

Ayes: -- Adair, Benge, George Wilson, D. H. Ross, L. A. Ross, Porum Davis, H. Fields, Blackbird, Benjamin Landrum, William Wilson. 10.

Nayes: -- Charles Thompson, Jesse Thompson,
John Ross, Jesse Redbird, Keith Sixkiller. 6.

Adjourned to 2 o'clock.

Senate, 2 P. M.

Mr. Charles Thompson introduced an amendment to
the Act prohibiting the carrying of concealed weapons.

Bill providing for the establishment of an
Episcopal Mission in the Cherokee Nation, was called
for by Mr. D. H. Ross, -- moved suspension of rules for
its passage -- Bill carried. Likewise one authorizing
the Presbyterians to establish a mission somewhere in
the southern part of the Nation, bill passed.

Bill to incorporate the Cherokee Fair and
Agricultural Association of Fort Gibson was called up
by Mr. D. H. Ross, who moved that it be put upon its
passage. Passed.

To move the Court House in Delaware District
taken up and passed.

Bill instructing the delegation returned from
the House concurred in.

Recommendation for the withdrawal of suits at
law for tax and ties and other material furnished the
railroads renewed from the Treasurer.

Council Bill amending the mineral law, received, and on motion for the suspension of the rules was passed. The bill provides that a lease shall not extend for a longer period than five years, and that nothing shall be so construed as to interfere with the disposal of mineral to citizens of the States.

Other bills were called up, as every member seemed to have some favorite one which on account of its great importance and ponderosity, had, like fat buffaloes, fallen in the rear, but some hitherto silent member who had been watching the scene with lively interest, arose and innocently inquired if eight out of eighteen was a quorum?

The "honorable member" who had the floor wished to know what had become of the "grave senators" and was informed that something interesting was going on in the Executive office, and at once forgetting the great importance of his bill because of a new idea, asked a leave of absence, and out he went. The clerk lighting a stub of a cigar "went one eye" on the smoke as he began to gather up his papers and chuck them into pigeon holes. The President yanked around to get a full view of the house but discovering the empty seats resumed

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his former position of reclining ease. One by one the members began to re-enter when one arose and drawing from his vest pocket a huge silver Waltham, announced the hour to be four o'clock, and moved to adjourn sine die.

The President then arose and declared that in compliance to a joint resolution, the Senate of the Cherokee National Council was adjourned sine die.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, December 26, 1874
Vol. 5, No. 32
John L. Adair, Editor

REPORT OF THE CHEROKEE DELEGATES

To the National Council of the
Cherokee Nation.

The undersigned, Principal Chief and Delegates, constituted by your honorable body at its last annual session, as a Delegation to represent the Cherokee Nation and people before the government of the United States at Washington, D. C., respectfully beg leave to submit the following as a

REPORT

of their mission. On their arrival in Washington soon after the adjournment of your last session, your Delegation ascertained that three bills had been introduced into the Congress of the United States, two in the House of Representatives, and one in the Senate, for the purpose of organizing the Indian country into a Territorial

government of the United States.

During the session there was also, for the same purpose, another bill introduced into the Senate, As these bills were violations of our treaty stipulations with the government, and plainly subversive and destructive of our National and individual rights, we felt it our duty to oppose them, and to protest against their passage, and accordingly did so from time to time during the last session of Congress.

Our protests were made through speeches made by our Delegates before the Senatorial and Indian committees of Congress to which the bills were referred, and by printed and manuscript memorials to Congress, and by the honest personal efforts of ourselves and friends with members of both branches of Congress.

The committees of the House of Representatives having these bills before them made no reports during the session, but the committee of the Senate on Territories, a few days prior to the adjournment of Congress, reported a resolution to appoint a special committee of the Senate to visit the Indian country, for the purpose of determining the expediency and propriety of the establishment by Congress of a

Territorial government of the United States over the Indians. This resolution was voted down by the Senate by a heavy majority, and the vote thus given was regarded by our friends as an expression of the Senate adverse to territorializing the Indian country contrary to the consent of the Indian. These bills are still before their respective committees and may be called up and acted upon by Congress at any time during its next session.

Indian Expatriation and National Disintegration;
Division of Lands and Monies of Indian Nations without
their consent, and contrary to Treaty stipulations.

There were also introduced into both branches of Congress during its last session several bills for the purpose of making Indians citizens of the United States, and also for the purpose of allowing such citizens of any Nation or Tribe as might desire to do so, to arbitrarily withdraw from their respective Tribes or Nations, through good or bad motives, and, upon thus withdrawing, to receive a pro rata share in proportion to their numbers, of the lands and funds of their Tribe or Nation without their consent. These bills proposed a gross violation of our treaties with the government, because our National funds, by treaty, are

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invested in U. S. registered stocks, and the interest thereon is to be applied semi-annually alone, to National, School and Orphan purposes; while our lands are to be surveyed and allotted among our people, the Cherokees, inside of the Cherokee Nation, at the request of our National Council only.

The treaties further provide that in order to change the present relations of our Nation on this subject, the consent of the Cherokees as well as that of the United States, is necessary. The passage of any one of these bills by Congress, without the consent of the Cherokees, would be as glaring a breach of the good faith of the government as the passage of any Territorial bill, and the disasters that would follow to the Cherokees, would in our opinion, be the same in both events. Moreover, the tendency of these bills was not only to dissolve and disintegrate our Nation by reducing its numbers and squandering its only support, (its public funds,) but to encourage treason and disaffection among those of any Tribe that might choose to desert their country for the purpose of endeavoring to destroy it for personal gain or gratification -- for the reasons above stated, we opposed these bills by all

the means in our power; and our efforts in this direction were necessarily continuous, because, all along during the session, from time to time, bills of this character were introduced into Congress, which had the effect of aiding in the general assault made upon us by the Territorial bills already alluded to, but none of these bills passed, and like the Territorial bills, they are still subject to be taken up and passed by Congress at its next session.

U. S. Courts in the Indian Country.

There were also introduced into Congress during its last session, several bills relating to the subject of U. S. Courts for the Indian country. These bills were various in character. Some of them were in plain violation of our treaties, and proposed to assign the Indian country, by subdivisions, to the jurisdiction of the U. S. Courts of some of the adjoining states, and contained many other improper, and inexpedient details, too tedious to name in this place. Against these bills we protested for the reasons set forth above.

But there was also a bill introduced into the House of Representatives to establish a United States Court in the Indian Territory, and to amend the "Indian

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Intercourse" laws of the United States according to the treaties of 1866, between the United States, and the Cherokees, Creeks, Seminoles, Choctaws, and Chickesaws. To this bill we could offer no resistance, as it proposed to carry out our treaties, and as your Honorable body did not instruct us to invite the government to establish U. S. Courts in our country, we did not do so. The bills referred to, however, are still pending before Congress, and may be called up and acted upon at the next session.

"Cherokee Strip" of the Lands in Kansas.

Under your instructions, the Delegation urged upon the government the prompt payment of the funds due our Nation for its strip of lands in ... and asked that said ... directed. ... delegation had set apart of the funds, by a provision of the "Indian Appropriation bill," passed during the last session of Congress, the sum of one hundred thousand dollars to meet the outstanding obligations of the Nation, and of the funds in part, we were directed by you to have distributed to replenish the one hundred and fifty thousand dollar fund of our treaty of 1866. But on our arrival in Washington, we found that a bill had been introduced into Congress to

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suspend for twelve months the payment due our Nation on said lands. We opposed this bill, but being supported by strong influences in the interest of the settlers on said lands, and by the general stringency in the financial situation of the country at large, the bill passed. We succeeded, however, in having the bill so amended as to allow our Nation interest on the payments due, so that really our Nation will lose nothing by this suspension.

Cherokee Lands west of Arkansas
River, and South of Kansas.

The subject of securing the pay due our Nation for its lands west of the Arkansas river, and south of Kansas, set apart by our treaty of 1866 as the home of friendly Indians, and of applying the proceeds of said lands, according to your instructions, engaged our earnest attention. As you are aware, by an act of Congress approved May 29th, 1872, provision is made that the President of the United States, and the Secretary of the Interior, shall appraise those lands, and report their appraised value to Congress for the necessary appropriation. In view of this fact we addressed our efforts to the Interior Department, to learn the situation of the lands, and ascertained from the

Department that they had not been appraised nor disposed of under the provisions of said act, and further, that the Commission of Indian Affairs had entered into negotiations with the Cheyennes and Arapahoes whereby those Indians were to be settled on a part of these lands. These negotiations were in contravention of said act of Congress and our treaty 1866, and they failed to be ratified by Congress, but will be subject to ratification during the next session. The Delegation failed to make a settlement with the government with regard to these lands. This failure, we think, is partly due to the complication arising out of the negotiations referred to with the Cheyennes and Arapahoes, and to the indisposition of Congress to make any unusual appropriation of money to be paid out of the Treasury of the United States, taken in connection with the limited discretion allowed the Delegation by you, as to the manner in which a settlement with regard to these lands should be effected with the government, and as to the kind of pay to be received for the lands, the Delegation being instructed to settle on a cash basis alone, and not being authorized in time to negotiate for U. S. securities or

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bonds, in payment for the land. Under more ample and liberal instructions, it might have been possible to obtain bonds or securities in payment for the lands, which under proper arrangements could have been hypothecated for cash, to be applied as the National Council directed.

Conditional Grants of Indian Lands made by Congress
to certain Railroad Companies.

In pursuance of your instructions we protested against the conditional grants made by Congress in 1860 to certain railroad companies of the lands belonging to the Indians of the Indian Territory, and we insisted that Congress should repeal so much of the chartered acts of any company as made such grants, or so qualify such acts as to effectually protect the Indians in their rights to their lands guaranteed by treaties. For this purpose, our friends in Congress introduced two bills, one providing for an unconditional repeal of the grants, and the other for a definition or qualification of them so as to render them harmless or protective to the Indians. These bills appeared to meet with considerable favor by a large proportion of the members of both branches of Congress, and by proper management and energy, one or the other of the bills may be passed by

Congress at its next session.

North Carolina Cherokees.

According to your instructions, the Delegation made every reasonable effort compatible with the interest of the Cherokee Nation and its citizens, to facilitate the removal of the North Carolina or east Mississippi Cherokees, from their present situation to the Cherokee Nation. For this purpose the Delegation pressed upon the Department of the Interior, payment to said Cherokees of their "transportation and subsistence" funds, set apart under the provisions of the treaty of 1835-6. But in view of the inadequacy of the Census rolls of said Cherokees of 1848, growing out of the fact that some whose names were on said rolls originally had since died, while others, were born whose names were not on the rolls, and of the supposed exhaustion of said funds, the Department failed to comply with the request of the Delegation, and recommended to Congress for its passage a bill requiring a new census of said Cherokees to be taken, and making appropriations for their removal and subsistence, with a proviso that the funds thus appropriated should be refunded out of the Cherokee funds. The Delegation, of course, protested against this

proviso, because the U. S. government is bound by treaty stipulations to remove all of the Cherokees from the east of the Mississippi river to the Cherokee Nation west, and to subsist them one year after their removal: but we were in favor of the provisions of the bill. Finally, a short while before the adjournment of Congress, the Senate Indian Committee reported the bill back to the Senate without the proviso referred to but too late to secure its passage before the adjournment of Congress. The bill by proper attention, we believe, can be put through Congress at its next session.

Property and Effects lost and destroyed during the late war, and furnished to, or taken by the Union Army during the war.

The Delegation made all reasonable exertions before the government to secure indemnity to our citizens for such of their property and effects as were lost or destroyed by the effects of the late war of the Rebellion, or that were furnished to or taken by the Union army during the war. To this end we brought the subject before Congress, and discussed it before the Indian Committee of the House of Representatives. That Committee appeared to regard the matter favorably, and seemed

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inclined to such legislation, at least, for the Indians, as had been made by Congress for citizens of the United States in like circumstances, and it is hoped Congress can be prevailed upon to do justice to the Indians in the premises.

Property of Cherokee Citizens lost to them by the re-occupancy of the Military Post and Reservation of Fort Gibson.

The matter of securing indemnity to our citizens for their property taken by the government, by the re-occupation of the military post and reservation of Fort Gibson, received our attention, but the business stands as it did last year. We failed to accomplish any favorable results before the Department, and the only hope, in our opinion, for an adequate remedy to our citizens who have thus had their property taken from them, will be before Congress.

Right of the Cherokee National Council to Legislate for the taxing of Stock passing through and grazing in the Cherokee Country.

The right of the Cherokee National Council to legislate for the taxing of citizens of the United States for driving their stock through, and grazing in

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the Cherokee Nation, for purposes of speculation, was contested before the Interior Department at Washington, and referred to the Assistant Attorney General of the United States for his opinion thereon. The Delegation maintained that the Council had the right under treaty stipulations between the government and the Cherokees, and the laws of the United States "regulating trade and intercourse with the Indians, &c., and were sustained by the said Attorney General, whose opinion was endorsed by the Secretary of the Interior.

Bounties, Pensions, and Pay, due Soldiers of the Indian Home Guards of the United States Army.

According to your instructions the Delegation urged upon the government the early payment of all funds due our people, for bounties, pensions, pay and back pay, for services rendered, during the late war of the rebellion in the army of the United States, (Indian Home Guards.) But our efforts were not as successful as we had reason to hope they would be from the legislation of the last Congress. As reported to you by your Delegation of last year, the last Congress at the request of the Delegation, incorporated certain provisions in the general pension laws of the United States, the object of which was to afford the

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relief, in regard to pensions, &c., desired by our people. But since the passage of the Act referred to, the Pension Bureau has decided that the Act was not adequate to the relief asked for by the Delegation. We therefore, during our late mission prevailed upon the Department, to again make recommendations to Congress, to enact such legislation as would clearly remove the obstacles presenting the payments due our people for bounties, pensions, back pay, & c. And the legislation for this purpose is still pending before Congress. We also asked for such legislation by Congress as would secure pay and back pay, as well as bounties and pensions to that class of our people that served in the army during the war and were honorably discharged, but had been marked on the rolls as deserters, and who consequently had been denied the pay, bounties, and pensions justly due, on account of such service; and for this purpose we had a special act introduced into the House of Representatives to remove the disability growing out of the charge of desertion, and authorizing the proper accounting and pay officers of the United States to pay, such soldiers, so charged, the bounty, additional bounty, allowances, and pensions due, or paid to other soldiers of the Indian Home Guards of the army.

Vexatious manner in which the "Indian Inter-
course" laws of the United States have been construed
and enforced by the U. S. Court of the Western District
of Arkansas.

The Delegation in pursuance of your instructions, remonstrated before the government against the vexatious manner in which the "Indian Intercourse" laws of the United States have been construed and enforced by the U. S. Court of the Western District of Arkansas. This subject was brought before Congress during its last session, in an investigation of the official conduct of some of the officers of said Court. As a result of the investigation, the presiding Judge, District Attorney, and Marshal of said Court resigned their respective offices. Also the House of Representatives passed a series of acts, the purport of which was to abolish said Court and to make some reforms with regard to the Courts of the United States. These acts are still pending before the Senate.

Old Settler Cherokees.

Your Honorable Body will remember that in your instructions of your last session to the Delegation, you directed us to render all the assistance in our power, not inconsistent with the general interests of the

Cherokee Nation, to the "Old Settler Cherokees," in the prosecution of their interests yet due them out of the "five million dollars fund," stipulated for by the treaty of 1835-36 as per capita money, and also to negotiate with any proper party for the recovery and possession of the papers and records connected with the office of the late Richard Fields, Special Agent for the Cherokees, appointed under the 22nd article of the Treaty of 1866, to examine the accounts of the Nation, with the United states, and to turn the same over, when received, to the Executive Department of the Nation for the benefit of the Nation and its citizens. With regard to these matters we have to say, that we availed ourselves of every opportunity during our mission, to prosecute the interests of said "Old Settler Cherokees," before the government. But in view of the fact that the Delegation was overwhelmed with other business of a National character, that almost entirely and necessarily demanded our undivided attention under your instructions we were not able to devote as much of our attention to the "Old Settler" business as its merits required. We were therefore not able to accomplish any final settlement with the government in reference to this business.

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The claim of the "Old Settler Cherokees," as you are aware, grows chiefly out of the Treaties of 1835-6 and 1846, and is of an individual character, being for per capita funds, and consists of a balance yet claimed to be due said Cherokees of the funds that should have been paid them when they drew per capita money several years ago, under the provisions of said treaties. In our opinion, a successful prosecution of this claim will require great skill and energy, as well as close scrutiny into the action of the various Departments of the government with regard to the disbursements already made by the government of the funds provided for by said treaties. The performance of this work would require the personal attention of a competent person, specially empowered in the premises by the persons in interest, but whom we were not authorized to employ. -- For these reasons we renew the recommendations made by your Delegation of last year, that the "Old Settler Cherokees" specially authorize and empower some competent and responsible agent to prosecute this business before the government, and that the National Council afford all assistance in the business compatible with the general interests of the Cherokee Nation and its citizens, and without assuming any pecuniary

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obligation in the employment of such agent. In this connection we would further state that we have obtained and turned over to the Executive Department the papers and records of the late Richard Field, special agent for the Cherokees, already alluded to, for the use and benefit of the Cherokee Nation. The information contained in some of these papers and records, doubtless will facilitate the prosecution of the "Old Settler" claim, and should be available on application to the National Council.

We respectfully submit, for your information, the bills, memorial, protest, &c., referred to in this report.

We have the honor to be very respectfully,

Your obedient servants,

WM. P. ROSS,
Principal Chief.

D. W. BUSHYHEAD,

RUFUS O. ROSS,

W. P. ADAIR

J. B. JONES

Cherokee Delegates.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 16, 1875
Vol. 5, No. 34
John L. Adair, Editor

EDITORIAL ON W. P. ROSS

Quite a nice state of things, this, in "the Indian Nation." Chief Ross, according to one report, has two nephews and sundry friends whose conduct is disgraceful to him. If he cannot prevent such outrages by persons closely connected with himself, he ought at least to be swift and sure in punishing them, but the report asserts that no effort has been made to arrest the offenders, that a general reign of terror exists, and that many persons think that he winks at his lawlessness in order to prevent any action favoring a Territorial government. As to the accuracy of this report we have reason to doubt. The Territory is held by bitterly hostile factions, and besieged by railway operators and land speculators, and is utterly impossible to determine how much of truth there is in the statements telegraphed or written, except from persons known to be disinterested,

impartial, or reliable. But it is very clear that no such state of things as is described in the telegram from Chetopa can exist without grave responsibility on the part of the chief.

A correspondent whose letter we publish to-day gives the other side of the story. He sets forth that the attacking party was a Sheriff's posse, searching for whisky illegally brought into the Territory, and was led by a Deputy Sheriff who was shot. He says that the leader of the Downing party was a notoriously bad character, who had been a type and translator in the office of the Cherokee Advocate, but had been discharged for drunkenness. Nevertheless, he was "a member of the Chief's Executive Council, appointed by the National Council, but Chief Ross had refused to have him in council of late on account of his bad habits," This correspondent supposes that this singular member of the Executive Council was killed, but the Chetopa dispatch states that he had been brought to that place. The correspondent also fails to mention the participation of Ross' nephews in the affair. So difficult is it to arrive at the truth regarding affairs in the Indian Territory.

We are disposed, however, to doubt the assertion

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that Ross encourages outrages in order to prevent action in favor of a Territorial government, because he must be shrewd enough to know that every outbreak of this character greatly strengthens those who demand that this fair Territory shall no longer be left to the exclusive occupation of those who either can not or will not maintain order or develop its resources. The very existence of the anomalous subject, sovereignty -- this Territory from which the people of the United States are excluded, even while they must of necessity make laws for it -- is an offense which can not long be tolerated. Every evidence that the existing arrangement does not work well for the Indians -- that it does not secure them peace, order or opportunity to advance in civilization -- given force to the arguments of those who claim that the Territory should be opened to settlement, and placed under such government as has been found needful for other Territories of the United States. We judge therefore, that Chief Ross must be wrongfully accused by this report. It would clearly be his interest to maintain as perfect order as possible.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 16, 1875
Vol. 5, No. 34
John L. Adair, Editor

ACTS APPROVED BY W. F. ROSS

To regulate the issuing of Permits to hire citizens of the United States.

1. Be it enacted by the National Council: --

That any person, a citizen of this Nation, who may desire to hire or employ as a mechanic or laborer, any citizen of the United States, shall be, and is hereby required, to obtain a permit for that purpose from the District Clerk of the District in which such citizen resides.

Such permits shall be in writing and shall state to whom given, the name of the person or persons employed, the kind of services to be performed, and the length of time for which the same is granted, which shall be no longer than one year without renewal. Provided: --

That no citizens of this nation shall hire more than two persons, citizens of the United States at one time, under such penalty as herein prescribed.

2. Be it further enacted: -- That the person obtaining such permit shall be required by the Clerk to pay in advance for the same for the benefit of the National Treasury, a sum, in money or national certificates at the rate of fifty cents per month for each mechanic or laborer so employed; such person or citizen shall also be security for the good behavior of the person or persons introduced into this Nation by virtue of a permit issued in accordance with the provisions of this Act.

3. Be it further enacted: -- That each Clerk granting permits under and by the authority of this Act shall retain in his office a correct copy of each permit granted by him and pay annually the amount received on account of the same, to the National Treasurer, on or before the first Monday in October of each year.

4. Be it further enacted: -- That it shall not be lawful for a citizen of this Nation to hire or employ any person, citizen of the United States as mechanic or laborer, except as herein provided for. Provided however, that the provisions in the foregoing sections, shall not be so construed as to allow the

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hiring of whitemen, or citizens of the United States who have no families, and any person who may be convicted of a violation of any of the provisions of this Act, before any courts of the Nation having jurisdiction of such cases, shall be fined in a sum not less than five hundred dollars, nor exceeding one thousand dollars, at the discretion of the Court, one-half of which, when collected, shall be retained by the Solicitor and the remaining half, shall be paid into the National Treasury; and it is hereby made the duty of the Solicitors of the several Districts of this Nation, to prosecute all such persons violating any of the provisions of this Act.

5. Be it further enacted; -- That the Clerks of the several Districts are hereby required to furnish the Solicitors of their respective Districts a roll of names of persons obtaining permits under the provisions of this Act, quarterly, and the names of the persons so employed accompanying the same, and as such permits expire the Solicitors are hereby required to report the same, to the United States Agent as intruders.

6. Be it further enacted: -- That the Principal Chief be, and he is hereby requested, to confer with the United States Indian Agent and have all citizens of the

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United States, not lawful residents of the Cherokee Nation, removed beyond the limits of the same forthwith, as intruders, and all laws, or parts of laws, to the contrary as hereby repealed.

7. Be it further enacted: -- That the Principal Chief is hereby requested to have this Act published in accordance with the provisions of an Act approved Nov. 23, 1868, entitled "An Act authorizing the publication of Penal Laws in the manner prescribed by the Treaty of 1866." Provided: -- That this Act shall not be deemed to annul permits already issued under the Act approved Nov. 30, 1872, entitled "An Act to regulate the issue of permits to citizens of the United States." November 23, 1874.

DANIEL R. BYRDE,

Speaker of Council, pro tem.

GEO. O. SANDERS,

Clerk of the Council.

Concurred in November 28, 1874.

CHARLES THOMPSON,

President of the Senate, pro tem.

L. B. BELL,

Clerk of the Senate.

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Approved,

WILL P. ROSS

Principal Chief.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, Jan. 30, 1875
Vol. 5, No. 36
John L. Adair, Editor

ACTS APPROVED BY W. P. ROSS

To admit Thomas Crittenden, wife, and children to Cherokee citizenship.

Be it enacted by the National Council:

That the following named persons, to wit: Thomas Crittenden and his wife, Nancy Crittenden, and their children and grandchildren, as follows: -- James, Lucinda, Quincy, Thomas B., Mary, George D., Abraham W., Andrew J., (and Thomas and Dora V., grand-children,) Crittenden, be, and they are hereby readmitted to all the rights and privileges of Cherokee citizenship.

November 27, 1874.

Approved,

WILL P. ROSS,
Principal Chief.

AN ACT

Authorizing a school for children of African descent at Fort Gibson.

Be it enacted by the National Council:

That a school for the education of children of citizens of this nation of African descent, be, and is hereby created and located at the school house of the colored citizens, within the corporate limits of the town of Fort Gibson, and the School Commissioner in whose School District said school is located, is hereby authorized regular term, Provided, That the number of children registered for and attending said school shall not fall short of the lawful average.

November 28, 1874.

Approved,

WILL P. ROSS,

Principal Chief.

AN ACT

Establishing an additional school in Coe-we-skoo-we District.

Be it enacted by the National Council:

That the Superintendent of Public Schools, from and after the expiration of the present session of the public schools, be, and he is hereby authorized to

establish a public school at the forks of Caney river,
in Coe-we-skoo-we District, at a place called "Post
Oak," said school to be called the Post Oak school.
November 27, 1874.

Approved,

WILL P. ROSS,
Principal Chief.

AN ACT

To establish a public school at or near Thomas Ross's,
in Sweet Town, Sequoyah District.

Be it enacted by the National Council:

That there be, and is hereby established a public
school at or near Thomas Ross's, in Sweet Town, Sequoyah
District.

November 27, 1874.

Approved,

WILL P. ROSS,
Principal Chief.

AN ACT

Authorizing the Principal Chief to appoint a commission
of two persons to investigate the complaint of A. C.
Lakin, a citizen of the United States.

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Be it enacted by the National Council:

That the Principal Chief be, and he is hereby authorized to appoint and commission two persons, citizens of the Nation, for the purpose of investigating the complaint of A. C. Larkin, a citizen of the United States, against James Bell and others, citizens of the Cherokee Nation, on charge of abuse of the law regulating tax on cattle.

That the Principal Chief instruct said commissioners in the discharge of their duties, and that they be further authorized to investigate and report upon any other cases of alleged abuse which may properly come under their cognizance, and report to the Principal Chief during the present session, for the information and action of the National Council.

November 27, 1874.

Approved,

WILL P. ROSS,
Principal Chief.

AN ACT

Authorizing the appointment of a Delegation.

Whereas, it is deemed expedient that a Delegation shall be appointed in the manner prescribed by the

constitution of the Cherokee Nation and people, before the government of the United States, Therefore,

Be it enacted by the National Council:

That there be appointed in the manner prescribed by the constitution, a Delegation of three (3) persons, who shall be, and they are hereby authorized and directed to proceed to the seat of government of the United States, at the city of Washington, D. C., for the purpose of representing the Cherokee Nation and people, before the government of the United States, in relation to such subjects, and with such powers and authority as may be hereafter conferred upon them by the National Council.

Be it further enacted:

That the persons composing said Delegation, shall be allowed, besides their necessary expense, the sum of \$150 each for traveling expenses, and seven dollars per day, each, for services while necessarily absent from home on said business.

Be it further enacted:

That in order to meet the expenditure authorized by the foregoing section of this Act, the sum of five thousand dollars (\$5,000) be, and the same is hereby appropriated out of any funds in the National Treasury,

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belonging to the general fund and not other wise appropriated, and the Principal Chief is hereby authorized to draw warrants on the National Treasurer in favor of such Delegation accordingly.

Approved November 30, 1874.

WILL P. ROSS,
Principal Chief.

AN ACT

Authorizing the appointment of a joint committee to review the Code.

Be it enacted by the National Council:

That a joint committee, to consist of five members of the Council, to be appointed by the Speaker of the Council, and three members of the Senate, to be appointed by the President of the Senate be appointed for the purpose of examining and considering the New Code of laws, prepared and submitted by the Committee authorized by Act of the National Council of November, 1873, And that the joint committee, after careful consideration of said Code, report to the National Council such amendments, if any, as they may deem expedient, for the action of the National Council;

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THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
Saturday, May 1, 1875
Vol. 1, No. 6
J. L. Caldwell,)
J. H. Moore,) Editors

LETTER OF E. C. BOUDINOT TO EDITORS VINDICATOR

Vinita, Cherokee Nation,

April 26, 1875.

Editors Vindicator.

If you or your readers think the question of organizing a territorial government over the Indian Territory was settled by the action of the last session of Congress, you are very much mistaken. In fact, the Forty-third Congress did not act in the premises at all: it did not get a chance. The Senate committee on territories agreed, in its report to the Senate, to postpone the further consideration of the territorial bill until the second Tuesday in December next. So, you see, so far as any action of the Senate is concerned, it was favorable to the bill. The House committee on Indian

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Affairs, on the other hand, reported against the bill, but the arguments and reasons given in its report were of the silliest and most absurd character, and cannot possibly effect the action of the next Congress. If the action of the committee on Indian affairs can be deemed of overshadowing importance and authority when it reports against the bill, what would you say of the report of the committees on territories and Indian affairs heretofore which have reported in favor of the bill? I do not say that the bill will certainly pass next session; but I do say, with the best of opportunities for judging, that the chances of the bill passing are altogether better next session than they have ever been.

The highest judicial authority in the United States has declared that our treaties may be set aside at the will of Congress; but you are mistaken when you assert that the highest authority has spoken adversely to the territorial scheme. A committee of nine men out of three hundred is by no means "the highest authority." The President, Secretary of the Interior, Commissioner of Indian Affairs, and Board of Indian Commissioners, are outspoken in favor of a territorial bill; they reflect the sentiments of

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the Republican party much more faithfully than such demagogues and ranting politicians as John Peter Cleaver Shanks.

I have endeavored to secure the organization of a government in strict conformity with the 8th Article of the Choctaw and Chickasaw treaty of 1866. The Cherokee delegates object because they say they are not bound by your treaty, but I have thought if you Choctaws could organize under it the Cherokees might. Such an organization would not disturb our nationalities in the least, but would unite all the nations in one consolidated government in which and by which all the rights and interests of the nations, and citizens could be better protected.

Very truly yours,

E. C. BOUDINOT.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
Saturday, May 1, 1875
Vol. 1, No. 6
J. L. Caldwell,)
J. H. Moore,) Editors

LETTER OF W. N. EVANS TO EDITORS VINDICATOR

Eufaula, April 28, 1875.

Editors Vindicator.

I have just heard of a killing affray near Fort Gibson that will, perhaps interest some of your readers. One day last week Mr. Jesse Foreman, of Webber's Falls, accompanied by his brother-in-law Joseph Lynch, went to Fort Gibson. While there they saw Sam. Osage, who, it will be remembered, was connected with the murder of Return Foreman. Osage came up and spoke to Foreman, but he would not answer. In the afternoon, Osage, with another man and a boy, left Fort Gibson in a wagon, Foreman and Lynch, it is said, following them out to the Government reserve. The men seeing them coming, left the wagon and ran toward the timber. Foreman and Lynch paid no attention

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to the others, but cut Osage off, shot him three times, cut his throat, and left.

I have been personally acquainted with Mr. Foreman from his childhood and can say that he is a young man much liked and respected by the people of the community in which he resides, and in fact all over the Nation, and has always been a peaceable, lawabiding citizen, this being the first scrape of the kind he has ever been in. Jesse Foreman, whom many of your readers will remember, and son of the late Hon. Johnson Foreman; also a son-in-law of Major Vore. Jesse has many friends in the Territory who will learn with surprise and regret of the trouble he has got into.

Very truly yours,

W. N. EVANS.

THE VINDICATOR

Atoka, Ind. Ter.

Aug. 7, 1875

Vol. 1, No. 20

Caldwell & Moore, Editors

SPEECH OF E. C. BOUDINOT

In conformity with previous announcement, Col. E. C. Boudinot, the distinguished Indian orator, arrived at Caddo the evening of the 3d. The intelligence that he would speak at 3 o'clock the next day having spread through the country, at the appointed hour a very large collection of people had assembled, and great anxiety was manifested to see and hear him. He spoke more than two hours, and when we say that his speech was profound and logical, -- clothed in pure language and imagery -- animated with lofty patriotism and full of the glow of a true genius, we but utter the sentiment expressed by both friends and foes of his policy. It was a speech that will long be remembered by those who heard it. He took a large and most accurate view of the great question now before the Indian people, and traced carefully the results and tendencies of the principles advocated by opposing factions. He spoke of

the utter fallacy of the Indian people in trying to maintain their independency and tribal rights without representation in Congress. But we will not attempt a report, or even a mere summary of the speech, as we will be favored again with a speech at Atoka on the 10th, and another at South Canadian on the 12th, and would advise all to come out and see and hear for themselves.

After the speech, a general mass-meeting was held, Dr. T. J. Bond, of Atoka, was called to the chair, and Hon. George Harkins, of Boggy Depot, made secretary. After a few remarks from the chair setting forth the object of the meeting, on motion, the following committee was appointed to draft resolutions: Capt. B. W. Carter, Judge Ellis Folsom, G. W. Harkins.

The following are the resolutions, which were adopted without a dissenting voice;

Resolved, That the United States Courts should be established in the Indian Territory, with such jurisdiction as is authorized by the treaties of 1866.

Resolved, That we recognize the Grand Council, which meets yearly at Okmulgee, Creek nation, as the

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legislative body for the territory contemplated by the treaties of 1866, and that its power should be enlarged in the manner provided in the treaties; and that we recommend the Superintendent of Indian Affairs to select some point on the Railroad as a more convenient place for holding its sessions hereafter.

Resolved, That as the treaties provide for a Delegate in Congress, we are in favor of such legislation by Congress as will enable the Indians to elect such a Delegate whenever they may be disposed to do so.

Resolved, That the interests of all citizens of the Nation are the same, and we characterize the attempt of anyone to array the full-bloods against the mixed bloods and white citizens of the Nation, as contemptible demagogury, and deserving the detestation of all true friends of the Indians.

Resolved, That any legislation by Congress with reference to this Territory should provide for a prompt and equitable settlement of all just claims and demands which each or any of the different tribes to be effected by such legislation, may have against the United States.

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Resolved, That we protest against the settlement of any other Indians not belonging to tribes already legally resident within the limits of this Territory, without first obtaining the consent of the people among whom they are to be located.

Resolved, That a copy of these resolutions be furnished the Oklahoma Star and THE VINDICATOR with a request to publish.

B. W. CARTER, Chairman

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
September 18, 1875

Vol. 1, No. 26

J. L. Caldwell,)
J. H. Moore,) Editors

EDITORIAL ON E. C. BOUDINOT

Okmulgee, I. T.,

Sept. 10 -- Via.

Muskogee, September 12

The General Council of all the Indian Nations and tribes, held at this place, before adjournment passed a resolution unanimously repudiating the Caddo-Boudinot scheme to open up the Territory by a white man's resolutions. They all concur in the principle that this is the Indian's country by many solemn treaties. If ever settled up it must be by Indians, with a government suitable for Indians, if any change from their present form is made. They have evidently no use for Boudinot or his Councils in this Territory. -- St. Louis Republican.

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THE VINDICATOR

Atoka, Ind. Ter.

Sept. 25, 1875

Vol. 1, No. 27

Caldwell & Moore, Editors

EDITORIAL ON E. C. BOUDINOT

(From the St. Louis Globe)

The action of the General Council of tribes in the Indian Territory is but another instance of the apparently incurable stupidity which afflicts the Indians. Col. Boudinot himself an Indian, has the misfortune to be a civilized gentleman, withal a man of ability, and far in advance of his race. Seeing the good results which would accrue to the tribes inhabiting the Territory from contact with civilization, he proposed a partial throwing open of the country to the whites, that any and all advantages possible might be derived from a better system of government, more extended roads and future railways. But the chiefs were by no means so astute as Colonel Boudinot supposed them to be, and instead of seeing the matter with

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his eyes, they persisted in looking at it with their own. They were shrewd enough to see that opening the country to the whites would result in bringing white industry in striking contrast with Indian laziness, and this would be so much to the disadvantage to the latter that the comparison would become even more odious than comparisons usually are. Not that the Indians cared for the looks of the thing -- they are by no means so thin-skinned as that; the question, in their opinion, assumed a more practical shape.

The intermixture of Indian hunting grounds and cultivated farms would have a deleterious effect in restricting the range of the game and this is probably one potent reason why the Indians objected to the proposal. Considering, however, the small amount of game and the large supplies of stores furnished by the United States Government, this would really sink to a secondary rank as an objection, and another must be allowed its full force. The race antipathy, which the Indians feel toward the whites must enter largely as a factor in this problem, the Indian naturally hates the white. His hatred does not exceed to the extent of non-intercourse

by no means. He is willing to receive rations, arms, horses and warlike munitions from the agents, and as willing, when occasion serves, to use those same arms in the murder of inoffensive white travelers through the country. Then, too, past experience has taught the savages that when the whites come the Indians must either work move or starve. Being utterly unwilling to do either the first or last, they generally adopt the middle alternative, and travel on. Circumstances are now such that another emigration would be very unpleasant to the Indians, and as they will not work, they seem determined to keep the whites out of their Territory as long as possible.

While in this particular they follow only the traditional Indian policy, they display a shortsightedness which must be harrassing to the better enlightened among their own numbers. It is extremely improbable that the majority of Indians will ever become agricultural in their habits. The drudgery of farm work is so distasteful to them that few will ever undergo it, even from necessity, and fewer still will adopt it from choice. A pastoral life, on the contrary, is suited to their habits and to their

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roving, unsettled dispositions. Were they to become shepherds and stock-raisers, the change from their present condition would be slight; they could still live in tents, and wander from place to place as usual. This life would not be incompatible with white settlement of the country, and the Indian "cow-boy" could fraternize with the blonde "bull-whacker" in the most friendly manner. But this method of life would too closely resemble work, and the Indians could not stand even so remote an insinuation of labor as this would be. It then appears that this attempt of Col. Boudinot to better their condition has met with failure, and in his kindly disposed effort he has been decidedly snubbed. He is situated in the disagreeable position of leader without followers; a reformer without converts. As his people renounce his suggestions and will have none of his advice, the only thing he can do is to wait until they approach his own level, when they will see things as he does.

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THE VINDICATOR

Atoka, Ind. Ter.
Dec. 15, 1875
Vol. 1, No. 39
Gallwell & Editor

EDITORIAL ON E. C. BOUDINOT

What is the difference Mr. Vindicator, in the Caddo Resolutions now and when they were first adopted? You will remember on that day you expressed yourself heartily in favor of them, with the single exception of the plank endorsing the Okmulgee constitution, which you severely denounced as nothing more than a grand humbug. -- Star.

It is a fact Mack, we did endorse the resolutions as you say, except the plank referring to the Okmulgee Constitution. The difference between then and now, with us, is just this, we understood Col. Boudinot as abandoning his old policy, and that the resolutions were meant as the platform of a new party, which had for its aim the advancement and civilization of the Indian people, which was to be secured through persuasion and legitimate argument, and not by force or interpolations for

Congress to act on. Do you not remember that Col. Boudinot, by his every word and gesture attempted to convey this idea to his hearers, and bolstered it up by bitter denunciations of the United States Government? Will you or he dispute this in the face of all those who heard him? Do you not remember that he emphasized the phrase, that he had softened down on his territorial policy, and that his aim was now to bring the people together without regard to previous party affiliation, and that they might work in harmony for the establishment of a consolidated Indian Government? Do you not remember just before the speaking at Atoka it was told Col. Boudinot that Col. George D. James, of the Chickasaw Nation, had taken exception to the resolutions on the grounds that they provided for the importation of the Court at Fort Smith into this country? Do you not remember the many remarks made by the people, both after the speech at Caddo and at Atoka, to the effect, that they had labored under a mistake regarding Boudinots policy, if these speeches were true criteria of his intentions? They did not happen, however, to be criteria of his real intentions, as we will presently show. Do you not remem-

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ber that in September, we made an attack on Col. Boudinot because of his change of tactics in regard to the true intentions of the resolutions, which we gathered from a publication which appeared in the St. Louis Republican? Do you not remember that in his letter of reply, he denied the article of the Republican as unauthorized by him, and admitted that our interpretation of the Caddo resolutions were correct? You republished his letter. You had better refer to it for consistency's sake. (?)

Last, not least, but as an offset to all previous denials, when the Progress matter was at its crisis, do you not remember the admission, of the true intent of the resolutions by your correspondent Vidoc.

"As to the Caddo resolutions being intended to be used as a lever by which this Territory could be thrown open to settlement, we have only to say that the parties who made the treaties upon which these resolutions are based are alone responsible for the fact." -- VIDOC'S LETTER.

Now let us see for consistency's sake how far Col. Boudinot agrees or tallys with this definition in his letter to us of date, September 23d,

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1875.

"You give me small credit for common sense, Doctor, when you write me down the stupidest ass in the Territory, when you assert that I have sought to create the impression that the resolutions endorse my "open up policy," or mean anything else but what you have declared them to mean." -- Boudinot.

Now it seems Mack that you and VIDOC have grossly misrepresented Col. Boudinot before these people, or that he has miserably misrepresented himself. Your "higher civilization" and self-styled championism has run you a muck.

And by the tangled web you weave
Are fools to those you would deceive.

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THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
January 12, 1876
Vol. 1, No. 43
J. L. Caldwell,)
J. H. Moore,) Editors

LETTER OF J. H. MOORE TO E. C. BOUDINOT

Atoka, I. T.

Jan. 12th, 1875.

...with reference to myself you
use the following language:

I am sorry to see our old friend Doctor Moore, who stood shoulder to shoulder with you and me only a short time ago, on the great question of "Indian Progress," should now swallow his brave words and play the tool for an ass like Shanks. The Doctor, in his zeal to serve his new masters, has published some very unkind and unjust reflections upon my course. It is true as you declare, that Dr. Moore at heart is in thorough sympathy with the views advocated by us; how it is possible for a man to surrender his con-

victions so readily I can't imagine. The price in money may be glittering, but alas! it is coupled with the contempt of all honorable men, and this Dr. Moore will find out, too late.

To refute your charge with reference to my serving Wm. P. Ross, Gen. Shanks or M. P. Roberts, I have only to say that you cannot find one line as editorial matter in any number of the VINDICATOR, in defence of either, furthermore, neither of the gentlemen have ever by the remotest implication expressed a desire to have me espouse any of their views on the Indian question, but that I hold some views in common with them I do not deny, but perhaps, for aught I know, the VINDICATOR, may, in many of its points be as objectionable to them as it seems to be to you. A difference in opinion, however, would scarcely justify me in assuming the office of a hell-hound to bay upon their track to the very gates of the infernal regions.

You say I have published some very unjust strictures upon your course. Most assuredly Col., I have defended your cause in this country when it was not considered very pleasant or safe to be called a friend of BOUDINOT, yet I labored on to convince the

people that you were misrepresented, and that although you favored a territorial organization for the Indian country, you were honest in your purpose for the good of the people, notwithstanding I took issue with those parts of your "Bills" which I could not indorse. You did not complain of any injustice then, why do you do so now? Is it not because you have changed instead of myself? I think that I can establish this fact satisfactorily to others as well as to yourself. Up to August, 1875, I understood you to be uncompromisingly in favor of a Territorial Government. I agreed with some parts of your territorial policy, while I was independent enough to reject others, however, a more liberal feeling has prevailed on many questions in this country within the past three years. You seemed to acknowledge this fact in your Caddo and Atoka speeches, delivered last August, when you solemnly avowed that you had changed your policy from that of Congressional Intervention, to that of allowing the Indian people to build up a political fabric of their own, and for that purpose you drafted, what are known as the "Caddo Resolutions." I dissented from a part of those resolutions, but accepted them for the sake

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of that political harmony which you and others were sanguine would follow; but when an issue was sprung upon their meaning, as a result of a publication in the St. Louis REPUBLICAN in September last, I took them up and defined what I understood their exact meaning to be, which in an open letter you acknowledged was a true and correct interpretation. I quote your own language.

"You give me small credit for common sense, Doctor, when you charge me with mistaking the meaning of the resolutions, and you write me down the stupidest ass in the Territory, when you assert that I have sought to create the impression that the resolutions endorse my "open up policy," or mean anything else but what you have declared them to mean."

Now, after making this admission, I would simply ask, who has departed from the text of those resolutions, you or I? Again, I would ask, why are you at Washington attempting to influence the President and Congress to force a territorial government upon these people, if you were sincere in your avowal, to abide the issue of those resolutions before these people? I anticipate that you will say that the "resolutions" were repudiated by the General Councils. True, but

was not opposition to be expected from that very source, and was it not the programme to inaugurate a party, which, operating upon true principals would eventually break down and falsify old prejudices? however, they were not ... occupying the intelligent position in society that you do, that you have exercised a degree of prejudice and manifested a revengful disposition far greater than that of your most ignorant enemies. While professing a desire to see the Indian people advanced in civilization and protected by a better form of government, you have allowed those who were eager to serve you, to traduce the Indian people beyond what was authorized either by facts or circumstances, without once raising your voice to contradict or defend. You have also allowed two great Railroad Corporations to hold charters, with extensive land grants, clandestinely put through Congress, which are absolutely inimical to the dearest interests of the Indian people, yet in your various opportunities, while addressing Congressional committees, you have never once asked that these objectionable land grants be repealed as an act of justice to the Indian people.

That the charge of crime, as an argument in favor of Congressional intervention for a government for the Indian Territory, is exaggerated, can be

proven by a majority of the United States' citizens resident in this country.

If I was "shoulder to shoulder" with you and others a short time ago, it was because you occupied a different position from that which you now occupy, further more, while entertaining favorably many of your views, I could not wield my pen in exaggerated abuse of the Indian people to effect a purpose.

J. H. MOORE.

THE VINDICATOR

Atoka, Ind. Ter.

Feb. 2, 1876

Vol. 1, No. 46

Caldwell and Moore, Editors

LETTER OF W. P. ROSS TO E. C. BOUDINOT

A telegraphic dispatch was received here last night, to the effect that the President had sent the name of W. P. Ross, Ex-Chief of the Cherokees, to the Senate, for confirmation as United States Indian Agent for the Five Civilized Tribes.

The news were received with unbounded approbation, and a petition was sent today, signed by Governor Cole, members of the legislature, national officers and principal citizens, asking that the appointment be confirmed.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
February 2, 1876
Vol. 1, No. 46
J. L. Caldwell,) Editors
J. H. Moore,)

EDITORIAL ON E. C. BOUDINOT

For the "support and indorsement of Col. Boudinot" by the Vindicator when such act entailed danger or proscription Col. Boudinot is properly thankful, not for himself, but for the cause he represents; but such previous action should be no ground for opposition and misrepresentations now.-- Progress.

Certainly not, and we deny that such is the case, for personally we have a high regard for the Col. It is you who misrepresent him or he misrepresents himself. He has his choice of the charge.

The objects sought to be attained in the interest of the people of this territory, for which Col. Boudinot has so industriously labored, are the securement, to them beyond a chance of loss of their homes and property rights, and the relief of the

country from the misrule and ruinous legislation which has made the masses of the people a prey to a few designing leaders and demagogues.--Progress.

Very commendable indeed is this trait of Col. Boudinot, and we would most assuredly give it our earnest support could we see it in the light that you do. But Mr. Progress, have you never noticed that the english language, in your hands, plays a very strange freak in words? Can you cite a case where a Territorial Bill has been introduced into Congress for the last ten years of which the Col. has not claimed to be the father, or if not the father, its prime supporter? Will you show us an instance where the Indian rights have been assailed in Congress or in any way put in jeopardy, except by him? Will you show a clause in any of these "bills" pertaining to the judiciary or executive departments of the proposed government, where Indians are made eligible to either appointment? You denounce the "delegate system." We did that four years ago, and have not changed one iota from that opinion; but can you assure the people, that, under the "territorial system," they will be safer on that point than now? Can you assure them that under the infernal appointment system, they will not be

fleece as have been the Southern States under carpet-bag rule? Can you assure them that those who halloo so lustily in Congress, are not political "dead-beats" who, since their States are about to spew them out, are not looking to the Indian Territory for downy beds and fat offices? Can you assure them that their invested funds, with the pledge of the United States Government for their safe keeping, would be safer elsewhere or under other circumstances would be likely to yield them greater benefits? We cannot insure them on these points and therefore we do not argue it like you do. Such questions naturally arise when your freak of words define Boudinot's policy, and such argument as you bring, will always insure his cake to remain dough. We could do better for the "open-up" ourselves.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,

February 23, 1878

Vol. 1, No. 49

J. L. Caldwell, } Editors
J. H. Moore, }

EDITORIAL ON E. C. BOUDINOT

Last week we received, in pamphlet, Col. Boudinot's argument, delivered before the Territorial Committee, advocating and recommending a Territorial Government for the Indian country. The argument is based pretty much upon treaty stipulations, but touches very questionable and debateable ground, in that it advises action by Congress upon the very questions that the treaties leave with the option of the tribes themselves, besides the highest tribunals of the United States have always ruled that in Indian treaties where ambiguous language occurs, it shall be construed most favorably to the Indians.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Wednesday, March 1, 1876

Vol. 1, No. 1

W. P. Boudinot, Editor

EDITORIAL ON W. P. BOUDINOT

Extract from the Progress, of Jan. 28th.

W. P. Boudinot will control the paper (Advocate) editorially, and we really hope to be able to recognize a little more of the editor's actual views and opinions in its columns than formerly. The CHEROKEE ADVOCATE should seek to form and lead public opinion, instead of cravenly following it, as has been too much the case formerly.

It is customary for new-comers, and old acquaintances, who have been absent some time, to give and receive a greeting which good breeding, if not good feeling, makes more or less general and cordial. To all of our old and new friends and acquaintances -- "persons and papers" -- we extend this greeting now. Nor do we except from our friendly salutation the Progress of Vinita, from whose columns some weeks back, the above

polite notice is extracted. The article from which the extract is taken made that paper look as though it was rolling up its sleeves -- so to speak. Well, whatever welcome the Progress may have in store for us, we will say only this: it may intend to beat us, and it may indeed beat us; but we are not at all afraid it will beat us in good manners.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Wednesday, March 1, 1876

Vol. 1, No. 1

W. P. Boudinot, Editor

EDITORIAL ON W. P. BOUDINOT

The first Cherokee, -- perhaps the first Indian --- Newspaper ever published was called "the Cherokee Phenix." The second was called the "Cherokee Advocate," which after a time was suspended, then revived, and at last one night disappeared altogether in flame, and smoke -- type, books, office, everything being consumed. This day the ADVOCATE reappears, as near a Phenix as it is possible for a newspaper to be since it is easy to realize that it owes its existence to the burning of its predecessor, and therefore may be said to have arisen, phenix-like, from its own ashes.

But the truth is, and it is necessary to tell it plainly; the ADVOCATE springs from another source -- as prolific if not so poetical -- the public purse. The other one cost a good deal. It is to be hoped the present one will cost less, but after all, it is bound

to be more or less expensive. The Editor, the translator, the Cherokee printer, the English printers are all paid by the Nation. The material and Office building is furnished from the same generous source. The Nation is the Parent of the whole Concern and the Nation is to foster and support it while it shall be worth the while.

It is very manifest that considerable good must be expected to accrue to the Nation, in return for so considerable an outlay by the Nation. What is that good, or -- if you please, those goods -- since there must be more than one advantage in view in reestablishing this Paper.

The term Newspaper indicates one of the benefits sought to be realized from it.

If the People have any concern in knowing how the Government is carried on, and how the Officers they have elected perform their duties, they are concerned in knowing what is going on in their country of a public character. For there is scarcely anything of interest that happens, unless it be purely accidental for which the Government, or some officer, is not more or less directly or indirectly responsible. In proportion as

the People testify by vigilance their care for the manner in which their Government is administered, in that proportion will officers of the Government realize their responsibility suitable laws will be made and faithfully executed.

At the same time, to be misinformed is about as bad as to remain uninformed. Important matters should not be treated as subjects of mere gossip, to be distorted, colored and discolored, suppressed, exaggerated, and sometimes wholly manufactured, in the course of transmission according to the caprices of rumor, or in other words, according to the ignorance, misapprehension, personal preference or prejudice of the respective hundreds who are voluntary news-carriers in such a case.

What the Public need and want, is a trustworthy source to which all can apply for information of the condition of Public affairs. The Press and the Press alone, properly managed, offers the means to supply this want.

Besides doing this good at home, it is also to be hoped that the ADVOCATE will serve to assist to some degree in placing our affairs and character in a

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proper light abroad. A consideration or two will show the great importance of this.

There is, and has been for some years, a Powerful Interest at work to effect the ruin of the tribes of this Territory. This great interest hopes and expects to gain by such ruin, and the stake is large. Nevertheless it is but reasonable to presume that this Territory or any part of it will never be taken from the present owners so long as the people of the United States respect their treaties, and also that they will respect their treaties so long, at any rate, as they respect the parties with whom the treaties are made. At all events, those treaties, in the latter case, will be less likely to be broken by the United States.

This consideration is held of such force by those who regard the existence of these tribes as an obstacle to their selfish plans, that our character, habits, pursuits, individually and collectively, are continually being made the subjects of untruthful description, for the evident purpose of making the Indian name detested so far as it shall become known outside our limits -- all under pretence of gratifying the natural curiosity of the American Public about a

Region complained of as "Terra Incognita," though in the very middle of the United States.

The parties who selfishly malign these nations to destroy them are themselves answerable for the wicked act. But who is answerable for the opportunity given for misrepresentation? If the people of the United States had access to reliable sources of information of the affairs of this territory -- had they both sides of the case before them -- there would be less danger to us of the result. It is our duty, our privilege and our plain interest to place all the facts before them, so far as we can find means to do so. If we do not, we virtually assent to our own overthrow.

So far as the present editor is concerned, he will not feel justified by any exigency in exaggerating any favorable fact, or in suppressing any unfavorable one that ought to be published. The Cherokee Nation is not pretended to an Elysium of virtue; nor is it a "Pandemonium of Crime," as has been lately charged. It is only a place where a small tribe of North American Indians are struggling from a state of complete savagism to reach a state of high civilization, with fair progress made and a fair prospect ahead, but with all the fierce

and active elements of a bigoted conservatism yet to contend with that their Anglo Saxon brethren have in a measure overcome -- a warfare inseparably incident to a state of rapid transition, and which in that light should do the Indians honor.

With this exposition of our understanding of the design of the ADVOCATE, we now greet our readers.

W. P. BOUDINOT.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Wednesday, March 1, 1876
Vol. 1, No. 1
W. P. Boudinot, Editor

ACTS APPROVED BY CHARLES THOMPSON

AN ACT to amend the act establishing a National
Newspaper, Chapter XI New Code.

Whereas the Press is an important means of
education among all classes of people, and since a
large portion of the Cherokees are deprived of such
means, and have no other power of information, Therefore,
for the desimation of useful knowledge among the Cher-
okees, the publication of all laws, acts, and public
records, necessary for the information of Cherokee
citizens, it is deemed expediant that the Cherokee
Nation, continue the CHEROKEE ADVOCATE. Therefore

Be it enacted by the National Council; That
the CHEROKEE ADVOCATE be, and the same is hereby re-
established, for this purpose, and object set forth
above.

Be it further enacted, That the Principal Chief,

and he is hereby authorized, to have a suitable building erected in the town of Tahlequah for printing purposes, and the sum of two thousand dollars \$2000, or so much thereof as may be necessary, is hereby appropriated for the purpose of erecting said building. And, until such building is erected, the Editor of the ADVOCATE is authorized to use two rooms of the upper story of the jail building, for the purpose of a printing office, and the sum of two thousand dollars \$2000, is hereby appropriated for the purchase of a press, and such necessary material as may be required to publish the news, in both CHEROKEE and English, and to transport the same, and prepare such fixtures as will be required in the office. And the sum of five hundred dollars, \$500, is further appropriated for a contingent fund, for the ensuing year, and the Principal Chief, is hereby authorized to draw warrants on the General Fund, as required above.

Be it further enacted, That the subscription for all Cherokees, who can not read English, shall be free, and for those who read English, one dollar, per annum. The Editor is required to furnish the District Judges, with a number of copies for gratuitous distribution. And it is hereby made the duty of the District

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Judges, to distribute, the same among persons who can not read English.

Be it further enacted, That the Principal Chief, be, and he is hereby required to furnish the Editor of the ADVOCATE, with all laws and acts of the National Council, for publication as soon as possible after such act has passed the National Council.

December, 3, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

AN ACT to suspend so much of the New Code of Laws as relates to Criminal matters, and for other purposes.

Be it enacted by the National Council, That so much of the "New Code" of laws of the Cherokee Nation, that went into affect on the first day of November, 1875, as provides for the punishment of criminal offenses, be, and the same is hereby suspended until the first day of August, 1876, at which time it shall again come into effect as part of the laws of the Cherokee Nation. And the laws providing for the punishment of criminal offenses, and inforce prior to the said first day of November 1875, are hereby continued in force in the Cherokee Nation, up to the said first day of August, 1876, at which time they shall be deemed as rejected.

Be it further enacted, that the Principal Chief, be, and he is hereby authorized to have published at his earliest convenience in the Cherokee language, not exceeding two thousand coppies of the said "New Code" of laws. And to have the same as early as possible, gratuitously distributed among that class of Cherokee people that read only the Cherokee language. And for the purpose of carrying out the provisions of this

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section, and the correction of the New Code of laws, the Principal Chief is hereby authorized to employ such proof readers as he may deem proper, and to pursue or not at his discretion, the plan already adopted by his predecessor under the act, approved November, 30th, 1874, for the publication of said "Code," and under which the same has been printed in the English language, and is now being published and distributed.

Be it further enacted, That after said "Code" shall have been printed as prescribed for above, it shall be the duty of the Principal Chief to have so much of the same as prescribes a penalty for its violation posted, at least ninety days (90) before the first day of August, 1876, in the English and Cherokee languages, at the several places of holding courts in this Nation, as provided for by the seventh article of the Cherokee treaty of 1866. And the Principal Chief is hereby authorized to draw warrants on the Treasury, payable out of the General Fund of the Nation, to meet the expenses of executing this act.

December 2, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

AN ACT granting citizenship to Polly Collins,
and others.

Be it enacted by the National Council, That
Polly Collins, a Cherokee Indian, and James Collins
a white man, her husband, Clem Quinton, Eliza Collins,
Kate Collins, by Collins, and Sarah Collins children
of Polly Collins, be, and they are hereby entitled to
all the rights and privileges of Cherokee citizenship,
whenever they remove to the Cherokee Nation, and
permanently locate in the same.

November 29th, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

AN ACT re-admitting Mildred C. Ray, and children
to Cherokee citizenship.

Be it enacted by the National Council, That
Mildred C. Ray, a Cherokee by blood, and her three
children, viz: Isabela L. Ray, Pleasant K. Ray, and
Orlena Ray, be, and, they are hereby re-admitted to
all the rights and benefits of Cherokee citizenship

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in the Cherokee Nation as members of the same,
Provided, That this act shall not take effect except
the said persons may move into the said Nations, and
permanently locate as citizens thereof.

November 29th, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Wednesday, March 1, 1876
Vol. 1, No. 1
W. P. Boudinot, Editor

CRITICISM OF W. P. ROSS

In the Progress of the 18th ult., appears the following delicate criticism in regard to the course of two members of the Cherokee Delegation in reference to the nomination of Col. W. P. Ross:

"Mark the Scallawags. The two Adairs elected to represent the Thompson or Downing party are striving to have the plunderer of his people and the cause of bloodshed among the Cherokees appointed U. S. Agent for the five tribes."

The Editor of this paper is forbidden by law to make the ADVOCATE a vehicle to express his personal views for personal or partizan ends. But he is not only not forbidden but required to put this Government, its officers, its history and condition fairly and truly before the public at home and abroad so far as he can do it.

In regard to the statement from the Progress clipped above, we do not think Col. W. P. Adair and Capt. John L. Adair consider themselves "elected," (or more properly appointed) to represent the "Downing or Thompson Party" at Washington. We are quite as well satisfied they are not so considered by either the Chief who selected them or the people who pay them. These gentlemen were appointed last Fall by Chief Thompson and Senate to represent the whole Cherokee Nation before the Congress and President of the United States -- a body and a man who cannot care a straw for Cherokee parties, and would care as little for any mere party agents, but who, we do hope and trust, will show a proper care for the Cherokee Nation, as a whole, when enlightened by our chosen spokesmen as to its needs and rights. To be a rigid partizan and a true Delegate in Washington at once is about as difficult as it is to serve God and Mammon at the same time. To try to be so would be but another illustration of the folly of "cutting one's nose off to spite one's face." It is well enough that the Nation should be divided into parties, as the human body is ⁱⁿ into limbs. But the Government is the brain and it would be sorry business were two or more of the faculties to employ

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their strength for the ruin of a limb because it happens to be "on the other side." So, the Progress must be mistaken. The two Adairs, as Delegates at Washington, are equally claimed by all parties as the Nation's representatives; and the two Delegates themselves, we verily believe, will not thank any one for holding them up as representatives of anything less.

So far as the nomination of Col Ross is concerned we have no personal opinion to express. A fact or two, however, may not be out of place.

When the endorsement of the nomination was handed to several citizens to sign it was remarked by them when signing it that their action should no more be governed and judged by party considerations, than was the action of the President in making the nomination. The meaning of this was, we suppose, that, as the choice of an Indian by the President could not, in the slightest degree, have been directed by party considerations, it should be considered a recognition of Indian merit creditable to the Indian name, and in the honor of which all parties, if they will, may share alike.

To what lengths party spirit can go indeed, no one need be at the trouble of telling General Grant, so we will call attention to but one fact in refence of

the President's judgment.

That Col. Ross is answerable for the large number of murders in the country is a horrible accusation which, if not true, ought to be denied in the interest of justice if not of the President, and we are glad therefore to see Col. E. C. Boudinot set the matter in its true light. In a letter of the 16th ult., to the Vindicator, this declaration comes in with his usual force of expression:

"Seven-tenths of these crimes are committed, I verily believe, by white men from the States who have sought the Territory for an asylum or as a fruitful field for their operations."

That leaves only three-tenths of the crime committed to be laid to Ross, supposing of course that without him everybody would be as white and free from blemish as Mary's lamb.

As said above we have no personal opinion to express in the matter, so far as our feelings go, we hope no harm will come to any one if we say that we felt rather proud to think that the President would shut the door of an important office (to us) in the face of service pleading office seekers to open it of his own accord to an Indian he thinks worthy.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, March 11, 1876
Vol. 1, No. 2
W. P. Boudinot, Editor

EDITORIALS ON CHARLES THOMPSON

The Principal Chief has called for bids for a contract to build a brick printing Office in this place, upon the foundation of the old Court House.

The amount of money appropriated by the Council for the purpose is two thousand dollars. (\$2000.)

The Principal Chief has informed us that he will be here about the 15th inst.

Judge Rowe, Assistant Chief, has not returned from his trip to St. Louis, made to purchase furniture and other supplies for the Male Seminary and Orphan Asylum.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, March 11, 1876

Vol. 1, No. 2

W. P. Boudinot, Editor

EDITORIAL ON CHEROKEE DELEGATES

Five years since, we told our Cherokee readers that the necessity of sending a Delegation yearly to Washington City, would become permanent, if the Nation did not take some way to place our lands more within the protection of the tenth commandment. Taking it for granted that men are less likely to covet what they know they cannot get, our notion was to place our title to the country, if possible, in a condition less liable to attack. Since that time the Status of the nation as to everything and everybody outside has remained unchanged, and a Delegation has been annually sent to Washington. It seems that the necessity of sending one every year has become permanent. The inference is that some very necessary service is to be done which a Delegation alone can do.

That service is this. The Railroads naturally

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want to realise their grant of ten and twenty miles along their tracks. These grants require our title to the tracts included in them to be extinguished except by a regular invasion of emigrants (as the case of the Black Hills) or by act of Congress. The president protects us for the present from an invasion. Congress then is the only possible recourse and there this nation must meet and contend against the efforts, the address, and the influence of those who want to see our title extinguished.

So radical a work can best, perhaps only, be accomplished by gradual steps. One of these steps -- the first step -- is thought to be the imposition of a Territorial Government; first -- because the proposition comes from and is supported by parties avowedly hostile to our exclusive ownership of this country; and second -- because the proposition itself is a direct violation of our Treaties with the Government which in so many words makes the express consent of the Indians a preliminary condition to the extension of a Territorial Government over this Nation.

Nevertheless Territorial Bills are launched at our heads like so many blows of a hammer. Following one another rapidly and without ceasing, these blows must

be warded off, if we would not be struck down as a Nation ever again to rise, and our Representatives at Washington must do the work for us.

So far they have done it. We shall not now stop to ask whether the same defence could not have been made with less expense, and by fewer defenders, and whether it would not have been wiser to pay more attention to defensive armor and artificial guards, instead of relying as we have hitherto done, wholly upon the justice of our cause to balance our comparative weakness. It is enough to say just now that our Delegations to Washington for the past five years have had certain work given them to do, which they so far have well done. As already explained, the service, is entirely of a defensive kind, and, while our internal status remains as it is, likely to be interminable.

The National Delegation will no doubt keep the readers of the Advocate informed what resistance has been necessary on their part against attempts to hurt the Nation through Congressional action. It is sufficient now to tell our readers that several Bills to organise a Territorial Government for this Territory have been presented in this Congress,,that the Delegates,

through their spokesman, Col. Adair, have discussed and opposed those Bills on our side, and that there are no present indications that any of them will pass.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, March 11, 1876

Vol. 1, No. 2

W. P. Boudinot, Editor

NOMINATION OF W. P. ROSS WITHDRAWN

The President has withdrawn the name of Col. W. P. Ross, who was nominated as Agent for this Territory, and has sent to the Senate the name of W. A. Marston of Ohio for confirmation as Agent of the Five tribes.

The question of Col. Ross' capacity and personal fitness for the office, was not, we believe a disputed one. If it was, it must have been soon settled in his favor. Else, where was the need of putting the objection upon general grounds, as, is he, as an Indian citizen, eligible? Can an Indian citizen of any Indian Nation be agent or officer of the United States under the constitution of the United States.

There was that possible way to defeat Col. Ross, and we only say that it is not likely that way would have been tried if others more personal to him would have

answered. If the whole Indian race could be rendered, by construction of law, incapable of holding a U. S. office, then, as one of the Race he cannot hold one. Strike at the privileges of all Indians -- he is one of them. He is a Red Man, thought worthy of an honorable position. Humiliate all red men below the level of all honorable positions by pronouncing them all disqualified alike. So thought, so done. The privilege of an American Indian, personally competent in all other respects, to represent his people before the government, and to act for the government with his people, was challenged because he was an Indian citizen of the Cherokee Nation in other words, because his training, associations and his fidelity to his race, made so many guarantees that the protection which was the prime object of the institution of Indian Agencies would be accorded to the tribes under his charge.

If the withdrawal of Col. Ross' name dispenses for the present with the solution of the question of Indian Eligibility to hold the Office of Indian Agent, no thanks to those who pressed the question to defeat him, that every Indian on the Continent has escaped a serious misfortune, as well as a public degradation. A misfortune, because the harmony of the intercourse

between the two Races, and the protection of the weaker seems more and more to require, in order to secure those objects that the intermediate Agent upon whom everything depends, should be sufficient by interested, to inform himself in regard to our condition rights and wants to know what should be done, and should be personally interested and accountable to the extent of having a strong motive to do it -- should be an Indian, in short. A degradation, because, should an Indian citizen of an Indian Tribe be pronounced incapable, for the reason that he is so, of being an Indian Agent, he will be consigned permanently to the position of a mere subject to another government besides his own, without a freeman's voice in matters most nearly affecting him, and above which position no advance in civilization and intelligence -- no degree of personal worth -- will ever elevate him.

It will be sheer nonsense in any one to attribute these remarks to a partizan preference for Col. Ross. They do not imply that we are a "Ross man." They do imply that we are out and out an advocate of Indian privileges and Indian capacity. Were any Indian citizen of the five tribes nominated for Agent, we

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should support the nomination for the reasons given. Should the person selected belong to the local party adverse to ours, we should feel it to be much more patriotic and wise to put up with the distasteful preference for the credit and incalculable advantage of the principle involved accruing to all, than to permanently shut out the whole race in order to exclude one man. Whether a Fulson, a McIntosh, Ross, Adair, Brown or Colbert -- it would make no difference who or what, so he were an Indian citizen, and held otherwise competent by the President.

The attention given by these tribes to education for three generations past must have resulted in giving us more than one Indian capable of holding the office of United States Indian Agent. The same causes combined with others favorable to the result, will undoubtedly supply us with more and more such. Now consider for one moment the extent of the dependence of these tribes upon the protection of the government. Consider that that power can be called for and exerted only through the mediumship and instrumentality of the agent, and that his discretionary authority in the premises is bound to be very large indeed on account of our peculiar tenure

to our land, and the absence of any intermediate judicial system to determine our rights. Consider this; and then say whether every principle of good government and every consideration of safety does not require that the office of agent should not be held by a man as much responsible to us and as directly interested in us as possible?

Now also what good is likely to come to us from closing the office to every citizen of these tribes, and lastly, why should any of us help to close it?

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, March 18, 1876

Vol. 1, No. 3

W. P. Boudinot, Editor

LAWS OF THE CHEROKEE NATION

AN ACT making an appropriation for the payment
of pensions, registered by the Auditor for the year 1875
-6.

Names	Pensioner	Amount.
		Dol's. C'ts.
Betsey Still	"	\$20 00
Aleck	"	20 00
Sordy Touseend	"	20 00
Goose	"	20 00
Jockinny	"	20 00
Turner	"	20 00
Car-tow-yob-he	"	20 00
Tokinny	"	20 00
Lizzy Bell	"	20 00
Andy Osage	"	20 00
Beaver Snake Tail	"	20 00
Fanny Robbins	"	20 00
Rufus	"	20 00

Mary Jane Bean	"	20 00
Tom Wagoner	"	20 00
Lucy Downing	"	20 00
Anna R. Gourd	"	20 00
Ellen Wilson	"	20 00
Phillip	"	20 00
Ave Sanders	"	20 00
Click Walker	"	20 00
Francis Butler	"	20 00
Harry Bat	"	20 00
Orin Beck	"	20 00
Anokee Aug-wah-take	"	20 00
Rachel Lowry	"	20 00
Daniel	"	20 00
Andrew Griffin	"	20 00
Nick-o-jack	"	20 00
Isreal Crittendon	"	20 00
Caroline Aiken	"	20 00
Wuttp Jugg	"	20 00
Robert Beck	"	20 00
Nancy Rogers	"	20 00
Turner Ruge	"	20 00
Polly Jennings	"	20 00
Lucy Ballard	"	20 00

Salsey	"	20 00
Chi-kitty	"	20 00
John Foreman	"	20 00
Thomas John	"	20 00
Oo-tah-lut-tah	"	20 00
Alsey Tah-lah	"	20 00
Dinah Huss	"	20 00
Clow-seno	"	20 00
Big Drum	"	20 00
Alsey	"	20 00
Ale-tah	"	20 00
Wm. McKay	"	20 00
Ave Glory	"	20 00
Sally	"	20 00
Thomas Pumpkin	"	20 00
Little Catty	"	20 00
Lucinda Broody	"	20 00
John Daniels	"	20 00
John Davis	"	20 00

Total

\$1,12 0.00

An Act for the foregoing pensioners for the year
1875.

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Be it enacted by the National Council, That the sum of one thousand, one hundred and twenty dollars (\$1,120.00) be, and the same is hereby appropriated out of any money in the treasury, belonging to the General Fund, not otherwise appropriated, for the use and benefit of the foregoing named persons, according to the amounts set opposite each persons name. And the Principal Chief is hereby authorized to draw warrants accordingly.

December 2, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

An Act, making appropriation for finishing the Asylum, a home for the insane, deaf, &c. and for its support and maintainance.

Be it enacted by the National Council, That the five thousand dollars remaining unappropriated of the twenty five thousand dollars set apart for the establishment of an asylum for the insane, deaf, dumb, and blind, indigent persons of the Cherokee Nation, and which now is placed in the treasury of the Nation, in accordance

with the requisition of the Nation, authorized by act of the National Council. Approved, November 22, 1873, be, and the same is hereby appropriated for the furnishing, and complete equipment of said Asylum. And the Principal Chief, is hereby authorized to draw warrants for the same, on the requisition of the Board of trustees, or persons having the same in charge.

Be it further enacted, That the interest already accrued, and that hereafter shall accrue on the Asylum Fund (so called) approved, October 31, 1873, and authorized by act of Congress, Approved February 14, 1873, for establishment of an Asylum for the Insane, deaf and Indigent persons of the Cherokee Nation, be, and the same is hereby appropriated for the support and maintenance of said Asylum, and the Principal Chief is hereby authorized to draw warrants for the same, as required, from time to time, by the said Board, on their requisition.

December 5, 1875.

Approved Dec. 3, 1875.

CHARLES THOMPSON,
Principal Chief.

An Act making an appropriation for the support of Public Teachers.

Be it enacted by the National Council, That the sum of forty three thousand, eight hundred and twenty dollars (\$43000,820.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds belonging to the School fund not otherwise appropriated, to be applied for the year 1875-6, as follows.

For twenty-two first class schools, eleven thousand dollars.

For thirty second class schools, twelve thousand dollars.

For nineteen, third class schools, five thousand dollars.

For books and stationery, three thousand dollars.

For salary of Principal Teacher, in the Female (Seminary) High School. One thousand dollars.

For two matrons, seven hundred and twenty dollars.

For female High School, seven thousand six hundred dollars.

And the Principal Chief is authorized to draw warrants accordingly.

Be it further enacted, That the sum of ten thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of the school fund to put into operation the male High School, when ever the building now in process of erection is completed. And the Principal Chief, is hereby authorized to draw his warrants for the same.

December 3rd, 1875.

Approved,

CHARLES THOMPSON,
Principal Chief.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
March 22, 1876
Vol. 2, No. 1
J. L. Caldwell,)
J. H. Moore,) Editors

LETTER OF LUCIEN B. BELL TO E. C. BOUDINOT

From the Indian Progress, March 16.

Red Clay, Big Cabin, C. N.

March 6, 1876.

E. C. Boudinot:

I find in your paper of February 25th, over your initials, a communication in which you characterize me particularly, along with others generally, as being "shaky and uncertain" politicians, for no other reason than that we expressed our approbation of the nomination, by President Grant, of William P. Ross, of this Nation, to be Indian Agent for the Indian Territory.

I am no apologist for Mr. Ross, for whatever political crimes or faults he may have been, or is guilty of, he is responsible, and can look after himself; and from the earl'est time at which I had in-

telligence to understand the difference between political creeds, I have been Mr. Ross' political enemy, and am to-day what I have been all my life. But that circumstance does not so warp my judgment that I cannot believe that Mr. Ross, or any other capable Cherokee--Elias C. Boudinot excepted--would be a better friend to us than an alien who has no interest or sympathy with us.

However much I may differ with Mr. Ross in our domestic affairs, however "shaky and uncertain" I may be judged, I will never be so partizan as to be unable to see virtue in an enemy or fault in a friend. And I have yet to learn that I must do the bidding of any party or man, even though it be the bidding of this second Viator, Elias C. Boudinot, himself.

So far as regards the endorsement of Mr. Ross as Indian Agent, for this Territory, I can say; that the act was the promptings of my deliberate judgment, and I have learned nothing since to change my opinion. I feel proud to know that one of my race and tribe had raised himself to such a height in the scale of civilization and respectability, that the Chief Magistrate of forty millions of civilized and

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intelligent people, would select him as the representative of his government, and in such a responsible office. I do not deny you the right of criticising my acts, public or private; and whenever I stray to the right or to the left of the path of honor, and manhood, "go for me; call me "shaky and uncertain"--say I have "gone over" --say that my party "will not need me again." But don't--please don't bring me so near the devil, as to call me your "friend."

The brazen impudence with which you assume the dictatorship of a party here, and talk about "reading a man out," would be in any one else, astounding.

You shamelessly assume for your paper the position of organ of the opposition to Mr. Ross, when you know that Boudinot and Harris, with one other, are a majority of the political organization, in the Cherokee Nation, known as the Railroad Party, and of which the Progress--so-called--is the organ.

While you have, in public speeches and publications, sent broadcast over the world the statement that you could not live in the Territory without being assassinated, yet you establish here, in the Cherokee Nation, a railroad organ, ostensibly owned by yourself, but in fact, bought, paid for,

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and kept running by two railroad companies, whose especial business, if we judge it by its preachings, is to disintegrate political organizations, sow the seeds of discord and break up, if possible, the nationalities of the territory, and you call this a yearning love of your country! Patriotism! Judas Iscariot had some similar hallucinations when, for thirty pieces of silver, he sold the Son of God! and later, Benedict Arnold was seized with the "true inwardness" of patriotism, when, for a consideration of dollars and cents, he proposed to deliver West Point to the British! And you, history will find a place for.

One thing the world must do for you, and that is, to give you credit for candor in laying before it, a clear and unequivocal statement of what and who you are. I copy from the Progress:

"Thou monarch of the lower fire,
quickly come near me, my diety, my
 august sire,
And calmly hear me.
I know that from the rascal's wail
 thou never turnest.
quit Browlow, Morton, Butler, Blaine,
Aye quit all others--look on this case
 of darker stain.
The Indian fields thich with sheaves,
 Thanks to thy tillage.
Here, if an honest man is found;

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Him vengeance singlest; we oust him
from our special ground.
I, in flesh and spirit, will ever struggle
low and high,
To gain the merit of being basest
Of the fry that hell inherit."

No one can mistake your mission, and none
can be mistaken as to who is your master.

And, sir, in conclusion, I may say "shaky and
uncertain," however I may be, I have yet to advocate
a political scheme, the success of which would rob my
people of two-thirds of the actual value of their
property in lands, and send three-fourths of them to
the prison and poor-house, and make myself rich.

I have yet to disgrace myself and bring
shame upon an honored ancestry, by advocating, under
the veil of hypocritical patriotism, the cause of
money and power against poverty and helplessness,
and if to prefer decency and respectability at home,
to that ambition that prefers infamy, rather than
miss notority abroad; if to prefer the love of my
friends and the respect of my enemies, to the pity of
the one and the contempt of the other, is to be
"shaky and uncertain," so be it; I want to be "shaky
and uncertain."

LUCIEN B. BELL.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, March 25, 1876

Vol. 1, No. 4

W. P. Adair, Editor

EDITORIAL ON SPEECH OF W. P. ADAIR

Washington, D. C.

March 18, '76.

Editor Cherokee Advocate:

Dear Sir

Like the face of some dear old familiar friend, with an expression of honesty and kindly feeling shining all over it, the ADVOCATE made its appearance in our midst a few evenings since, with a view of conscious strength and integrity of purpose it steps into the arena, as an experienced gladiator to defend an oppressed and defenseless race. None too soon has it made its appearance as an exponent of the true wishes of the people, a companion of their rights and an expose of wrong and false representation. The promulgation and

advocacy of measures wholly antagonistic to the well known wishes of the people, by parties not in sympathy, nor can be, with these interests, demand now more than ever a medium of defense.

The most important question involving our rights is the Territorial various bills of this character that have been introduced, and how many more from the same prolific source of all the shades of consistency and inconsistency with existing treaties, will be before Congress adjourns, can only be approximately determined from the present field. There is a marvelously coincidental similarity in their constructive intentions, either easily understood or cunningly concealed under a chameleon disguise, but, to be shown up in their true colors by the ithuriel spear of the interests and influences that now agitate them in and out of Congress, when any one of them become a law. Various opinions are entertained by the members of the committees on Territorial and Indian matters generally, as to the right of Congress to legislate upon any question affecting any condition guaranteed by the treaty and contrary to the wishes of the people whose interests are most seriously involved, or even as to the right of Congress

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to repeal the government's obligations to the railroads in the land grants in our country, though their realization depends upon a contingency; that the inducement by the government to enterprise, though consisting of mere promises conditioned upon an improbable event should be held as sacred as any obligation, and is binding as though no conditions were specified. In order then to carry out its obligations to all parties, regardless of any condition, the government should become paymaster to the railroads in the indemnification even of an intendant. Otherwise ... conditional land grants must starve, even though a possibility of future realization may be utterly destroyed by a species of legislation that will forever bar them, or by a change in the tenure of the lands that will render the contingency as improbable as the reversion of the American continent to the aboriginal owners.

Being thus variously divided in opinion a unanimous report from any of the committees having the question under advisement, can hardly be expected, although it is rumored that an agreement to report in favor of some sort of a territorial government has been reached by the House Committee on territories.

The question under consideration has not been that of any particular bill, but the expediency of such a measure to be justified by existing circumstances or by any feasible interpretation of the treaties. All things considered, it is evident at present that no territorial bill establishing the territory a Province of Oklahoma will pass this session.

A bill to establish a United States Court in the Indian Territory ... been introduced and referred to ... Committee on the Judiciary. It provides for the holding of the court ... three different places; ...
for the various bills referred to the committee, providing for the transfer. The debate was not so much upon the moving of the measure as to what committee, Indian or Military Affairs, had jurisdiction in the case. After considerable debate it was agreed that the committee on Indian Affairs should have precedence, and the bill be referred to the committee of the whole House two weeks from last Thursday. There is a contemplated move in favor of making the Indian Office a separate department, as the Agricultural is now, and for about the same reasons that affected its separation

from the Interior Department a few years ago.

A bill providing for the sale of the remainder of the strip in Kansas has been introduced and referred to the Committee on Public Lands. For the first year the lands are to be sold at \$125 per acre and after that time for one dollar.

A project of a bill enacting from the Interior Department, and providing for the appointment of three commissioners, citizens of the United States and learned in the law, by the President of the United States to investigate the questions and claims pending between the North Carolina Cherokees and the Cherokee Nation, has been submitted to the Delegation for their consideration and to present, if any, the objections to it. All questions and claims between the parties having been settled by the 23rd Article of the Treaty of 1866, and no legislation being necessary to construe stipulations to which the United States is as much a party as the Cherokee Nation, and being the arbitrary power in the premises, and able to determine the questions at issue under existing authorities, the Delegation submitted a protest.

The representatives and attorneys of the North

Carolina Cherokees have succeeded in getting a bill introduced in Congress, authorizing the to enter suit against the Cherokee Nation before the Supreme Court of the District of Columbia. The Delegation has been summoned and subpoenaed to answer to their complaint, but not acknowledging service the, "Old Settlers" were next done for. Meeting with the same marked attention from them and being determined to find parties who would be more respectful and give ear unto their petitions they even had themselves subpoenaed.

These questions and claims should be settled some how and as soon as possible as they are a source of aggravation and demand continual watchfulness; not so much on account of the justness of them under existing treaty stipulations, as the magnitude of the amount involved and the consequent influence that can be brought to bear in their favor.

A.

Washington, D. C.

March 16, 1876.

Editor Advocate:

I have received your letter, in which you request

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me to send you copies of my "remarks" before the Committee on Territories of the House of Representatives which I have done. I am glad that you think so much of my talk before the committee, as to want it for reference, or information. It was hastily gotten up and is of course, defective, and necessarily followed the line of legal argument in the premises heretofore pursued, and was deemed necessary in helping to educate the many new members, now in both Houses of Congress. On the meeting of the present session of Congress, one found very many new members, although nearly all our friends, ignorant of the true -- that it cannot pass the Senate -- yet time only can determine! A notable feature, is our territorial fight before Congress, is the open declaration, made the other day, before the House Committee on Territories by one Hubbard, Attorney for foreign bond holders, that certain railroad companies, had issued, several million dollar's worth of "Bonds" -- predicated upon the "conditional" land-grants, claimed by these companies. The voice of the Indians hereto fore, raised against these conditional land grants, has not been heeded, as the importance of the subject demanded,

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because railroad and territorial influences have generally worked below the surface or lingered in the back-ground; but since those parties through Mr. Hubbard's speech have appeared openly, and demanded the territorialization of the Indian country, in order to enable them to obtain the lands that their grants call for, the subject is beginning to attract general attention, so that members of Congress now appear to "go slowly" on the Territorial question. The Indians are trying to have this bond matter looked into by Congress, for if corporations are allowed to issue bonds, upon the lands of the Indians, already secured to the Indians, by the most solemn and binding obligations the United States Government, can possibly give, and to put such bonds in foreign markets -- then the honor of the Government and people of the United States, as well as the very existence of the Indians, require a full exposition of the whole affair, to the end that the Indians be protected.

Truly your friend & obt. servant.

W. P. ADAIR.

THE VINDICATOR

Atoka, Ind. Ter.
March 29, 1876
Vol. 2, No. 2
Caldwell and Moore, Editors

ANSWER TO LETTER

With all due deference to your opinions as the Executive of the Nation, we think that you were wrong in the late exercise of the veto power, on a constitutional provision. No one denies your right to approve or disapprove of acts of the Council or of resolutions which by their implied language become laws. Such is your executive duty, under the Constitution, and nothing would be legal that was not carried through the proper channel; but when it comes to a constitutional amendment, the directions as to how it shall be done are very plainly laid down in section 1st, of Article IX, of the Constitution, Choctaw Law Book, page 22, which reads as follows:

"Whenever a majority of the members of the General Council assembled shall deem it necessary; they may propose an amendment or amendments to this

Constitution; which amendment shall be submitted by the National Secretary, at least four months preceding the next regular election at which the qualified voters shall vote directly for or against such proposed amendment or amendments; and if it shall appear that a majority of the qualified voters shall have voted in favor of such amendment or amendments, then the same may be incorporated as part of this constitution at the next succeeding General Council"

If you will read the article very carefully, you will most assuredly be convinced that you are mistaken. The mere fact that it says, "Whenever a majority of the members of the General Council assembled shall deem it necessary, they may propose an amendment or amendments to this constitution," shows conclusively that the proposed amendment or amendments, are only propositions, not bills, and cannot come under the stipulations laid down in Section 8, Article III, of the constitution, but that they are expressly propositions for the people to consider and "shall be submitted by the National Secretary, at least four months preceding the next regular election, at which the qualified voters

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shall vote directly for and against such proposed amendment or amendments."

The Council can only propose an amendment, the National Secretary must put the question before the people, and the people are the only authorized constitutional authorities to say whether the amendment or amendments shall or shall not be incorporated in the constitution. This is the way provided for amending the constitution, and we hope that the Governor will see that it is very different from that respecting Acts of the Council, which, though passed by both Houses of the Council, are subject to the Chief's approval before they become laws, and the people have nothing to say in the matter, but in the matter of amending the constitution, it is only their votes that can decide the matter. We would ask, suppose Governor, you had approved the resolution, would that have made it any more binding on the people to vote for or against it. The constitution gives you, as Principal Chief of the Nation, control over all matters pertaining to the laws and the government of the Nation, but it expressly reserves the right of a constitutional amendment to the votes of the people. It is only

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one privilege, and we think you ought certainly to let them have it.

Your case, Governor, is similar to that of King David, and the little ewe lamb. You will find it in the Bible, 11 Samuel xii chapter. Read it.

THE VINDICATOR

Atoka, Ind. Ter.
March 29, 1876
Vol. 2, No. 2
Caldwell and Moore, Editors

EDITORIALS AND COMMENTS ON E. C. BOUDINOT

Editors Vindicator:

We notice in the Progress of the 17th inst, that a letter written over the signature of E. C. B., complains of being misquoted and misrepresented in regard to his argument before the Territorial Committee of the House, Feb. 3d, 1876, and hurls several choice epithets, selected from his pocket edition of Billingsgate and Fishmarket vocabulary. As the reviewer of his said argument, not having the pamphlet referred to now in possession, or the manuscript, or the conclusion of the review; which appeared in THE VINDICATOR of the 15th inst.

If E. C. B. had waited for the conclusion of the review he would have discovered that his argument to show the necessity of legislation for the Indian country was answered. We are free to

admit not only that Congress has by the treaties of 1866, the right to legislate for the Indian Territory, so called, but that it is also a duty to legislate when necessary, "so far as said treaties grant the power," but we deny the power of Congress to make the Indians citizens of the United States, without their consent, or to establish a United States Territorial Government over said Territory or country, without their consent. We understood Mr. Boudinot as maintaining the affirmative of the two last propositions.

We have not intentionally misquoted or misrepresented him. As to the epithets aforesaid, we have only to say that vituperation is not argument, and leave E. C. B. in undisputed possession of that branch of literature.

CITIZEN

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THE VINDICATOR

Atoka, Choctaw Nation, I. T.,

April 5, 1876

Vol. 2, No. 3

J. L. Caldwell,)
J. H. Moore,) Editors

LETTER OF E. C. BOUDINOT TO THE EDITOR

From the Baltimore Gazette, 27th

We received the following letter last week:

To the Editor:

I have noticed several allusions in your paper to the "huge job" concealed in the bill pending in Congress to organize the Indian Territory. As an Indian, subject to taxation by the United States as any citizen of Baltimore is under the Internal Revenue laws, I have thought it no more than simple justice that I should enjoy the privileges as well the responsibilities of a citizen. Is there any job in that? I enclose a copy of Franklin's bill, and I would be glad if you would point out in it a single provision which leans in the slightest degree toward a job.

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Very respectfully,

E. C. BOUDINOT.

Washington, March 22, 1876.

The writer of the above letter, Mr. Boudinot, is a gentleman of education and culture, and of far more than ordinary ability. He is, if we are not mistaken, possessed of large wealth, and the owner of large tracts of land in the Indian country.

In asserting that the scheme to create this region into a territory is a "job," financially and politically, we have only said what has been again declared in Congress and before its committee, although perhaps, in language a little less plain. We do not mean to say that Mr. Boudinot is interested in the passage of the bill in any corrupt way, and in whatever we have said or may say upon the subject we do not mean to cast any reflections upon him.

There are, in our opinion, three grave objections to the bill, any one of which ought to be sufficient to kill it. They are:

First. It is unjust to the great majority of

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the Indians who live there and own the country under the most solemn treaty stipulations.

Second. It provides for the organization of a territorial form of government, which is entirely unnecessary at the present time, and which would entail an additional expense upon the general government; and

Third. The whole project is in the interest mainly of a lot of foreign railroad bondholders who have set their eyes upon the rich lands of the Indian country, and desire to capture them. If they succeed, as they will, if this bill should be passed it will be a clean steal in the name of law of upwards of twenty-three millions of acres of the fairest and best portions of this region.

So far as the first of these propositions goes, Congress has no right to change the present form of the government of the Indian country without the consent of its inhabitants. Eighty thousand Indians inhabit the Indian country, and the title to their lands is secured by treaties with the government, some of them made nearly forty years ago.

These Indians have churches and schools, and are in a high state of civilization.

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Newspapers are printed in their language, and the last census shows that they are as far advanced, materially and socially, as many of the other territories.

Two hundred and four thousand, six hundred and seventy-seven acres of their lands are under cultivation; they raise between seven and ten bushels of wheat to the acre, annually. The valuation of their farm stock and produce was nearly five millions of dollars, five years ago.

They supported one hundred and sixty-four public schools, the average attendance at which was over five thousand pupils. One hundred and twenty-seven thousand dollars were then appropriated for their support, and their real and personal property amounted to nearly seventeen millions of dollars, in which is not included four millions worth of property, which is held in common.

These people now have their own government; it is acceptable to them, and it is not in conflict with that of the United States. Property is safe; life is secure. Why change it?

In regard to the second proposition: The establishment of a territorial form of government will

be a detriment instead of a benefit to the Indians. The moment it is established white settlers will seek the territory; the offices will in a short time fall under their control, and the Indians will be driven to the wall, and in all probability exterminated.

But the most objectionable feature of the whole scheme, is that it is in the interest of a railroad company.

Mr. W. P. Adair, a Cherokee delegate, in an address before one of the Committees of the House of Representatives, last January, speaking on this point, said:

Inasmuch as the bill expressly declares that the fee of the lands of our Nations is vested in the United States, if it become a law, it will, in that regard, supersede our treaties, and thus our lands, within the meaning of the railroad acts of July 25, 26 and 27, 1866, will become 'public lands of the United States,' as soon as the bill becomes a law, and our lands being, as they will be, under such a law in a 'territory of the United States,' with the 'fee' in the United States, certain railroad companies, under the provisions of the said three acts, will realize about twenty-three million acres of the lands

of the Indians."

Is Congress prepared to ratify this fraud and swindle upon the Indians, for the benefit of a railroad monopoly?

That is the "job" in the bill to which Mr. Boudinot has called our attention. He has asked the Gazette a question, and this is its answer.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, April 3, 1876
Vol. 1, No. 6
W. P. Boudinot, Editor

EDITORIAL ON THE NEW CODE

Many of our readers have no doubt been made aware by common report of a conflict of opinion between the Supreme Court and the Executive Department in regard to the extent to which the New Code was suspended by the last Council until the first of August. The following statement will, in some degree explain the cause of this difference:

The New Code provided by an introductory clause that it should go into operation unconditionally on and after the first day of November, 1875. This provision was made at the session of the National Council of 1874, at which time it was reasonably thought that ample time was afforded to have the Code translated and published in both English and Cherokee, and thoroughly advertised for the ninety days required by treaty before the penal portion could go into effect. The English

volumes were published in time as expected. But in the mean time, the means of obtaining Cherokee type to print the Cherokee volume was destroyed for the time, by the burning of the only establishment in Boston where type could be obtained. Considerable time elapsed before the loss could be supplied.

November came and the New Code had not yet appeared in Cherokee, and of course the penal part had not been advertised as required by treaty, while, as before stated, all prior statutes inconsistent with the Code were repealed from that date, and the Code made the law of the land thenceforward without reservation or exception, by operation of one of its provisions. There was but one thing for the Council to do in order to comply with the treaty and have any criminal law at all, and that was, to suspend the New Code so far as it was necessary to suspend it, or rather to suspend so much of it as the treaty prevented going into effect at the time, until such time as the ninety days provision could be complied with. And, in order that the Nation should not be without any penal law in the mean time, it was necessary to revive the criminal laws that had been repealed, until the time should pass. Undoubtedly the

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National Council intended to do this. The question between the Supreme Court and the Executive is whether the Council did not really do more, and did not suspend not only the penal part of the Code, but all that portion in reference to the trial as well as to "the punishment of criminal offences."

The Code provides that the Supreme Court shall have jurisdiction of capital cases and those involving the crime of manslaughter. Accordingly, before the act of suspension was passed, the Principal Chief exercised the authority vested in him by the Code to divide the Nation into "three Supreme Judicial Circuits" and assigned each of the Supreme Judges to one circuit. In a few days afterward, the act of suspension was passed. The Supreme Court being in session, took the subject of their authority under consideration, and decided to exercise jurisdiction under the authority conferred by the Code, and to enforce its provisions in criminal trials so far as they were not restrained by their construction of the act of suspension. The question with the Executive is whether that construction is correct, the Chief, being, as will be seen below, decided in his opinion that it is not.

The phrase upon which the difference of opinion has arisen are the words -- "relating to the punishment of criminal offenses" -- being the term by which the part of the New Code intended to be suspended, is defined.

The question was first practically presented in the Coker trial in Coe-see-sko-wee District, Judge Geo. W. Scraper presiding. Attorney for defence, W. L. G. Miller, plead to the jurisdiction of the Court, taking the grounds substantially set forth in the Chief's communication below. The Court overruled the plea as bad in view of the construction of the Supreme Court before mentioned. The case was continued by defence for further preparation for trial. In the mean time the point was referred to the Executive, whose opinion was expressed in the letter of Chief Justice J. T. Adair, published below, and one similar in purport, written to the Hon. Geo. W. Scraper.

When the Coker case was next called, the defence moved to quash the indictment, as not in conformity with the requirements of the New Code, which had come into effect since the indictment was obtained. The Court is reported to have been inclined to sustain the motion, but preferred to have the Solicitor refer the point to the Solicitor for his opinion and adjourned

court to give time. Before the time arrived for the next session of the court for the trial of that case, a special session of the whole Bench was called by Chief Justice in accordance with the suggestion of the Executive; and when the Coker case was called again on the 6th ult. the Court was again adjourned until last Wednesday, in order, we presume, that the Honorable Judge presiding, Justice Scraper, might have the benefit of the final decision of the Supreme Bench as to the extent of their authority and duty before settling the points presented in that particular case.

On the 30th ult., the Chief Justice, and Associate Justice Richard Fields, met at this place according to previous notice. Judge Scraper not being present, the Court waited until the evening of Saturday, the first inst., when the two Supreme Judges, Adair and Fields, published the following result of their deliberations, and ordered it to be printed in the ADVOCATE, for general information.

The decision reached, is as follows:

Office of Supreme Court,
C. N., March 30, 1876.

In compliance with notification of Chief Justice J. T. Adair, a special session of the Supreme Court was convened at this date, for the purpose of taking into consideration a certain communication from the Executive Department, requiring said call for the purpose of considering a communication from the Hon. Geo. W. Scraper to said Department, in relation to the ruling of Supreme Court regarding criminal jurisdiction, &c., made December 3, 1875.

(Communication referred to, to wit:)

Office Executive Department
of the Cherokee Nation,
Tahlequah, February 12th, 1876

Hon. J. T. Adair, Chief Justice of the
Supreme Court of the Cherokee Nation.

Sir:

A communication has been addressed to me by the
Hon. Geo. W. Scraper, Associate Justice of the Supreme

Court, in which he makes a detailed statement of his acts and his experience in his attempt to carry out an alleged rule of the Supreme Court in his circuit, in relation to criminal trials, made at the last regular session of the court, and asking for my advice as the Chief Magistrate of the Nation, charged with the duty of seeing the laws faithfully executed, As to how he can extricate himself out of the difficulties his obedience to the mandates of the Supreme Court has surrounded him with, and which has brought his proceedings to a stand. These difficulties are clearly stated, and are of such a nature in a law point of view, in my own opinion, legally insurmountable, and beyond my power of interference as the law stands. He has also suggested that I request you to cause a meeting of the Supreme Court at an early day, to reconsider the ruling of the Supreme Court during the suspension of the New Code in relation to the punishment of criminal offences, and for the purpose of advising in relation to the subject matter of his communication to me above referred to.

This is a matter for you to decide on; yet in view of all the facts connected with the case, and its

very serious nature, I think that it would be advisable that you act promptly on the suggestion, and have an early meeting of the Court at this place; particularly that there are five cases of murder waiting trial in Judge Scraper's Circuit, that are brought to a stand on points of law in the New Code.

This communication from Judge Scraper is the first official information that I have had that your Court has been acting outside of the published laws of the land, in trying cases of murder under the provisions of the New Code of laws, and where these cases were really docketed on the docket of the Circuit Court, prior to the first of November, 1875, and lawfully within their express jurisdiction as provided for by law, both old and new, while there is no law transferring these cases from the Circuit Courts of the Supreme Court which in any way gives the Supreme Court jurisdiction over these cases.

And all this is done in the face of the provisions of the law of the National Council, enacted on the second day of December, '75, which suspended so much of the New Code of laws as "provides for the punishment of criminal offences" until the first of August, 1876, and restored and continued the old laws in force prior to the first

of November, 1875, until the said first of August, 1876.

And I can assure you that the intelligence both pained and surprised me, for it is hard to realize that the highest court we have in the Nation should, by mandate and example, so clearly and persistently violate a plain law, and thus treat the law-making power with marked disrespect -- an example highly pernicious in its tendency, and unbecoming a Court. This is a candid expression of my views of the case, submitted in a spirit of fairness, yet in all kindness, and with due respect, for it may be an error of judgment, through a misapprehension of the law that has led you to such erroneous ruling, and extra judicial action, which you can yet correct.

But in any case, I can assure you that I cannot recognize any of your acts or those of your associates in the matter of criminal trials by the Supreme Court since the second of December, 1875, as in any particular legal, as the law suspending the part of the New Code "providing for the punishment of criminal offences" until the first of August, 1876, must be enforced without subterfuge, and the old law maintained. As I understand it, the Supreme Court lays great stress on the fact that I issued a proclamation dividing the Nation into three

Judicial Circuits and assigning Judges to each, but I can see no excuse in this for going outside of the law.

The law required me to do this, and as this was done on the 30th of November, and the law suspending the criminal part of the New Code was passed on the 2nd of December, 1875, the division and selection as a part of the law providing for the suspension of the criminal New Code was of a necessity also suspended.

The law was all suspended or none that provides for the punishment of criminal offences, and the Supreme Court has no criminal jurisdiction until after the first of August, 1876, while the lower Courts have the same jurisdiction they had under the law prior to the first of November, 1875. I trust that I have expressed myself clear enough to be understood.

I have the honor to be, Very Respectfully,
Your Obedient Servant,

CHARLES THOMPSON,
Principal Chief.

W. L. Miller,
Private Secretary.

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In the consideration of this very extraordinary communication, the Court must here be allowed to express no ordinary surprise.

During the session of the supreme Court a few months ago, (with a full bench) the Court delivered an opinion involving the question now under consideration, which ought to have set the matter at rest; but to be more clear, the Court will here add:

It is presumed that the only question that has produced a complaint, and is to be settled here by this Court is, what are the prevailing and operating laws of the Cherokee Nation, and what are the criminal laws of the New Code which stand to-day suspended?

It must be admitted by all that the laws termed the New Code, were adopted and went into full force and operation on the first day of November, 1875, when every officer on this government was clothed with authority and prerogative as such, under its provisions, and every Department of this government was amended, altered, changed, and renewed, and which is now, beyond dispute, the living law of the land.

When on the second day of December following, the National Council passed an act which was approved, entitled "An act to suspend so much of the New Code of

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laws as relates to criminal matters, and for other purposes," See act as follows:

"Be it enacted by the National Council, That
so much of the New Code of laws of the Cherokee Nation
that went into effect on the first day of November,
1875, as provides for the punishment of criminal offences,
be, and the same is hereby suspended until the first
day of August, 1876, at which time it shall again go
into effect as part of the laws of the Cherokee Nation;
and the laws providing for the punishment of criminal
offences, and in force prior to the said first day of
November, 1875, are hereby continued in force in the
Cherokee Nation up the said first day of August, 1876,
at which time they will be deemed as repealed."

Here the question presents itself, what is the
criminal law of the New Code that this act has direct
reference to? The Court presumes that the word crime
or criminal is here understood. Webster defines the
word criminal -- "in violation of public law which
affixes penalty."

The Court here respectfully refers to the book
itself termed the "New Code." See pages, 119 to 146
inclusive, containing 33 articles which provide for

and relate to crimes and misdemeanors.

The Court knows no other law that the above suspension act has any reference to. The amendments, changes and alterations, the Court funds in the Judiciary, as well as in every department of the Government, as before referred to, are essential, material and positive, and admit of no doubt of their existence, and their force, their effect, and their being this day the prevailing law of the Cherokee Nation. Under the head of the Judiciary which contains nineteen articles pertaining to, and clearly pointing out the duties of the several Courts of this Nation, and which stand unaffected, and untrammelled by the suspension act, (See page 76, Supreme Court, Sec. 30, and 31,) this law emphatically directs the Judges of the Supreme Court clearly to duties which cannot be misunderstood, and which is not retrospective in its bearings or intends to affect parties or persons in their rights in its operations, and which transfers certain cases of a criminal character from the Circuit Court docket and duties of the jurisdiction of the Supreme Court, and which duties were assigned to this Court by a proclamation of the Principal Chief. This

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law cannot be classed with or partake of any part of the criminal law that the Court can conceive suspended. The Court under the direction of this law must be allowed to discharge their responsible duties, and when acting upon cases brought to their notice, be confined to the law under which they may have originated. (See page 243, New Code, an act entitled an act, relating to acts inconsistent with the provisions of the Code.)

In conclusion, the Court here must be allowed to express their belief that the second article of the Constitution provides for the protection of the Judiciary in their prerogatives from any intimidation in the discharge of their important and very responsible duties.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, April 15, 1876
Vol. 1, No. 7
W. P. Boudinot, Editor

LETTER OF W. L. G. MILLER TO
THE EDITOR CHEROKEE ADVOCATE

Tahlequah, C. N.,
April 5th, 1876.

Editor of the Cherokee Advocate:

Sir:

Having heard it announced in open Court, as the decree of the Court, that the Honorable Supreme Court, has ordered its decision, in the celebrated case of "The Supreme Court vs. The Principal Chief of the Cherokee Nation," to be published in the CHEROKEE ADVOCATE, and that you have agreed to do so; it has occurred to me, that it would be eminently proper, that the decision should be accompanied with a few words of comment from the other side, with the view of giving your readers a

chance to judge for themselves, as to the true value of the long, and anxiously looked for decision in this important and interesting case.

It appears from what we are allowed to know, that the Supreme Court, met formally as a Court. The proceedings, and the decision, showing that much, as well as an official communication from the Chief Justice, now before me, in which he says "as the special called session of the Supreme Court, has met this morning for the purpose of taking into consideration your communication of the 12th of February 1876," &c., &c., which proves that the meeting of the Supreme Court on that occasion, was a judicial meeting, and the consideration of the Chief's letter but another name for a judicial notice or trial, which was held in private, exparte, and without allowing the accused the "benefit of clergy;" for the Principal Chief was not heard in his own defence, nor were counsel, known to entertain an adverse opinion to the ipse dixit of the Court, allowed to speak or to be present. This however, is one of the fruits of Supreme Court "prerogative," as announced by the Court, but does not prove that the extra session was a legal session or that its proceedings have the

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force of law. The meeting in that sense, was unlawful.

I take the liberty of differing with the Court in saying as it does, that "The Judge of the Supreme Court shall have and exercise exclusive criminal jurisdiction of all cases of man-slaughter and of all cases involving the punishment of death which shall be instituted as required by law," is to all intents and purposes, a part of the new code of laws providing for the punishment of criminal offences, as much as 36 section is, conferring criminal jurisdiction on the Circuit Court, or the 45 section, which confers criminal jurisdiction, on the district courts, and without which we would have no law providing for the punishment of criminal offences agreeable to the constitution, as we can see by reference to the 11th section of article 5th and section 7th article 6th of the Constitution, which rightfully provides that no crime can be punished except through a trial by the Courts, and on conviction by the verdict of a jury, while section 6th article 5th of the constitution says, that the 'judges of the Supreme and Circuit Courts, shall have complete criminal jurisdiction in such cases, and in such manner as may be pointed out by law," so that it was necessary that these

laws should be made, to give the Court the power to try, and punish criminal offences. And as a matter of course, the law or that part of it which conferred criminal jurisdiction on the Supreme Court, was as much suspended by the only power having the constitutional authority to suspend the laws, as was the laws conferring criminal jurisdiction on the lower courts. The National Council made no distinction.

From the reading of this section (31, page 76) we learn that the Supreme Court only has such jurisdiction of cases mentioned, as are instituted as required by law. And further on in "the Book itself," we find that all criminal cases must be instituted, by indictment found as required by the new code of laws, that is, either by a grand jury or the clerk of the Courts, and that must be done in conformity with the directions of the law.

The Constitution forbids the making of a retrospective law. The Supreme Court, in the plenitude of its arrogation of "prerogative," ignores this provision of the constitution, and gives the new code of laws, which it administers, contrary to law, a retrospective effect, by trying cases according to the new code, when

the accused did not violate the new code, nor are subject to its provision respecting the offence with which they are charged, or its punishment. And this in direct violation of the provisions of law which are, that prosecutions for crime may be instituted, when in violation of any penal law in force at the time of the commission of such crime, at any time, for a felony, but "shall be tried and decided as required by the first section of the article under the head of the judiciary, that is pursuant to the understanding obligations and responsibilities lawfully binding the parties at the time and in accordance with the laws under which the cases shall have respectively originated."

In this case, the crimes, charged were, if committed at all, committed in violation of the law of 1839, and that law required the trial for the offence, to be by the "authorized Courts of this nation," which in that case, was the Circuit Court of the District where the offence was committed, which the trial was to, be by a jury, prescribed by that law, and not by a jury prescribed by the "New code," or by the Supreme Court, who in such cases have no lawful jurisdiction whatever.

There is another consideration in connection with this matter, that has some weight with the law

abiding portion of our people, that the Supreme Court, leaves unnoticed, and that is, that the "new code," is, as its name denotes, a new law, making, in many respects, to us, new offences, and prescribing new penalties for its violation. The 31 section page 76, new code, being a notable instance, where manslaughter is specially named as an offence for the first time in our laws, cognizable by a court, which before that, had no criminal jurisdiction whatever, both of which are new to the Cherokees. This being true, it follows as a legal consequence, that these laws can not legally go into effect, or be enforced, until after ninety days publication in the manner prescribed by the 7th article of the treaty of 1866, and by our own laws.

The National Council, at the instance of the Principal Chief, in his innaugural message, saw this, and provided for it, when it made the law of the 2nd December 1875, suspending the parts of the new code, providing for the punishment of criminal offences; but it did not suspend "crimes and misdemeanors, for the very simple reason, that to have so declared, would have been supreme folly. This leaves the presumption, that the Principal Chief understood and knew what he intended by his suggestion to the National Council,

and that the National Council knew what it meant, and intended, when it passed the act to suspend the parts of the new code "providing for the punishment of criminal offences," and that it made that intention known in language plain enough for people to understand. This they have done.

The Honorable Supreme Court should have kept this treaty provision in view, and as the "Supreme law of the land" given it its due effect, and of its own motion, declined criminal jurisdiction, until after the proper promulgation of the law. This example would have shown true independence, and respect for the law, that would have had its proper effect, and have commanded respect.

As it is now, the Judge of the Circuit and district courts, as far as obedience to the law is concerned, have precisely the same power and rights as the Supreme Court have, and if they assert "prerogative," as the Supreme Court has done, we will have the novel sight of one Department of the Government, setting itself in hostile array against the other two Departments composing the government, and bidding them, defiance, and by concerted action defeating a constitutional law, to effect an object of some kind, adverse

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to the law making power, and to the general interest. This would be in effect treason, being nothing less than an attempt to subvert the government, and by force at that, through the aid of the officers of the Court, while as it is, it is an open resistance to the enforcement of the laws on the part of the Supreme Court, the other members of the judiciary not being as yet affected with "prerogative."

It is plain, that if the National Council, as the law making power, have declared it's will and intention in relation to any matter proper for its action, in clear unmistakable terms in the form of a law, that it is the duty of the Executive, to see that the law is faithfully executed; and for this purpose the law has furnished him with the means, and the legal presumption is, that he is capable, and has the undisputed right to exercise his own judgment in interpreting the law to be enforced, and this without reference to any Court, Coterie, or other official, his office making him the supervisor of all offices -- see sections 6 and 8, on page 38, New Code, and section 10, of articles 4th of the Constitution.

Time and space will not permit me to take full

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notice of the decision as it deserves, but I think that I have said enough to show the real merits of the case, as a matter of controversy between myself and the Honorable Court. Yet I cannot conclude, without calling attention to the attempt made to evade the real issue, and deceive others by misstatements, such as claiming that the new law has transferred criminal cases from the docket of the Circuit Courts, to the Supreme Court -- and that it clothed every officer with authority and prerogative, amended, altered, and changed, and renewed, every department of the government. I can safely leave it here to the candid unbiased reader for a verdict. But as every one does not have a Dictionary I give Websters definition of prerogative, "An exclusive or peculiar privilege; prior and indefeasable right; fundamental and essential possession; -- used generally of an official and hereditary right which may be asserted without question, and for the exercise of which there is no responsibility or accountability as to the facts and manner of its exercise."

We can afford to let the baseless insinuation of "intimidation" pass without further notice.

Yours Respectfully,

W. L. G. MILLER,

Attorney at law.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, April 22, 1876
Vol. 1, No. 8
W. P. Boudinot, Editor

RESOLUTION APPROVED BY CHARLES THOMPSON

We don't know how this portion of the Nation was left behind. It is said they number from one to two thousand. Whether one number or another, they are all welcome to come "home" as they will see from the Act of the National Council, published below, passed in 1870.

There is but one essential difference between this country and that part of North Carolina occupied by the Cherokees there, and in favor of North Carolina. That difference is in respect to the health of the people, it being generally if not universally conceded that the Cherokees of North Carolina have less sickness and premature deaths among them than the Cherokee here. The main reason for this fact lies in the further fact that in every other respect material to the prosperity of the population of those sections respectively, this

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country is far superior to the Cherokee portion of North Carolina. This country has the usual drawback to every new and rich country. As in the case of Illinois and other fine States time which will eventually make this country populous and suitably productive will extinguish those drawbacks, and the population here will become as healthy and happy as it is anywhere.

A competent and trusted committee of North Carolina Cherokees should be authorized to take the census of the Cherokees still residing East which census might govern or at least greatly assist our authorities when any application for admission to citizenship here shall be made by any one recognized there as a Cherokee by blood or marriage. Perhaps such a census has already been taken. If not, we suggest the measure suitably and carefully adapted to the object stated by us. It is said that one material hindrance to the further emigration of Cherokees left behind, to this nation, has been the difficulty experienced by those who have emigrated in having their right to citizenship recognized after they arrive here. It is decidedly impolitic for our authorities to allow any difficulty of the sort to retard the "removal of the bonafide Eastern Cherokees, and the practical acquisition of

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their right to live here. The road is long enough without being made a rough one to travel with uncertainties to meet with at the end. The fault heretofore in our legislation has been from want of a due appreciation of the subject in all its bearings, not at all because our people are cold to the claims of our brothers and sisters East.

The following is the text of the Act referred to.

Joint Resolution of the National Council, in
Regard to the North Carolina Cherokees.

WHEREAS, Sundry Petitions have been transmitted to the National Council, by the "North Carolina Cherokees, from which it appears that the said Cherokees, (or a portion of them), are desirous to removing, and becoming members of the Cherokee Nation; and,

WHEREAS, The Principal Chief has transmitted a communication to the National Council, enclosing one from the Commissioner of Indian Affairs, from which it appears that the Hon. Commissioner desires to know the wishes of the Cherokee Nation, in reference to the removal of the North Carolina Indians; therefore,

Be it Resolved by the National Council, That

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the Principal Chief be, and he is hereby, authorized to inform the Hon. Commissioner of Indian Affairs of the willingness of the Cherokee Nation to receive the said "North Carolina Cherokees" into the Cherokee Nation. Provided, That they remove without any expense to the Treasury of the Cherokee Nation. And, Provided Further, That these resolutions shall not be so construed as to admit any Cherokee rights or benefits now claimed, or heretofore claimed, by the said "North Carolina Cherokees," until they shall have removed West, and been Identified as citizens of the Cherokee Nation.

Be it further resolved, That the Principal Chief be, and he is hereby, authorized to notify the said "North Carolina Cherokee" of the willingness of the Cherokee Nation to receive them as citizens of the Cherokee Nation, upon the terms herein before expressed.

Approved:

LEWIS DOWNING.

Principal Chief of the Cherokee Nation
Tahlequah, C. N., December 10, 1869.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, April 22, 1876
Vol. 1, No. 8
W. P. Boudinot, Editor

LETTER OF CHARLES THOMPSON

Two Cherokees named Hanks and Ice were charged before the United States Court authorities at Fort Smith with the murder of Thomas Curlye, an adopted citizen of this Nation, and a warrant for their arrest placed in the hands of two Deputy Marshals, Stephenson, and Vandegriff. The latter applied to the United States Agent for the five Tribes to obtain the assistance of the local authorities in making the arrest. The acting Agent, Major Upham, United States Army at Fort Gibson then sent the request of the Deputy Marshals properly endorsed by himself to Chief Thompson, adding a request, if the application for the aid of the local officers was refused to be informed of the reasons for refusal. The Chief promptly returned for reply that he could not accede to the application for the service of the local executive officers of the Nation in making the arrests

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desired, and gave for the reasons of his declining substantially as follows: --

Treaties are the supreme law according to the Constitution of the United States and of our own.

Article 5th of Treaty of 1835 gives to this Nation the right to make laws equally for native and adopted citizens.

The right of jurisdiction thus recognized and allowed was confirmed by the Treaty of 1866, and the Executive is not disposed to relinquish it in this case. Thomas Carlyle being an adopted citizen of the Cherokee Nation and having taken the oath of allegiance.

In law, the Chief sees no distinction between native and adopted citizens classes both being protected and held responsible alike, all are Indians.

The Intercourse law itself provides that any case which treaty stipulations gives the jurisdiction of to the local authorities shall not be made a subject of jurisdiction by the United States Court.

The 13th Article of the Treaty of 1866, plainly says the Courts of this Nation shall have jurisdiction in cases similar to the ones in question.

If arrest in this case by the local authority

could legally be called for, the requisition in this case has not been legal. A legal arrest can only follow a legal process authorizing it, and the process in this case has not taken the form required by law.

Our Constitution protects all citizens alike from unreasonable seizures and arrests, which an arrest upon any one's mere request would be.

The Chief also forwards the copy of the proceedings in the case of the Cherokee Nation vs. Hanks and Ice charged with the murder of Thomas Carlyle by which it appears the persons desired to be now arrested have been put in jeopardy for the same offence lawfully by operation of Cherokee Courts; and should not be placed in jeopardy again contrary to the Constitution.

The Chief closes as follows:

"It will be seen that the writ of arrest for Ice and Hanks was issued in October, (14) 1875. Osce Sanders was then in Jail at Fort Smith if I am correctly informed. The trial was had in January, 1876, and it is patent that if the evidence was good in November 1875 to convict, it was good in October, good in January following, and should have been produced with that opportunity. That did not suit as by all accounts, Hanks and Ice were arrested for another bad purpose,

and their arrest a false pretense, and the whole matter a fraud that should be brought to the attention of your Government.

For these several reasons, I am compelled, very respectfully however, to decline the proposition of the Marshals, and your request, believing that it would be contrary to law to comply.

I have the honor to be Very Respectfully your most Obedient Sv't.

CHARLES THOMPSON,
Principal Chief Cherokee Nation.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, April 29, 1876

Vol. 1, No. 9

W. P. Boudinot, Editor

PROCLAMATION APPROVED BY CHARLES THOMPSON

Whereas, the extraordinary conduct of the Supreme Court of the Nation, in assuming jurisdiction in criminal matters without the shadow of authority from the law, and while in regular session, making a decision to control the Courts in all of the Supreme Judicial Circuits of the Nation, each of which is by law, within the jurisdiction of but one of the three supreme judges, and intirely independant of the Supreme Court, and in no ways under its control; which decision itself, besides being unlawfully given, and of course of no force in law, is evidently repugnant to the new code of laws, providing for the punishment of criminal offences, as can be seen by reference to the 14th chapter, section 1st. of the revised code, But although so evidently erroneous, it has been carried into effect as ruled law by the judges of the supreme

court, or at least by a majority of them, who, in addition to this extra judicial rule construe the rule so as to give them authority to take jurisdiction in case of manslaughter, murder, and any other offence involving the sentence of death, notwithstanding the fact that -- to them and others well known -- that the National Council, at its last regular session, enacted a law to suspend so much of the New Code of laws as provided for the punishment of criminal offences, until the first day of August next. And this was done mainly on the ground that the criminal portion of the New Code prescribed a penalty for its violation, and could not legally become a law until ninety days after its promulgation; and for that reason it was necessary to continue the old law providing for the punishment of criminal offences, to continue in force until the legal bar to the enforcement of the New Code was removed. The old law was continued, and is now the only law legally in force in all matters pertaining to the punishment of criminal offences.

The judges of the supreme court, in their arrogance and disregard of law, have been trying cases of murder, agreeable to their rule as a supreme court, which rule I find to be in these words: "the Court

decides that the mode of organizing and conducting the trial of criminal cases in the above named courts must prevail under the New Code," and this without any visible authority from the rule, and without any from law, and to do so, even invading the heretofore sacred sanctuary of circuit court dockets, and rudely taking cases borne on the dockets of these court months before the New Code became operative, to satisfy their extra zeal in their new fledged, although usurped authority, disposing of these cases under the provisions of the New Code, which as a suspended law is inoperative, and have thus caused great confusion and distrust.

There is no country in the world, under the rule of a constitutional government, where such conduct would be tolerated, and that it has prevailed here so long, is due to the fact that our people do not as yet understand the New Code, and somewhat to the ignorance if not connivance of the sheriffs, who should not have reported any case to the supreme judges, until after the first of August, next, but should have reported to the court having jurisdiction under the old law, for it is true that they have done wrong by their own volition, it being a fact that the supreme

court never has published a mandate instucting the sheriff's to report to the supreme judges, it does not however appear of record, and the sheriffs was bound to respect the law and obey it.

Such conduct will not be tolerated any longer. The authority or the National Council must be maintained, and the laws enforced in spite of any moral or physical resistance to their enforcement, no matter from what quarter that resistance may come.

It is therefore ordered that the sheriff of each district shall report all cases of murder that may be in their hands, by warrant of arrest and the custody of the accused, to the judges of the circuit court, having jurisdiction, for trial, agreeable to the provisions of the old law in force prior to the first of November, 1875, and all other cases of crime where they may have prisoners, to the judge having jurisdiction under the old law, and in no instance report to the judges of the supreme court any case of of crime until after the first of August, 1876,

The judges of the several circuit courts will at once resume their proper functions under the provisions of the old law, according to the jurisdiction therein pointed out, and try all cases of murder, yet

untried, that was on their dockets, prior to the first of November, 1875, and all cases that may be reported hereafter, by the old law, until the first of August, 1876.

The judges of the district courts will do the like in all criminal cases.

The judges of the supreme Court are required to respect the law, and forbear its further violation.

Done at Tahlequah, at the Executive office on this 14th of April, 1876.

CHARLES THOMPSON,
Principal Chief of the Cherokee Nation.
By the Principal Chief.

W. L. G. MILLER,
Secretary.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, May 6, 1876

Vol. 1, No. 10

W. P. Roudinot, Editor

EDITORIAL ON PROCLAMATION OF W. P. ROSS

First objection: The Proclamation of Chief Ross publishing and proclaiming the New Code as being in force from and after the first day of November 1875, is an inconsistency as well as informal, because the proclamation declares that the National Council passed the act authorizing the Principal Chief to appoint three Commissioners "to revise, amend, and codify the laws" on the 19th day of November 1874, and that the National Council after careful consideration accepted and enacted it, with the approval of the Principal Chief, at its annual session the first Monday in November 1874. So the Council accepted the New Code before the act was passed conferring the authority upon the Chief to appoint the three Commissioners. The act of the Council adopting the new code of laws refers to "an act providing for the revision

of the laws," approved November 19th 1873. The act adopting the New Code is approved by the Chief on December 5th 1874. Here is a confusion of dates in the several acts and proclamations in relation to the New Code of Laws.

Second objection: The act authorizing the appointment of a joint Committee to review the Code is unconstitutional therefore illegal, null and void; why, because the constitution, article 3, sec. 1, declares that the "style of the act of the National Committee and Council shall be, "Be it enacted by the National Council." But the style of this act is, "Be it enacted by the general Council," therefore inconsistent and contrary to the Constitution and style of it.

Third objection: See chapter 1, article 1, and section 1 of the act defining the duties of Principal Chief. It declares that after a general election, the first annual session of the Council thereafter, after organization of the two branches, and after receiving the election returns, so then hereafter under provisions of law the Council will be the receivers of, and supervisors of all elections,

and after certain formalities "the National Council will proceed to count the votes and publish the result," so members of Council will be at the mercy of the Council to find out whether they are members or not "beginning with the Chief if any, and so on. This is a very big black wolf in sheep's clothing, for why have all officers elected by the people to depend on the Council to determine their election, and why should this be smuggled and disguised under the duties of principal chief, when he has nothing at all to do with it, nor is there any power or authority granted to him in it, still he is as much amenable to its provisions as any one else -- to fully understand it sec. 4 of article 1 chapter 2, must be carefully studied in connection with section 15 of the same article and chapter first section 3 provides that all certificates of election are to be deemed good, unless in cases of contests -- then of course according to that provision certificates of election become worthless, and the person holding such election certificate must depend on the Council to decide whether he is elected and entitled to have the office to which the people elected him or not. This must be done by both houses in joint session under the provisions of section

15 also see section 25 of chapter 8 Article 2. But if curiosity leads any one to see the wolf in full with all his cunning just let him turn to and read section 30 of chapter 6 article 2 and then study carefully the representation from the several districts in the Council Tahlequah, elects 5 members to the Council one member more than any other district, may be it is on account of population -- let us look at the representation in the General or Grand Council where we know the representation is according to population, Coo-wee-skoo-wee has 3 Delegates; Tahlequah only 2 -- this certainly explains the whole business.

Fourth objection: The latter part of section 3 chapter 1 and article 1 makes provision for the Chief or assistant Chief to take the oath of office at any place, or in any manner to be administered by any officer who may be authorized to administer oaths. It is a custom among all nations, and has been a custom and rule among the Cherokee people for their chief executive officer to take the oath of office at the Capitol -- and also it has been a custom for the Chief to take the oath of office in a public manner and in public before the Cherokee people. But now it may be done privately and secretly

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as it may suit the convenience of the person or the emergency of the case. It is not to be wondered at after such a well laid plan in the elections that there should be a way by which officers could be installed into office in conformity to such plans.

Fifth objection: Chapter 8 article 2 and section 26, provides for the manner in which the Chief's election is to be contested and how it shall be done. The grand scheme of this is to deprive the President of the Senate and the Speaker of the Council of their right to appoint the investigating Committees. This section forms the investigating Committee for the Council, and with a full view of the probable political status of each house -- and from this fact each formation of these Committees is made so as the Council shall have the ruling power by its majority in the Committees because the Senate furnishes only two committeemen while the Council furnishes three members.

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THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
September 6, 1876
Vol. 2, No. 25
J. H. Moore, Editor

EDITORIAL ON E. C. BOUDINOT

Under the above caption, the Patsons Sun thus discourses about Col. Boudinot's position looking to the establishment of a United States territorial government over the Indian Territory. It says:

"Col. Boudinot's position concerning the policy which he thinks ought to be pursued towards the Indians of the Indian Territory is well known to the country. He advocates the enfranchisement, so to speak, of his people. He believes that as his people are taxed by the United States, and are compelled, by a law from which there is no appeal but war, to be responsible to the United States, as her citizens, the Cherokees and all other Indians should have the privileges of citizens. He therefore labors to secure such legislation by Congress as will make his people the peers before the law of all citizens of the United States. His efforts in this direction,

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strange to say, meet with bitter opposition from a paper called the Choctaw VINDICATOR, published at Atoka, Choctaw Nation, by a white man, and a paper at Muskogee, by another white man, one of whom is not even a citizen by marriage or adoption of any Indian tribe."

If we recognize as truth the declaration of those men who established the independence of the Federal Government, that "Governments are instituted among men, deriving their just powers from the consent of the governed," the Sun's apology for Col. Boudinot fails in its logic as well as in its fidelity to the principles which are the ground-work, yea, the very corner-stone of the government to which it professes allegiance.

The Sun should know that these Indian governments are not original with the Indians, but was instituted for them, with their consent, by the very same men who declared the great principles which we have quoted, and were willing, in the enjoyment of them, themselves, to concede them to others. The Sun should also know that the Indian people are not ready to give up these governments, however simple and crude they may be, and that in this matter the

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people of all the tribes are a unit, while Colonel Boudinot stands out as the figurehead of no party but himself. If the Sun is ignorant of these things it should be reserved in its expressions; but if familiar with them it should speak the truth and not put to shame that hackneyed phrase of "American manhood," which the editor so much delights to sprinkle broadcast through his public speeches. If the people of the Territory desired to dissolve their present governments and become enfranchised as American citizens, they would have no need of Col. Boudinot as an advocate at Washington; and as their treaties provide that their legislatures may notify Congress of the desired change of political status; therefore to talk of men standing up in Congress and declaiming for Indian rights, rights which they could consider in no other light than wrongs, is a presumptive absurdity better befitting a set of blockheads than those who sit in the seats of the men who declared to the civilized world, that "Governments are instituted among men, deriving their just powers from the consent of the governed."

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, November 18, 1876
Vol. 1, No. 38
W. P. Boudinot, Editor

EDITORIAL ON W. P. BOUDINOT

The 'Old Settlers had a meeting on Tuesday evening at the Capitol. Notice of it was not published, for the reason probably that there was not time.

The meeting organized by electing Wm. Wilson Chairman and W. P. Boudinot Secretary.

Maj. Bryan, on part of the Commission sent to Washington last winter, made a report which was adopted.

Upon motion the name of Wm. Hendricks was substituted for that of Jno. L. McCoy as an Old Settler Commissioner.

The Meeting adjourned till Wednesday morning 8 o'clock when a committee, previously appointed, submitted certain resolutions (which were adopted) approving the acts of the Commission and reempowering them.

Maj. Bryan reported that after a six months session, the utmost the Commission had been able to do was to prepare a Bill that was not yet before Congress. The next Session will be a short one, but it is to be hoped that the Committee who have it to consider, will present the Bill with their approval before the session closes. But either the National Delegation or another Old Settler Agent or Commission will have to be present to see that it is presented. Perhaps next session or the session, after it will be acted upon, and if then passed, we will then be as near to being paid as though we were citizens of the United States with the claim to present. For the Bill, which Maj. Byran read, does not provide for the payment of the claim, but only to authorize the Old Settlers to sue for it, in a Court at Washington. All the later efforts of the Commission were directed to obtaining the privilege to sue -- a privilege that a citizen of the United States has to commence with.

The Bill provides that the Old Settlers shall have precedence before the Court of Claims over all other parties. This privilege will not be given to one party over all others, including those with suits

already pending, without good reason, and the Commission know best what reasons they will have to urge to induce Congress to order the Court of Claims to suspend all othersuits until that of the Old Settlers can be instituted, tried and decided.

Mr. Bryan reported the commission as unable to find the original protest of the Old Settlers, though undoubted reference to the document has been found, and must constitute our main dependance to overthrow the forced receipt in full given by the Old Settlers at their payment in 1851.

Thus it will be seen that the difficulties the commission had to encounter were various and serious.

In the first place, the committee will have to consent to propose a bill. It will then have to pass Congress without any amendment depriving us of precedence as litigants. Then, as stated by Colonel Adair, a law will have to be repealed. After all this is done, which must be done in the face of enemies and obstacles the Old Settlers will be in a situation to commence suit against the General Government, in the governments own court.

The above is substantially the status of the Old Settler claim as reported by the commission, who made a candid declaration of the difficulties to be encountered. These difficulties justify the commission in two important respects. In the slow progress they have so far made against the expectations which were at first excited, and in providing for the large contingent expense (35 per cent of the whole claim) in order to get the claim. The commission report that they have pledged already to pay twenty-four and one quarter per cent of the whole amount gained, as a contingent fee. Estimating the claim at a million of dollars, the amount to be paid will be nearly two hundred and fifty thousand dollars. One hundred thousand dollars more may be yet used under the original contract of 35 per centum, made with the commission to obtain the remainder for the Old Settlers.

We have no doubt the commission did all they could do. We have only to regret that unexpected difficulties have dashed the hopes of many of our citizens who looked to some definite action by Congress upon our claim last session. Our own personal inter-

est is so large that we cannot help sharing such feeling, and no doubt the commission after working hard and faithfully feel the disappointment more keenly than others.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, January 20, 1877

Vol. 1, No. 46

W. P. Boudinot, Editor

NEWS ITEM OF ELIAS BOUDINOT

The opening of the year 1834, found the Cherokees east of the Mississippi in distressing circumstances. Their laws and customs were abolished, their lands taken from them, and gone beyond recovery, many of them were homeless and poverty stricken, none, not even their best and reliable citizens allowed to testify in a court of justice, and church members like sheep without a shepherd. About this time too, the people began to be divided in opinion, and to have and express different views as to the selection, and mode of relief. Parties began to spring up, one portion being in favor of still relying on the solemn promises and guarantees made by the United States in various treaties, and another portion in ending our troubles at once, by submitting to the proposals of the Government, and removing west. These were known

as the "treaty party," the former were known as the dominant party. The treaty party plead -- that the lands were lost to us. That our friends in Congress being in the minority, were unable to do anything for our relief. That the President, in his election, was pledged to the policy of "Indian removal." That the decision of the supreme court in our favor, was a dead letter, in as much as the President had decided, that the executive was not bound to execute the mandates of the supreme court. That the recent law of Congress providing for a removal west of the Mississippi of all Indian tribes would eventually be enforced. That our case was entirely hopeless, and could only be remedied by a treaty and removal.

About the beginning of 1835, the dominant delegation having entirely failed of accomplishing the object of their mission, partially acceded to the demands of the government, by proposing that the matter of the price of the land as a basis for a treaty should be referred to the United States Senate for their award &c.

The Senate made the award, and authorized the President to pay for all the lands of the Cherokees

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east of the Mississippi river the sum of 5,000,000. The aforesaid delegation accepted of the award, and promised the President, that they on their return home would recommend to their people its acceptance. A Commissioner was ordered to repair to the Cherokee Nation to make the treaty. At a general council held at Red Clay in Oct. 1835 a compromise was effected between the parties -- treaty and anti-treaty party, on the condition that a treaty would be made with said Commissioner, with the award of the Senate as the basis. The Commissioner made his appearance. The council then in session appointed twenty two of their number to meet him.

In the mean time all the people were called together at Red Clay in grand council at which time and place, they signed a document which was prepared for them, refusing to accept of the award of five million dollars. Not one individual in one hundred understood the true nature of the document, or of the real situation of the tribe. After the adjournment of the masses, they wended their way homewards -- rejoicing, "they had saved the land," and voted down all proposals for a removal.

Of course, the Commissioner failed to make a treaty with the dominant party, and failing at that time gave notice to all the "Chiefs head men, and warriors" of the Cherokee Nation to meet him at New Echota on the 25th of Dec. ensuing, when he would make another proposition for a treaty, and that all those who did not attend, would be considered as giving their assent to the acts of those who would be present.

At New Echota on the 29th day of Dec. 1836, a treaty was concluded by Major Ridge, Andrew Ross, Elias Boudinot, and about thirty influential men of the Nation, representing the treaty party on the basis of the Senate's award, and in which the Cherokee Nation surrendered all claim to lands east of the great river, and agreed to a removal west of the whole tribe. Necessity! fatal necessity was the pretext. In this act of theirs, no law was violated since the Cherokee laws were annulled, and had no existence. Their authority to make a treaty was so far as valid as those of the dominant of anti-treaty party, was no time for hesitation. As it was the great body of the people were homeless and were

starving. The dominant party had unfortunately tied their hands by inducing the people at Red Clay to sign the protest against the Senate's award, and therefore, there was not the least probability of that party effecting any thing for the relief of the people.

A delegation was appointed on the 1st of January 1836 to repair to Washington, and urge its ratification by the Senate. This delegation were instructed -- that if the dominant party had a treaty under way, or there was any probability of making one they were not to interfere. The treaty of New Echota was to be held back. The treaty party were not to interfere in any way with the dominant delegation in case they had any prospect, or had a treaty on hands. On their arrival at Washington with the treaty of New Echota, a proposition was made by them to the dominant delegation -- that they would withdraw this treaty, if that delegation would positively agree to make one themselves. The dominant delegation ignored the Echota delegation entirely, and there being no prospect of accomplishing any thing the treaty was ratified in May, 1836 with slight amendments.

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By this treaty of 1835, we obtained this fine territory that we enjoy and love so well -- we obtained the funds that sustains our government, schools, and Orphan Asylum -- we obtained a solemn guarantee, that our lands should be held by us by patent in "fee simple" -- we obtained a guarantee that we should ever enjoy the right of self government -- we obtained a solemn promise, that we and ours should never be intruded upon by whites, &c.

This advantageous treaty, made under the circumstances which we have named -- in the midst of great distress -- cost us the lives of four of our best, and most patriotic leaders of the treaty party -- men who were assassinated on the 21 day of June 1839, by a mob of ignorant mistaken Cherokees, who were made to believe that they were merely executing the penalty of the law upon those individuals for selling the lands of the Cherokees. Fatal mistake! For several years after that event, the Cherokees Nation wore an air of gloom and sadness. There was an absence for years, of that feeling of universal brotherhood so highly prized by all Indians, and especially the Cherokees of the olden time.

The Chief of the dominant party did not approve of the assassination -- in fact he was kept in total ignorance of the plot until too late.

NEW ECHOTA.

Perhaps my young friends would like to have a picture of this capital town of the "Old Nation," as we have had a good deal to say in reference to that place. Permit me to carry you back to 1828 -- we have come from the direction of Chattanooga, and in the evening arrive at the banks of a beautiful river, and wait a few minutes for the ferryboat. While we are waiting, we will take an observation just above us, two rivers come together and form the Oostenallah -- the river we are to cross. That on our left, is the Kannassanga, which has its source away among the Mountains of North Carolina. The other is the Coosiewasie, and rises among the Allatoony Mountains in Georgia. This Oostenallah river is about 40 miles long, and it and the Hightower river forms the Coosa river, at the place where Rome is built; Chief Jno. Ross was the first settler at this place having removed from Rossville, near Chattanooga. But, we have crossed the river, and mounting our horses, we ride on, and a half mile further, we enter

the town. That long house to our right with beautiful surroundings is the tavern of A. McCoy -- clerk of the council, just over the hollow further on is the large beautiful residence of Elijah Hicks -- member of the Senate from Gooseewatah. We pass the stone house of Lewis Ross and Lavender, and also of James Daniel and Co., and the council house to our right, and supreme court building to our left. Further on we pass the office of the Cherokee Phoenix, and on the same street a large two story frame, with garden, orchard, and convenient out houses attached. This is the home of E. Boudinot, the editor. To our left is the handsome cottage residence of Jno. F. Wheeler the printer. Beyond that is the Mission establishment of the Rev. S. A. Worcester. Not far off, are two more taverns -- one kept by J. Horn, the other by George Hicks. There other houses, but these are the principal. The town was laid off in 1826 by Judge Martin.

WHITE HORSE.

STAR-VINDICATOR

McAlester, Ind. Ter.
Jan. 27, 1877
Vol. 3 No. 51
McPherson, Editor

OUR KANSAS LETTER

Parsons, Jan. 231

The readers of the Star are to be congratulated on the marked improvement you have made since you moved to McAlester. It is certainly a neat, spicy, well made up paper, having all the requirements of a first-class weekly newspaper. I am confident the good people of Oklahoma and the surrounding states, will give it a hearty, earnest support. You may well claim for the Star-Vindicator that it is the leading paper of the Territory. Although I do not read Choctaw very well, (?) yet I know Judge Wolsom conducts that department with great ability, and will present to his readers, articles and items of news which will be of great benefit and interest to them.

McAlester is honored in the residence of broad-languaged, liberal, intelligent business men. Such men as J. J. McAlester, R. M. Jones and others,

whose names I cannot recall, are worth everything to the growth and prosperity of a new town like McAlester, which is destined to be, at no distant day, THE TOWN of the Indian country. Your coal mining interests are attracting the attention of the business men all over the country. The fact is, McAlester has the best and most extensive coal fields within a radius of a thousand miles; and the time is rapidly approaching when Kansas Missouri and Texas will draw their supplies of coal from the Indian Territory on account of its cheapness and superior quality. Your lead and silver deposits will come in for their share of attention in due time. I firmly believe there is hidden wealth enough in your hills to make the people of Oklahoma the richest community in the world. Only let your people pull together in all enterprises tending to the development of your mineral and agricultural wealth, and you will soon become a prosperous and happy community. You want to cultivate respect and obedience to law; educate and christianize the people; encourage individual rights in property as the surest way to preserve, undisturbed, your homes to yourselves and posterity.

Dr. S. W. Marston deserves the thanks of the

citizens of the Choctaw and Chickasaw nations for his decision on the permit law. No one could fail to note the baleful effect of the tax on labor in the deserted and unoccupied fields all over the country. Statistics show that nearly one half the area of land was cultivated last year that was planted the year before. The labor is not in the country, and any policy that drives it out is an injury to all the people. The doctor is right. There should be no tax on the labor of the country.

The people are slowly but surely coming up to your policy. The best way is to be prepared, and then if changes do come, the shock will not destroy the country. Kansas is experiencing the coldest winter for the past twenty years, and there is such distress everywhere. Money is scarce, and no work to do.

I think the people generally will sustain the committee in their plan to count the electoral vote for president. Ultra politicians on each side will not. Honestly believing that Tilden was fairly elected president, I shall not fight if Hayes is declared president by congress, under the compromise presented last week. I think it must be right, fair

and honest, else Morton would have signed the report.

I go to Topeka to-night. The great struggle for the election of Senator, commences to-morrow. The friends of Judge Sears feel confident of his election. If the State honors him with its choice, Kansas will have an able, dignified and honorable Senator to represent the people in congress. Your Territory will have a faithful and true friend, who thoroughly understands the wants and necessities of the whole country, and one who will give faithful and intelligent attention to the proper solution of the Indian problem.

The policy of removing the Sioux to the Indian Territory is abandoned for this session. Let your people be warned, for it will be revived again, and without vigilance and watchfulness, this great wrong may yet be perpetrated upon the Indian people.

G.A.R.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, February 3, 1877

Vol. 1, No. 48

W. P. Boudinot, Editor

LETTER OF WM. P. ROSS TO W. P. BOUDINOT

Washington, D. C.

Jan. 19th, 1877.

W. P. Boudinot Esq.

Sir:

I have not written before because there was no news of interest to communicate. The bill reported from the Committee on Territories commonly called "the Caldwell Bill," to organize the territory of Oklahoma was postponed in the House of representatives from the 13th of December to the 17th, inst. It was then passed over and, having lost its place as a special order in committee of the whole, will take its place on the calendar. It however brought forth two reports, one from the committee, and the other from the minority

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of the committee. The latter was signed by five members of the committee, while the bill itself was known to be unacceptable to at least two more members, making a clear majority against it. The only action taken on the subject on the 17th was the introduction of a new bill. There is much anxiety in regard to the result, but it does not appear at present that very serious difficulties are apprehended by any considerable number of persons in official positions.

The friends of justice to the Choctaws are not without hope of favorable action on their old but most meritorious claim against the Government.

There will hardly be any definite action on the "old settler" claim during this Congress.

Yours truly,

W. P. R.

STAR-VINDICATOR

McAlester, Ind. Ter.
Feb. 3, 1877
Vol. 3 No. 52
McPherson, Editor

LETTER OF E. C. BOUDINOT TO THE CHEROKEE ADVOCATE

Washington, Jan. 22, 1877.

A very interesting communication, published in the Cherokee Advocate of a late date, signed "Yellow Hammer," contains some inaccuracies in its statement of facts, ^h which I am sure so intelligent a writer will be glad to have corrected.

He says there is already a "territorial government in complete working order, established by treaty, with the exception of a United States court, or courts," etc. I agree with him that when congress establishes a United States court in the territory, we will have a "territorial government in complete working order," for we will then have all the necessary departments of such government, viz: -- the legislative, represented by the General Council, the judicial, by the U. S. court, and the

executive by the Superintendent of Indian Affairs, who is made, by the 8th article of the Choctaw and Chickasaw treaty, Governor of the Territory of Oklahoma -- this is the substance of the much reviled Caddo Resolutions.

But this correspondent is in error when he says: "The government of the United States does not own one foot of land in this territory." On the contrary, it owns a good many millions of acres, as "Yellow Hammer" will admit when he considers the treaties of 1866.

In the 3d article of the Creek treaty of 1866, it is recorded that "the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain." The price paid by the United States to the Creeks, was thirty cents per acre; the number of acres ceded to the United States was three millions, two hundred and fifty thousand, five hundred and sixty. Two hundred thousand acres of this land was afterwards sold to the Seminoles, though a mistake was made in locating it -- but none of the balance, 3,050,560 acres, have

been sold to any civilized Indians, and the land of course belongs to the United States.

By the 3d article of the Seminole treaty of 1866, the Seminoles sold to the United States every acre of their land, estimated to contain 2,169,080 acres, for which the government paid them at first fifteen cents an acre, and subsequently, through the generous exertions of Maj. Geo. A. Reynolds, their former agent, fifteen cents an acre more.

By the third article of the Choctaw and Chickasaw treaty of 1866, those nations sold to the government, absolutely, the leased district, for \$300,000. This district was estimated to contain 10,000,000 acres. So it will be seen that the United States has bought and paid for more than fifteen millions of acres of land in the Indian Territory. Then how can this correspondent sustain his assertion that the United States does not own a foot of land in the territory?

I heartily agree with "Yellow Hammer" that the conditional railroad grants should be repealed, but he is mistaken if he thinks that the territorial agitation would cease if the railroads had no interest in the land. Had there been no railroads in

the territory, a territorial bill would long ago have been passed. All the opposition worth mentioning, in congress or out of it, arises from the supposition that a territorial government cannot be organized without giving the railroads the lands they claim. This is a mistake as I verily believe, but it is nevertheless a powerful obstacle to a territorial bill for all that.

THE CHOCTAW CLAIM

The net proceeds claim, which our amiable friend Governor Cole thought he could collect very easily, received a staggering blow yesterday. I have always been of opinion that the only way to collect the claim was to refer it to the court of claims, and let it stand or fall upon its legal merits. There will always be found more or less Holmans in congress, who will oppose a territorial bill on the ground of good faith, and turn right 'round and fight against the payment of this and all other Indian claims, however just. The vote yesterday was on the suspension of the rules for the purpose of taking up the bill to authorize the Choctaws to bring suit on their claim before the

court of claims. This required a two-thirds vote, and failed by two votes; the vote standing 140 to 74. Some members I learn voted against the claim because the Choctaws have uniformly opposed the organization of a territorial government. I have always advocated the claim as just and right, though it is well known I am under no obligations to the parties who have the matter in charge.

Saturday a resolution was adopted in the senate instructing the Indian-committee to inquire whether the school fund of any Indian tribe had been used for any other purpose than for schools and whether any debt had been incurred by any Indian tribe.

THE SIOUX REMOVAL

The Sioux treaty, made by the late commission, was considered in the House Indian committee day before yesterday. The provision looking to the removal of the Sioux to the Indian Territory was stricken out by a majority of the committee. Messrs. Morgan and Wilshire were most pronounced against it, and deserve well of their constituents and every

Indian in the territory for smashing that outrageous and ridiculous scheme into smithereens. The removal of the Sioux to the Indian Territory should be prohibited by law, and I hope to see that done this session. You may depend upon it, the Sioux Indians will never be removed to the Indian Territory.

THE INDIAN JOURNAL

I never rejoice in the calamities of others, and though persistently misrepresented and maligned by the conductors of the Indian Journal, I nevertheless regret the destruction by fire of the Journal building at Muskogee. Though unfair and illiberal -- not to say malicious -- in the discussion of the territorial question, it provoked comment and argument, and "error can never prevail when reason is left free to combat it."

THE ELECTORAL BILL

It is not absolutely certain that the compromise measure now before both houses will become a law. I have no doubt it will pass the House by a large majority, but it will be close in the Senate.

Horton, Cameron and Sherman oppose it bitterly. They consider it a republican surrender. I believe it will result, if passed, in the peaceable inauguration of Tilden and Hendricks.

THE OKLAHOMA BILL

Senator Boggy introduced a bill for the organization of Oklahoma, yesterday. The bill, as reported by the House committee, repeals the railroad grants; does not disturb the tribal organizations, or provide for the opening of the territory to white settlement. This does not suit the advocates of a speedy opening up of the territory, and with the help of the Indian delegation they will most likely defeat the bill.

In the almost certain contingency of the inauguration of Tilden, it may be best for the interest of all true friends of progress in the territory, that the bill should fail this session, and be pushed next winter during the long session. Should it pass this session, Grant would fill the appointments and pension off, for two years at least, a set of worthless attaches of his administration; for a radical senate would never confirm

Tilden's appointments, should he endeavor to make
a change.

E. C. B.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,

March 7, 1877

Vol. 1, No. 52

W. P. Boudinot, Editor

A LETTER TO W. P. BOUDINOT

Washington City,

Feb. 20, 1877.

W. P. Boudinot, Esq.,

Dear Sir:

There is but little to communicate touching affairs of interest to your Cherokee readers.

Bills to organize the Territory of Oklahoma have occupied no prominence before Congress during the present session. Indeed thus far, they have not even had a hearing, nor a favorable consideration from a committee of either House. It is said that one or two advocates of Congressional action on the subject, have been quite urgent in their efforts to get it up for discussion but have not been able to do so.

Should they succeed, as is not probable, at this late day, in their desire, nothing more will result from

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it than the delivery of two or three speeches. No measure of such importance can be pushed through during the few remaining days of the session.

The Bill to expediate the sale of the remainder of the strip lands in Kansas, has become a law. A copy of the act is enclosed. The Delegation are endeavoring to get provision made for the payment of the debt of the Nation from the proceeds of the sales of those lands in accordance with their instructions, and for the payment for the lands west of the Arkansas river, in the Indian Territory, upon which the Pawnees have been located: The tract assigned them embraces about two hundred and ninety thousand acres.

In providing for the removal of the Pawnees from Nebraska, Congress directed that the value of the land should be ascertained in the manner stipulated by the treaty of 1866, between the United States and the Cherokee Nation, but at the same time limiting the maximum price not more than seventy cents per acre. As that is the price paid by the Osages for their grant adjoining, it is probable that it will be the same in this case.

Why the lands of these Indians in Nebraska should be fixed at not less than two dollars and

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fifty cents per acre and those of the Cherokees at not more than seventy cents per acre in the same bill and by the same body is one of those mysteries in Congressional dealing that is "beyond finding out." But that is not all of it. Nearly ten years have gone since a large portion of Cherokee lands west of the Arkansas river in the Indian Territory were conveyed by treaty by the United States to the Cheyenne and other Indians and to the present day we have been paid neither principal nor interest for an acre of it. It is said however, that commissioners are about to be appointed to appraise all the lands in the "outlet" beyond the Osage reservation although no provision has been made to pay the amount of such valuation. As the Cherokees are the party chiefly interested as the owners of those lands and the treaty of 1868 clearly stipulates that they shall have a voice in fixing the price to be paid for them, they have requested to be allowed to have one of the appraisers, but it is by no means certain that it will be granted.

The suit brought by the Cherokees of North Carolina against citizens of the Cherokee Nation for an interest in the funds and lands of the Nation, was

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argued on the question of jurisdiction raised by the latter before Judge Wylie. Tuesday last, Hon. W. A. Phillips and District Attorney Wells were counsel for Defendants, and Mr. Belva Lockwood and Judge Joseph P. Brady for the plaintiffs. The arguments were made by Mr. Wells and Mr. Lockwood, but before either had said all intended, the judge dismissed the case to the full bench, when the same question will be argued perhaps in April or May. The suit will not likely amount to anything. If the court had any jurisdiction over the case as it has not, according to a decision already rendered, it has no means of enforcing any remedy against the defendants who hold and control neither the lands nor funds of the Cherokee Nation. If these citizens of North Carolina have a color of interest in either, it is clear that they can participate only as other Cherokees do, and that they must first remove to the Cherokee country.

The count of the vote for President and Vice President for the 4th of March has been going on for the week to the exclusion of nearly all business before Congress of a general character. It reached Oregon yesterday and will be completed in a few days more. The contest has been long and bitter, but

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every point raised thus far has been carried by the
Republicans. Oregon will be reported perhaps to-
morrow, and then South Carolina alone will remain
for the action of the Electoral Commission. It
seems to be conceded on all hands, that Gov. Hayes
will be President and Judge Wheeler Vice President.
The democrats are greatly disappointed, but will
abide the result without opposition.

The Indian Delegates now in this city are
Col. Pitchlynn of the Choctaws, Messrs. Porter,
Grayson and Tah-te-ker, of the Creeks, Gov. Overton
and Messrs. Johnson and Anderson of the Chickasaws.
The Osages have returned home.

STAR-VINDICATOR

McAlester, Ind. Ter.
March 17, 1877
Vol. 4 No. 6
McPherson, Editor

EDITORIAL ON CHEROKEES

In 1808 Bowl, or Bowles, a chief of one of the bands of Cherokees, and his party, while on their return from an annuity payment, camped one night near the head of the Muscle Shoals, on the Tennessee river. There happened to be some trading boats lying there at the time, or rather emigrant boats, trading as they moved along down the river. The Indians had plenty of money and the white men were determined to have it. The first thing was to get the Indians drunk; then they traded them chips and whetstones till the Indians' money was all transferred to the white men's pockets. When the Indians got sober they saw how they had been cheated, and the chief said: "We have sold all our money to the whites, I will send some of my people to them and tell them we will give them back all of the goods we bought and pay them for

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the whisky we drank, and ask them to give back the balance of our money.' He did so, but those who went were driven away with curses and jeers. The chief sent a second delegation, but this time they were kicked out of the boats and two of the Indians killed. This was more than their proud nature could stand. They armed themselves, went to the boats and killed the last white man aboard of them, sparing the negroes and the women and children. The Indians then took possession of the boats, came on to the mouth of the Ohio, then down the Mississippi to the mouth of the St. Francis. Here they divided the boats, telling some of the negroes to take the white women and children on down the river to where they had started -- the Indians, with the other boats and the rest of the negroes, going up the St. Francis. They remained for some time on Crowley's Ridge, and then came across to White river. And these were the first Cherokees that came west of the Mississippi, and this is the way they came, as related to us the other day by one of the few old-time Cherokees now left.

STAR VINDICATOR

McAlester, Ind. Ter.
April 28, 1877
Vol. 4, No. 12
G. McPherson, Editor

EDITORIAL ON E. C. BOUDINOT

Col. E. C. Boudinot was interviewed last week in St. Louis by a Globe-Democrat reporter, and have some very interesting statistics regarding this country, and some irrefutable reasons why an immediate change in our political status is necessary. The interview occupies over two columns in the Globe, and we would be pleased to reproduce it, but our limited space forbids.

STAR VINDICATOR

McAlester, Ind. Ter.
June 2, 1877
Vol. 4, No. 17
G. McPherson, Editor

OBITUARY ON JOE VANN

And old uncle Joe Vann is dead. Well do we remember him in war times, while living at Sulphur Springs in the southern part of this Nation, a refugee from his own country. He was an honest man and a true Southern patriot -- faithful to the interests of his country and just to his people, whom at one time he had served as second chief. He reached the ripe age of eighty before passing over the dark river. Green be his memory in the hearts of his devoted people.

STAR VINDICATOR

McAlester, Ind. Ter.
June 30, 1877
Vol. 4, No. 21
G. McPherson, Editor

NEWS ITEM OF JAMES M. BELL

We see by the Indian Herald that Col. Jas. M. Bell has been nominated for the Cherokee Senate, in Cooweeskoowe district. If the people will elect Col. Bell and men like him, to represent them in council, they will soon have a happier state of affairs there than they have had for some years past. We truly hope his voice will be heard and his influence felt in the next Cherokee council.

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STAR VINDICATOR

McAlester, Ind. Ter.
Oct. 20, 1877
Vol. 4, No. 36
G. McPherson, Editor

NEWS ITEM OF WM. P. ROSS

WM. P. Ross, ex-chief of the Cherokee Nation, says there is not a fraction of the Indians in favor of a territorial government. He would like to have the western part of the Indian Territory bought by the government and set aside for the accommodation of the savage Indians soon, possibly, to be transferred thither.

The above item we find going the rounds of ^tthe press. The views of Ross are similar to those of Gov. Frank Overton -- both are opposed to a territorial government and in favor of a strict maintainance of tribal independence, but favor the settling of the hostile Indians on the western edge of their Territory. To this the people of Texas should interpose an earnest protest. We have just about as many Indians in Sherman now as we want. -- Sherman Register.

And to this everybody in the Indian Territory

will interpose "an earnest protest," except Ross, Overton, and a few others, so prejudiced against white people that they would, sooner than have them and their civilizing influence, see their country consigned to endless barbarism.

STAR VINDICATOR

Nov. 17, 1877
McAlester, Ind. Ter.
Vol. 4, No. 40
G. McPherson, Editor

NEWS ITEM OF CHEROKEE COUNCIL

Tahlequah, Nov. 8, 1877

As the council of the Cherokees has just convened, I doubt not but you will be anxious to furnish your readers with whatever may be of general interest connected therewith.

The council met on the 5th, the first Monday in November, as the law directs, and proceeded to organize by electing the Hon. Ben Landrum, one of the oldest consecutive members, as president of the Senate, with "Mooly" Bell and Henry Effierts clerks, and L. E. Bengé and Jas. H. Fly interpreters. In the lower house Mr. Jesse Thompson was chosen speaker, with Joe Thompson and J. P. Lyons as clerks, and Geo. Johnson and Stand Watie Gray as interpreters.

It is a noticeable fact that thirty years ago the Cherokee legislature needed no interpreter, and now

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it takes four to enable each to understand the other. When we remember the fact that any positive progress must be towards the English, the dominating language of the continent, it would seem that this people with all their boasted precedence among the tribes of this Territory are moving as does that animal which is neither fish nor flesh, and uses its tail more for the purposes of locomotion than it does its other members, or plainly that they are "crawfishing."

Nothing of any importance has so far been done in council. An adjustment of the contested seats in both Houses will probably occupy the attention of the legislature until the first of next week, when they will be ready to receive the Chief's message and go regularly to business.

There is a probability of a very stormy session. The two parties are about equally represented, the majority being slightly in favor of what is known as the Downing party. A strong effort will undoubtedly be made to impeach the Chief -- that seems fashionable now. Whether the effort succeeds or not it will stir up much "bad blood" and result in a deal of wrangling if nothing more.

quite a number of important subjects will be brought up for legislation, and we hope to have more

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intelligent action than heretofore, from the fact that a number of the most inveterate "pull-backs" who have been usually members have been wisely left at home by the people in the last election.

Of course there will be a delegation sent to Washington and there are already quite a number of aspirants for the lucrative position. I will give you in my next something of the personnel of the Senate and House; as also at least a synopsis of the Chief's message as soon as delivered. Of any legislation having a general interest you will be duly informed.

The S. V. is recognized as a positive and intelligent exponent of the progressive policy of the country, and is heartily welcomed and appreciated as such. "Long may you wave."

VOX.

STAR VINDICATOR

McAlester, Ind. Ter.
Dec. 1, 1877
Vol. 4, No. 42
G. McPherson, Editor

THE CHEROKEE COUNCIL

Tahlequah, Nov. 22, 1877.

The allotted thirty days for consultation by the wise men in council -- the limit provided by law, unless there is an "extra session" -- is now more than half gone and nothing -- absolutely nothing, in the shape of general legislation has been done. Some trifling local bills have been passed it is true, but up to the present writing nothing effecting the interests of the people has even been proposed. Quite a number of members, as well as lobbyists, have their pockets full of measures which they propose at the opportune moment to present. So far the session has been remarkably harmonious, but it may be there will be "music in the air" before the final adjournment. Those officers who had been suspended from their duties by order of the Chief on account of charges preferred,

have had their several causes investigated by the council and I believe all reinstated except the Chief Justice, whose case is still pending. The consequences of an "impeachment" are so grave that unless for flagrant wrong it is seldom imposed. Another reason why suspension is so seldom followed by impeachment in this country is found in the fact that charges are generally preferred for the purpose of getting the officer accused temporarily out of the way and after the object for which his removal was obtained is accomplished, the parties making the charges -- frequently trivial or groundless -- give themselves no further concern about the matter, and when council comes to investigate it there is nobody to prosecute and the case goes by default. Rather a sad commentary on the application of the law.

The all absorbing topic is yet the appointment of a delegation to Washington. One thing you may be assured of and that is the chief will not follow the example set by the illustrious (?) Coleman Cole, and attempt to send the delegates without the authority and sanction of the senate. In fact the Cherokees would not tolerate for a day such an assumption of power, much less would they allow such an authoritative exposure

of fraud as was made by the committee investigating the revenue ring of the Choctaws to go unacted upon. The delegation, when named, will in all probability be composed of about an equal number of "full bloods" and mixed bloods, or white Indians. The chief seems to keep his own counsel as to who he will nominate, and each little coterie has its slate, and every slate full, to submit for his consideration, and are planning manfully to secure their confirmation should they be nominated. When the struggle is over the fortunate ones will no doubt be as proud of their success as a pasha with three tails, and grateful to their friends, for a day or two at least. Not until this is fixed do I expect the council to settle down to work. No movement of one party as against the other will be attempted for fear of disaffecting combinations arranged in the interests of their several friends.

W. P. Ross is home from Washington and here trying to obtain another appointment, but his chances notwithstanding his acknowledged ability, are very slim. Yet there is no telling what may happen. As one of the aspirants remarked to your correspondent, "politics here now are fearfully slippery."

The caste of the council intellectually is

certainly superior to what it has been for a number of years. In the senate the presiding officer, Hon. Sen Landrum, is a man of mature views and although conservative yet just and reasonable, and presides with a dignity and intelligence that would do no dishonor to any parliamentary body.

Capt. Hanks, from Canadian district, is probably the most active member of the Downing party. Of commanding appearance, fluent in debate and endowed with that positiveness of character which always makes its possessor a leader, he will undoubtedly make his influence felt on any measure in which he is interested. Capt. Hanks is about one-eighth Indian.

John Ross, from Flint district, is also an untiring worker; speaks readily both English and Cherokee and no mediocral antagonist in a discussion.

A number of other members of the Downing party fill well their positions and will compare favorably with the average member of many state-legislatures.

On the Ross side of the House we have as the probable leader Mr. Sam Smith, one of the most eloquent speakers in the Cherokee language in the Nation. He is undoubtedly a man of superior natural ability. He has occupied the position of delegate to Washington

more than once, and had it not been for his vacillating course in politics would before now had marked prominence in his party.

Houston, Benge being left out of the senate for the first time in many years, Mr. Smith will take his place as the head of that party.

The only "independent" member of the senate is the Hon. D. W. C. Lipe from Cooweescoowee, the very prince of good fellows and a man of excellent culture and enlarged views, and probably the most progressive in his ideas of any gentleman in the body to which he belongs. Elected solely on his merits he refuses to coalesce with either party, attends no caucuses and votes on every measure according to his own judgement. What a pity we have not more men of the senate of the same sort.

The new editor of the Advocate, Mr. George Johnson, has not yet made his bow on paper, and every one is anxious to see how he will stride the tripod. He has no easy task before him and is perfectly new in the business. Mr. Johnson is a man of ability, an excellent lawyer, and his friends hope he may be successful in this new field; but it is doubtful if there is another man in this Nation as competent to shape the

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policy of the national paper as its late editor, W. P. Boudinot. He is certainly one of the profoundest thinkers of his people, and withal a genial and educated gentleman.

I trust I may be able in my next to note some measures of general interest as a last proposed by council, but if the session is to be ended as it has begun the results to the people will be as unsatisfactory as the contents of a grab-bag at a church festival.

VOX.

STAR VINDICATOR

McAlester, Ind. Ter.
Dec. 15, 1877
Vol. 4, No. 44
G. McPherson, Editor

THE CHEROKEE COUNCIL

Tahlequah, Dec. 9, 1877.

"They have met and they have parted," and that was the most they did do -- certainly the most important. The council adjourned yesterday at 10 o'clock a. m., possibly in as bad humor as has any council for years.

The legislation enacted during the session may be summed up by the mention of about half a dozen bills, except such as have purely a local or personal interest. A bill defining the mode of suspension of officers, requiring the complaint to be made on oath and supported by sworn testimony, and allowing the officer complained of the privilege of a defense before suspension was passed, and applies to all officers except justices of the Supreme Court. These are beyond the reach of any authority except the National Council, and may prostitute their high office to any extent, violate the law, ignore the constitution and be secure in the exercise of the functions of such office

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until the meeting of council, as the chief executive has no authority over them whatever, although bound by his oath to see the laws executed and the constitution protected. The main features of the law are excellent. The power of the executive is still further restrained as regards the Supreme Court in another act preventing the appointment by him of special judges in causes where the regular judges are ineligible to try on account of interest or consanguinity. This also must be left to the council. The occasion of this "hedging" of the Supreme Court is probably the interest developed by the trial of the case of Kays vs. Lips, reported to the Advocate.

The "permit law" was also repealed, and now citizens hire "foreigners" on a permit from the U. S. Agent -- certainly a great improvement on the old plan where the citizen had to give bond for the good behavior of the man "permitted."

A bill providing for an educational board to consist of three members, was also passed over the chief's veto after being once defeated in the lower house by the very unparliamentary proceeding of a "motion to reconsider" coming from a member who had previously voted for the bill. The law however is in operation as yet -- no full board being confirmed -- only two members.

An act authorizing the appointment of a commission or court, composed of three judges, to be nominated by the chief and confirmed by the senate, and the election by joint ballot of both houses of the council of an attorney, is also part of the legislation enacted. The purpose of such court being to determine all causes of doubtful citizenship, and is probably as much needed as any act of this council. The attorney was elected but he is without a court to appear before. Six names in all were sent down by the chief for confirmation but were successively "tomahawked" as soon as received.

An "act to reduce the expenses of the Advocate" by its title was also passed two days before the adjournment of council, but in the hurry incident to the close of the session it was not returned to the council and therefore is not a law, the chief being entitled to retain any bill five days before it becomes a law without his signature, and should council adjourn during such time he returns the bill to the next session during its first two days with his action thereon. The bill provides for the publishing (not the editing) of the Cherokee Advocate by contract, to be awarded to the lowest responsible bidder, and would probably reduce the expenses of that office nearly one-half. The chief is understood to be favor-

able to the bill.

Several other minor bills were passed, among which was one relieving Dr. E. Poe Harris as medical superintendent of asylum for the insane, blind, &c., and the transfer of the medical charge of the patients to Dr. Adair, who is on duty as physician to the two seminaries.

The objections, we believe, outside of political prejudice to Dr. Harris, was that he had called in another physician, Dr. Trent, to assist him in a couple of very serious surgical operations performed on patients under his charge, thus increasing the expense to the Nation, and it was intimated by the friends of the applicant, if not by the applicant himself, that should he obtain the position he would need no assistance in such cases. Of course every surgeon understands the need of skilled assistance in capital operations, and should the present incumbent attempt them without it, it is possible the difference in expenses may be made up in undertakers' fees instead of surgeons'.

The interest of the session, after the appointment of the delegates, centered in the last few days and resulted in a struggle between the senate and the executive. The passage of the bills creating the offices of

commissioners for the court, before mentioned, and members of the board of education, all of which were to be nominated by the chief and confirmed by the senate, was the occasion of the trouble between these two branches of the government and induced council to adjourn, leaving things in the muddle they did. Certain members of the senate insisted on dictating to the chief whom he should nominate, particularly on the school board, and positively refusing to confirm anybody until the names of their favorites appeared on the list. The chief claimed the prerogatives of his office and declined any dictation, especially as some of the parties desired by the senate were, in his opinion, particularly objectionable, and proceeded to send down for confirmation the names of such men as he thought best suited for the offices only to have them decapitated, and for a while on Friday evening heads fell faster than in the most flourishing days of the guillotine. The chief held that if they would not confirm his nominations they should have neither commissioners or educational board, and his opponents declared openly that if he did not send for confirmation the names they had insisted on they would adjourn without appropriating the money needed to carry on the schools -- and adjourn they did, without making the necessary appropriations for either

continuing the schools or paying one dollar of the audited indebtedness of the Nation incurred during the last year. And had not the principal chief, in view of the great wrong done the people and the great damage such a course, if persisted in, would be to the credit of the Nation, determined to call an extra session of council, our schools, of all grades, would have to be discontinued and all who have done service for the Nation or purchased her tickets for this year would be without even the evidence in the shape of a warrant of the Nation's indebtedness. The councilors did not however fail to pass the appropriation for their own services and borrow the money out of the school fund to meet it at that. Nothing like this action of council has ever happened before in the Cherokee Nation, and if the Advocate cannot see in this state of things the evidence of "crawfishing" progress then it is not to be envied for its astuteness. The Advocate is pleased to compliment your correspondent as "being a little sensible" on account of the notice of the ability of some of the members of council. It would indeed be a sorry assemblage of over fifty legislators if there were not at least a half score among them deserving of honorable mention; but it should "possess its soul in peace," as its compliments are as worthless as its criticisms are harmless.

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The extra session will be called for the first Monday in January next, when it is to be hoped that better counsels will prevail and such concessions made on both sides as will insure harmony of effort and intelligent action.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
Saturday, January 12, 1878
Vol. 2, No. 43
GEO. W. JOHNSON, Editor

SPECIAL MESSAGE OF CHARLES THOMPSON

Executive Department, C. N.
Tahlequah, Ind. Ter'y
January 7th, 1878

TO THE NATIONAL COUNCIL. --

Gentlemen of the Senate and

Council, in extra session convened:

You have been called together at this time
for the purpose of legislating on the subjects as set
forth in my proclamation.

It was not a pleasant duty for me to perform,
in calling you together in extra session, as I well
knew that some of our people would censure me for the
act, but owing to the existing circumstances, and the
duties devolving upon me as executive of the Nation,
I could not do otherwise.

It is my desire that you will work together harmoniously, and for the interests of our whole people.

You are now called upon to legislate upon the Special subjects, of making the necessary appropriations to defray the expenses of our high, and common or primary schools, for the present year; as likewise to make an appropriation for the payment of just claims found due against the Nation; besides to give effect to the acts creating school commissioners, and commissioners to decide the claims of persons claiming citizenship in this Nation. I desire also that you make an appropriation for contingent expenses of the Executive Department, which later was omitted in my proclamation, yet should claim your attention. I trust that it, in connection with my other recommendations will receive due notice and consideration.

These subjects alone, and no other, (except in case matters of importance should arise requiring attention, while your honorable body is deliberating during the present extra session, and upon such occasion you will be advised by special message) I would respectfully call your attention to, and that I deem necessary to be deliberated upon by your honorable body at the

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present time, and I hope that this may be done in such a manner as to be creditable to yourselves and to meet with the approbation of our people, and that it will prove to meet the requirements necessary.

In conclusion allow me to express the hope that our mutual relations may be most cordial, frank and friendly, and our work faithfully and speedily accomplished.

Respectfully submitted,

CHARLES THOMPSON,
Principal Chief.

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STAR VINDICATOR

McAlester, Ind. Ter.
Jan. 12, 1876
Vol. 4, No. 48
G. McPherson, Editor

NEWS ITEM OF E. C. BOUDINOT

The editor of the Chetopa, Kansas, Advance is throwing much mud at Col. Boudinot; it is not likely to do him a great deal of damage. The editor has discovered some private letters of B.'s in which he says he don't want the territory "opened to settlement for three years." and upon the charge is made that Boudinot is deceiving the Missouri, Kansas & Texas Railroad Company, by secretly working against the organization of the Territory.

We understand Boudinot's position to be this:

1st. The organization of a stable government over the Indian Territory.

2d. The division of the lands in severalty among the Indians.

3rd. The investment of the Indians with the rights and responsibilities of citizens of the United States.

Should he succeed in accomplishing these great ends the settlement of the territory would follow as

a matter of course. We can well understand how Col. Boudinot should not wish the opening of the territory until measures are effected to secure the property rights of his people.

Boudinot's record and character are too well known all over the country to suffer from the sneers of the postmaster of Chetopa.

We don't know that Boudinot is in the employ of the M., K. & T., and we know of no one who could serve them with more efficiency at Washington, so far as their interests in the Indian Territory are concerned. The Advance man complains of the length of Boudinot's hair and of his social enjoyments. "Too low," he says "to be mentioned in his chaste and pious paper."

Col. Boudinot is a welcome guest in the first families of our country, and numbers among his intimate friends the first men of the land. The editor of the Advance with all his short hair would knock in vain to be admitted to the society that Col. Boudinot moves in. -- Sedalia Democrat.

STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 9, 1878
Vol. 4, No. 52
G. McPherson, Editor

LETTER OF JNO. JOHNSTON

Editors Star Vindicator:

Your readers have been told that the Cherokee council did not respond to the call of the Cherokee delegation for more money. It is not supposed that the delegation expected their request to be complied with. The understanding with some of the better judging, I hear, is that the intention of the application was to give the council to understand that certain bills before congress could not be defeated without help from certain favorite quarters, which help the delegates had no money to obtain, and which, as true delegates, they felt bound to obtain without money if they could. A letter from Gen. Ewing, published in the Advocate of Tahlequah, signifies how the aid of lawyers, like himself no doubt, is to be had without money -- that is, by a contingent arrangement whereby, if the bills be defeated, a certain sum would be due for such aid in defeating them. The

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fair presumption therefore is that if some or all of the Territorial bills now before congress should be defeated, or not passed, during the present session, a big bill will be presented to the next council by certain Washington lawyers of the class of Wintersmith, Ewing & Co., for services in assisting the Nation to exist without a Territorial government until next year, when the same thing will have to be done over again. These bills for service will be endorsed by the delegation of course, who will then be enabled to say to the council, "didn't we tell you so? It took the aid of these gentlemen to defeat those terrible territorial bills, they gave their aid, relying upon the honor and justice of Cherokee Indians, when we applied to them in our extremity. It now only remains with you to justify that reliance and their good opinion." So the old game of beads and cow-hides will be played upon the simple aborigines once more, the object of the fraud being cash in this case, whereas anciently it was land.

As to the Territorial bills, it is safe to say that the majority of intelligent citizens of this Nation not only do not object to such a government but desire its establishment. The Cherokee Advocate, while

howling, and barking, and snarling alternately about territorial bills, is too much interested in giving expression to its fawning personal preferences and spiteful personal hate to tell the truth, except where and when it serves such low purposes. The editor is absent and his place is supplied by a young man named Gus Ivery, who is grandson of the celebrated Jack Bell, one of the most remarkable men for natural and varied powers in Cherokee history. Jack Bell and the equally famous Stand Watie were fast friends through life, and why the grandson of the one should so delight to throw mud without cause or excuse at the nephew of the other -- Col. E. C. Boudinot -- it is not easy for any one but a recreant renegade to say. The Cherokee Advocate is of late full of nothing but personalities flung at those who see in our present condition a dangerous insecurity which they would remedy if possible. The Intelligent class of Cherokee citizens understand this, and while they are not in favor of a territorial government for this territory which will operate to infringe their personal and political rights, they ARE in favor of one that will operate to make those rights more secure and profitable. The latter sort of government this class understand Col.

Boudinot to be in favor of and doing what he can to establish; and it is utterly false for the Advocate or any other authority to say that the Col. has not the following of the most respectable, patriotic and intelligent class of his countrymen. Let the sense of this whole people -- those who know how to read English and know what is what in government and private rights -- be taken by ballot as to whether they would rather lose their lands as they are doing now year by year in various ways, or have these lands allotted and made secure to them; and as to whether they would rather control their intercourse with outsiders through their own Territorial government, or have them controlled as they are now by the outsiders themselves through the government of the United States -- let these questions, I say, be determined by ballot, by the people themselves, and then see whether Col. Boudinot has any following or not among the intelligent portion of our citizens. Should, however, all adults be allowed to vote, the result would be no doubt consistent with the fact that the great majority of Indians are still uneducated and ignorant, and confirmed in their prejudices and dislike to progress by schemers among themselves, of whom the Advocate is now unfortunately a mere tool.

Respectfully,

JNO. JOHNSON.

STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 16, 1878
Vol. 5. No. 1
E. W. Folsom, Editor

NEWS ITEM OF E. C. BOUDINOT

Col. Boudinot, of the Cherokee Nation, appeared before the House Committee on Territories, Tuesday, on behalf of a bill to organize the Territory of Oklahoma. Heretofore the delegates from the civilized tribes have relied upon former reservation treaties, under which they claimed the use of their lands forever. Col. Boudinot met this question fully on the seventh and eighth articles of the treaty of 1866 with the Choctaws and Chickasaws, wherein these Indians pledged themselves to throw no obstacle in the way of establishing a Territorial Government in the Indian Nation, and agreeing to the convention of a Legislature, to govern both whites and Indians. It also contemplates a United States court, a delegate to congress, and agrees that the Superintendent of Indian affairs shall be the executive of the Territory.

The Colonel argued that these articles gave

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express consent to the adoption of the plan proposed, and showed the Creeks, Seminoles and Cherokees had come into the agreement under their treaty. He showed that there were 8,000 citizens of the United States, who were members of Indian tribes, having the same rights that Indians have, and demonstrated that there was no incompatibility in the apparently anomalous position of these people. Then he quoted from a decision of Judge Parker, establishing the citizenship of several delegates now in Washington, and insisted upon a similar recognition for his people. He claimed the benefits to be derived from a Territorial Government, and claimed that no one would be injured except the delegates, whom, he said, were "sucking the life and blood of the Territory, by expending the money of the people in large salaries, the payment of expenses of attorneys, and worthless local governments."

He showed that the Cherokee Nation alone spent on delegates in Washington for the first and second session of the Forty-fourth Congress and the extra session (one and one-half months), \$664.64. The Cherokee Nation has 17,000 inhabitants, who claim the right to protest against the wanton expenditure of the people's money. He closed by proffering an amend-

ment to the bill, that it should not take effect until
ratified by the Indians by a fair vote, and dared the
delegates who were opposing it to accept the proposi-
tion. -- Post.

STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 23, 1878
Vol. 5, No. 2
G. McPherson, Editor

EDITORIAL ON E. C. BOUDINOT

A reporter of the Post, chancing yesterday to meet Col. E. C. Boudinot, the talented Indian representative, who is here laboring in behalf of the proposed new Territory of Oklahoma, managed to draw some interesting facts from him. Referring to the published statement that Col. Adair and his colleagues, who are opposing the measure, recently declared that the passage of the Oklahoma bill would be equivalent to a declaration of war, Col. Boudinot said:

"I am an Indian, quite as well informed as Col. Adair as to the condition and necessities of the Indian Territory. I hasten to allay any apprehension that may be excited in the country by the direful statement to which you have referred. I do not think either the Creek or the Cherokee Nation will go to war with the United States if Franklin's bill passes, for that bill will give the Indians of those Nations

something like "a white man's chance." Those Indians are now taxed under the internal revenue law of 1868, just the same as the people of Ohio and Massachusetts are taxed. Every sensible man in the Cherokee Nation, who is not directly or indirectly interested in appropriating a share of the \$160,000 annually paid to the Cherokee Treasurer as interest on the \$3,000,000 held in trust for the Cherokees by the United States, is in favor of an organization of a civil government over the Indian Territory, which will provide for the United States courts, a Legislature, a delegate in congress, and secure all their lands in severalty by impregnable titles. The Cherokee and Creek delegates, who threaten war, know this to be so, else they would accept the proposition I have made, that no bill to organize the Territory shall have force unless ratified by a popular vote of the tribes affected by it."

"How do the people in the Territory stand on the question?"

"I affirm," said Colonel Boudinot, "that the intelligence and wealth of the Cherokee Nation would hail with delight the passage of a bill such as I have mentioned; and I defy the Indian delegates, who pretend to represent the tribes, to agree to submit the propo-

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sition to a vote of the Indian people. Can anything be fairer than that? I challenge them to the test."

"Have Adair and Ross many followers out West?" said the reporter.

"Neither of these so-called representatives of the Cherokees could carry a single district in the Nation," said Colonel Boudinot. "They were both beaten in the August election for members of the Cherokee senate. Neither Adair, of the Cherokees, nor Porter, of the Creeks, are authorized to declare war in the event of the passage of Franklin's Oklahoma bill, and I feel justified in assuring the people of the United States that the Cherokee and Creek Nations will not go to war, even to save the rations of Adair and Porter."
-- Post.

STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 23, 1878
Vol. 3, No. 2
G. McPherson, Editor

EDITORIAL ON E. C. BOUDINOT

Tahlequah, Feb. 9, 1878.

Editors Star Vindicator:

Since my last writing nothing of a very important character has transpired, and everything seems to be all serene, with the exception of an occasional bubble caused by the friend of "Oklahoma," Col. E. C. Boudinot, the coming man of this people, rising before the committee on territories to explain, and are confronted by that great representative (?) of the Cherokees who gives them to understand that if this is thus "there will be war," which has the desired effect of bringing about a more speedy and just reconciliation. If there is not some definite understanding this year we will have our affairs so far advanced that all we will have to do next year will be to demand. So saith the delegation.

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The Cherokee Advocate seems to be taking out a personal spite on Col. E. C. Boudinot, by publishing dirty slurs and making it a subject of private conversation "that Col. Boudinot is an enemy to his people and is trying to rob them of this their last resting place." What a pity such lies are branded by a majority of this people the very moment they are uttered! It is also rumored that the Col. has a free railroad pass down in his trousers pocket, and that he gets \$10,000 a year for acting as attorney for the W. K. & T. Thou, Col., should not do that. It would suit the Advocate writer best, as he is a high-toned and accomplished gentleman, were he to come in and "jine the ban" of robbers and murderers. Why don't Evey, (the verdant) now acting editor of the aforessaid sheet forward to the different railroad companies his "free passes" to Washington City and return, also one which he has dead-headed from the W. K. & T. to St. Louis and return? It would be a God-send to this community were he never to return. But I anticipate for him a short life in the "editorial vessel," as one of our most prominent citizens sent his sheet back to him making him a present of the subscription money; and it is said a number of other citizens will follow suit. However, I will

drop his name for the present for it is unworthy the small space it occupies in so valuable a paper as the Star Vindicator, a paper that is laboring for the best interests of the five civilized tribes, and "narrow-minded people are like narrow-necked bottles, the less they have in them, the more noise they make in pouring it out."

The executive department is running along smoothly. Dr. W. L. G. Miller's seat is still vacant, so to speak, there not being a citizen in the Cherokee Nation who is able to take hold and dispose of governmental affairs as did he. But if the delegation will only let the desired change of the people come we will probably be happy yet.

Some of the merchants of the Nation are utterly opposed to any change of government whatever, giving as a reason that the country would be overstocked with all kinds of merchantable goods. The others who are opposed to it are of the baser sort -- white men who are here sheltering themselves from justice, and yelling, "don't rob us of our lands -- our only resting place!"

FULL-BLOOD.

STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 23, 1878
Vol. 5, No. 2
G. McPherson, Editor

EDITORIAL ON W. P. ADAIR

The following sensible editorial is taken from the Ft. Smith Independent, whose editors are Cherokee Indians. It was elicited by the ridiculous assertion of Col. W. P. Adair to congress, "that the passage of the Oklahoma bill over the Indian Territory would be regarded by the Cherokees as a declaration of war."

"Col. Adair, immediately after the war, belonged to the treaty party, and if we mistake not was in favor of a territorial government. But by some means he has swung round into the Ross party, and is now going the full length of that party in asserting Cherokee independent sovereignty. He is a man of ability, and very kind socially, for we have known him for many years. There is one thing certain, that if he uttered the words imputed to him in the above paragraph, the sooner congress organizes the territory of Oklahoma the

better it will be for the Indians and the whites. It will teach the believers in Cherokee independent sovereignty that there is no such thing, and that, as Chief Justice Marshall in 1832 said in the decision of the supreme court in the case of the Cherokee Nation against the state of Georgia, they were not foreign nations in the sense of the constitution, but domestic dependent nations, that the general government is their guardian and the Indians her wards. Necessity demands that the Indian Territory be immediately organized into a territory. The interests of the surrounding states demand it.

The Indian Territory lies right in the pathway of a large commercial trade between the states of the south and west. By the laws lately passes in the Cherokee council, the trade with the whites will in many cases be cut off. In these laws the hatred to the white man as the saying is "sticks out" very perceptibly. There are a few petty politicians among the Indians in the Territory who oppose the Oklahoma territorial bill, because if it should become a law, their occupation will be gone. The whole Ross influence is exerted against a territorial government. More than fifty years ago John Ross, the old chief, said,

the Cherokees were not far enough advanced in civilization to become a part of the United States. The same cry is reiterated today by his followers. The full-blood Indians we have a great deal of sympathy for, but most of the half or mixed bloods are a shrewd, cunning set of Indian demagogues. They are for place and power. As long as this controversy is kept up, they can send delegates to congress, use up the school and other funds to pay their per diem and other expenses. The Cherokees have had delegations at Washington for fifty years, to our certain knowledge, and they have made nothing politically by it. They are now where they began.

We look upon the lands occupied by them as their property, and the United States has no right to dispose of them contrary to their wish. But as to these petty Indian governments, they ought to be squelched, because the longer they are permitted to exist the closer do the Indians cling to that ignis fatuus, of independent sovereignty. Let congress do its duty now in regard to the Indians west of Arkansas.

STAR VINDICATOR

McAlester, Ind. Ter.
March 2, 1878
Vol. 5, No. 3
G. McPherson, Editor

AMONG THE INDIANS

From the Sedalia Democrat.

Owing to the importance of the Oklahoma bill, and the heated discussion that it has produced before the committee on territories, your correspondent called on the several delegates here with a view, if possible, of getting at the real objections to the bill by the several tribes interested. The first gentleman I met was Col. Adair, of the Cherokee Nation. After the usual courtesies of the day, I propounded the following questions to the Colonel:

"Colonel, what is your objection to the Oklahoma bill?"

"My objection to it is, we don't want it."

"Who do you mean when you say we?"

"I mean the people of the Cherokee Nation."

"Then, Colonel, I understand that you have no objection to your country being organized into a territorial government provided the people of your

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country express themselves in favor of such a measure."

"That is my position, sir."

"Colonel, could there be a fair expression by the people in the Cherokee Nation on such a question?"

"Oh, yes; certainly there could. We pride ourselves on being law-abiding people."

"Do the masses of the people understand the question fully? Has it been fully discussed in the Nation?"

"There has been too much discussion on the question, sir. The people down there are learning the white man's ways quite far enough already. Many of our citizens want some fat office, so as to live upon the tax-payers without work."

"Colonel, does not the Choctaw and Chickasaw treaty provide for a Federal court?"

"Yes."

"Does not the same treaties provide for a Legislature for the Territory, to pass laws for all the people, in order that they may be protected in life and property in the Territory?"

"Yes."

"Does Not the same treaty provide for a delegate to Congress?"

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"Yes."

"Does not the same treaty say that the Superintendent of Indian affairs shall be the Executive, and shall be called Governor of the Territory of Oklahoma?"

"Yes."

"Don't the Oklahoma bill provide for all these things?"

"Yes."

"Then in what respect does it conflict with the treaty?"

"Why, the government has no right to take our lands in severalty until asked for it."

"Suppose the committee should strike out that clause in the bill which provides for giving the Indians their lands in severalty, would it not then be in accord with the Choctaw and Chickasaw treaty?"

"Yes, but the Cherokee, Creeks and Seminoles are not bound by the Choctaw and Chickasaw treaty."

"Then you admit that the Choctaws and Chickasaws have given their consent by their treaty of 1866, for a territorial government to be known as the Territory of Oklahoma?"

"Yes, they were fools enough to do so."

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"Then Boudinot was right the other day when he . . . the committee that . . . and Chickasaws had . . . sent for a territorial government?"

"Yes."

"Well is it not a fact that the treaty of the tribe of which you are a member -- the last one made which was in 1866, provides for a Legislature?"

"Yes."

"Does it not also provide for a delegate to congress?"

"Yes, I believe it does."

"Is there anything in it which provides for a Governor?"

"No; that is, congress has not only the power -- but the right if it sees fit to do so -- but we must prevent that if we can."

"Yes; but if the Oklahoma bill gives all these things, and they are not prohibited by your treaty, how is it that you say it is in violation of your treaty?"

"Well, we don't want it, and will not have it."

"Does not the Creek and Seminole treaty provide for a legislature for the Territory?"

"Yes."

"Is there anything in their treaties which

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says that congress may not give them a delegate and provide for a Governor?"

"No sir, I believe not."

"How, then, does the Oklahoma bill, which provides for these things, violate the treaties?"

"Well, they are not ready for it now."

"Then Boudinot is right when he asserts that all these Nations had agreed and consented to a territorial government?"

"Yes, d -- n him, I suppose he was; but if it hadn't been for him the committee would not have known but that the old treaties were still in force."

"But, I thought I understood you to say a while ago that the subject had been fully discussed and was thoroughly understood by the masses of your people."

"Oh, yes; but I was only speaking for the intelligent portion of the Indians. In other words, I was only speaking figuratively. I should have said that what you white men call politicians among us understood the situation."

"Are you one of that number?"

"Do you think Boudinot has convinced the committee on these points?"

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"He may have convinced some, but I know of some he has not."

"How many?"

"Well, one to my certain knowledge, and he may talk until doomsday and he won't convince him."

"Who is that?"

"Neal, of Ohio."

"Why, I understand he was in favor of the bill."

"When did you learn that?"

"Sometime since. Let's see. About the time of the recess."

"You are sure that he is against it now, are you?"

"Oh, yes."

"Suppose that such arguments and facts should be presented to him as to render doubt no longer admissible."

"Well, its . . . him, we have . . ."

"What other members of the committee are all right?"

"Muldrow, of Mississippi, and Reed, of Maine, I am pretty sure of that."

"Were you serious in your threat of war the

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other day when you addressed the committee?"

"No; but we are smart enough to use every means to defeat Boudinot."

"Has Boudinot any money to back him up in this fight?"

"No; the government confiscated his tobacco factory, and I guess all he had was invested in that."

"How is it that he can contend with you gentlemen who have all the money you want to back you?"

"Well, Boudinot is a pretty shrewd fellow. He is social and affable. Besides, he has every treaty and law relative to the Indian right at his fingers' end, and that is a great help."

"How many whites and blacks are members of your Nation?"

"About 5,000."

"Then Boudinot was correct when he said that there were 10,000 citizens of the United States in your Nations?"

"Yes, but if he hadn't got Voorhees to write a letter to the Secretary of the Interior, asking for the information officially the committee would never have known it."

"Do you think if Boudinot was out of the way

the Territorial question would die out?"

"Yes, for a while, but sooner or later it must and will come."

"Were you a candidate for the Cherokee Senate last August?"

"Yes."

"Were you elected?"

"No, Sir."

"Was your colleague, Mr. Ross, a candidate in his district?"

"Yes."

"Was he beaten too?"

"Yes."

"Do you think if congress should provide for the election of a delegate to congress, Boudinot would be chosen?"

"Not if I could help it. There is no telling what he might do; and I don't intend he shall have an opportunity. He managed to engineer himself into the Confederate congress, but d -- n him, if money or anything else can head him off he shall never get into this congress. "

"Col. Boudinot stated in his speech the other day, before the committee that the Cherokee Nation

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had spent here in the last two years and a half \$66,-
000 -- that is, the delegates representing the Cher-
okee Nation had spent that amount. Was it true?"

"Yes, but we have got a right to spend our
money as we choose, and it is none of the committee's
business. Boudinot may help himself if he can."

"What objections have you to Boudinot's
proposed amendment to submit the question to the vote
of the people?"

"You can't depend on the people in every
emergency."

"But, Col, if I did not misunderstand you at
the outset of this conversation, you said that if your
people should express themselves in favor of such a
measure you would cheerfully acquiesce in their deci-
sion."

"Yes; but you see the people do some very
foolish things sometimes. For instance, our people
defeated myself and Ross for our Senate, and the same
Senate that was chosen at that election, elected both
of us as delegates to come to Washington to look after
our people's interests. Hence the people might be
foolish enough to accept the bill."

"Was Boudinot correct the other day when he

stated in his speech that the poorest orphan child in the Cherokee Nation paid as much to support the Cherokee government as you or the richest man in the Nation "

"Yes, but if he had kept his big mouth shut nobody would have known anything about it, and if Boudinot is shut up, the poor orphans, as he calls them, won't know it."

"Col., I have heard it said that Boudinot's life was in danger when he was in the Nation; is it true?"

"Boudinot is my cousin and I wouldn't like to see him hurt, but he had better look sharp. I wouldn't want to be in his place."

"Has Boudinot expressed these same views openly in public speeches in the Nation?"

"Yes, he has been foolhardy enough to do so, but they will settle him some of these days. His father uncle and cousin were killed for less things than he has done, and he will be killed, I am afraid, too, if he don't look out. I ain't fool enough to jeopardize my life by advocating such opinions as Boudinot does."

This ended the interview with Col. Adair.

My next Indian was a white man, who is here as one of the delegates representing the Chickasaw Nation. People may think this a contradiction of terms, when I say that Governor Overton is a white man and yet an Indian, but it is true. He is a full-blood white man, but he married a Chickasaw Indian woman, and in law is an Indian so long as he lives in the Nation, but if he chooses to move to Missouri or any other state he is entitled to all the privileges that any other American citizen enjoys. Yet he is unwilling to allow the Indian man the same right that he himself enjoys, part of which is accorded him by the Indians. In fact, every man in the Indian Territory who has any white blood in him, if it can be established that it came by the father, is a citizen of the United States according to Judge Parker's decision, and from that decision there is nor can be no appeal. It is the law, and it makes Col. Adair and Gov. Overton both citizens of the United States. Should either of them assault a man with intent to kill, or do other bodily harm, they would be tried by the United States court and not by the Indian court. But if the white blood came by the mother, this would not be the case. Thus the difference between these gentlemen and Col. Boudinot.

Boudinot's white blood came by the mother, who was a Connecticut lady. But to the point:

"Gov. Overton, what do you think about the Oklahoma bill?"

"We think a good deal about it."

"Give me your objections to it."

"We don't want to."

"Why do you not want it?"

"Because we don't."

"But that is no objection at all."

"Because we are opposed to dividing up our lands."

"You get under the bill in fee simple one hundred and sixty acres, and you cannot dispose of it for 20 years. Besides the surplus is sold under proper restrictions and the proceeds to go into your own treasury for your own benefit -- that is to your people."

"Yes; but we don't want it, and won't have it now."

"But does not your treaty provide for a territorial government?"

"Yes, it does."

"Is that not all the Oklahoma bill provides for?"

"Yes, but we don't like the kind of government it provides for."

"Why?"

"Because it provides for a white man's government and we don't want it."

"What kind of a government is contemplated by your treaty?"

"An Indian government, of course."

"Then, if I understand you properly, you mean to say that your objection to the Oklahoma bill is that it provides for a government in which the white man can hold office."

"Yes -- that's it. I mean that when the treaty of 1866 was made providing for a territory, we thought that the territory would not be open to settlement by the white man, but it would, and we don't want it. It ruins us. It would destroy us. Yes, sir, it would annihilate every Indian in that country, sir, and we don't want it."

"Well, what about Boudinot's proposed amendment to the bill, that it should not take effect unless ratified by the people?"

"I have no objection to that; I am willing to that. I don't believe there are fifty men in my

Nation that would vote for it."

"I presume you have a few negroes in your Nation as well as the Nations around?"

"Yes, sir, about 4 or 5,000."

"Are they citizens of your tribe; that is, have they the right to vote?"

"No, sir; they are citizens of the United States, and we want them away from us."

"Governor, what about the threat of war made by Cols. Adair and Porter to the committee the other day?"

"Well, sir, if the bill passes, you will hear of some of the old time performances by the Indians down here."

"What do you mean by old time performances?"

"I mean that we will not submit to it without an effort to protect ourselves."

"Yes, but you said awhile ago that if it was left to your people, and if they adopted it, you had nothing further to say."

"Yes, but they won't do that."

"Governor, have you stated all your objections to the bill?"

"Yes, I believe I have. I know it is only a

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question of time when this thing will be done, but we are not prepared for it now."

Thus ended the interview, and I will say that, without a single exception, every delegate here admits that this country is bound to be opened up soon to settlement.

I will in a day or two interview the other delegates and write it up, provided they differ from the above in any material points.

STAR VINDICATOR

McAlester, Ind. Ter.
March 9, 1878
Vol. 5, No. 3
G. McPherson, Editor

LETTER OF FULL-BLOOD

March 6th, 1878.

Editors Star Vindicator:

The town was never so dull as at the present time -- not even a dog fight. There was, I learn, a slight disturbance the other evening, caused by, I didn't learn what. Some say that "Full-Blood" was to have been annihilated without any ceremony, but lo! and behold when he went "arter" him he "wern't" in town -- lucky for "Full-Blood."

The National prison has received within the last week five additional convicts. If the "warriors" could increase that fast they would soon be as strong as Sitting Bull.

The two high schools under the supervision of Hon. John R. Vann and Chamberlain, are said to be in a flourishing condition.

Chief Thompson left here in January and isn't expected back until April. He is now merchandising at his home.

There are now between 25 and 30 convicts in the National prison -- white men, gipsies, negroes and Indians, with perhaps 500 more in the Nation that ought to be there.

Nearly all the "pull-backs" drink "Jamaica," which causes them to "set-back" when on their way to the "lock-up."

The Insane asylum has one lunatic, and Tahlequah has a population of 400 with perhaps 400 lunatics -- how is that for the capital?

The acting editor of the Advocate, so-called, seems to be "disgruntled," so to speak, because of your correspondent, having been prompted by a motive perhaps higher than that which he is capable of appreciating -- speaking the sentiments of him and not of him only, but of a majority of the citizens of the Cherokee Nation, when your correspondent saw fit to reprimand him for circulating ridiculous stories about one of the best friends of the red man -- when we saw fit to inform the public through the columns of the Star Vindicator, that he, the editor, so to speak,

was prostituting the columns of the National organ in the interest of the paid delegation to the detriment of the general people. He says that we are a "dirty-mouthed black-guard;" perhaps for the simple reason that we felt it our duty to let the supporters of the Advocate know that they had in their employ a gentleman, a man who stands high with the railroad companies as well as with the executive department -- a man of fascinating ways, "so to speak," and at the same time appropriates Col. Boudinot's capital as well as that of every other citizen of the Cherokee Nation in order to keep up this delegation business, for business it is.

He says he "will attend to our case in the future in quite a different way from what we are expecting," in that expectation he is mistaken, for that is one of the characteristics of this country. We remember having seen a poor fellow last summer "attended to in a way which he was not expecting," having received an injection of molten lead through the heart from the hand of a ruffian in the dark.

FULL-BLOOD

THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat. I. T.
July 6, 1878
Vol. 3, No. 16
Geo. W. Johnson, Editor

ROLL OF HONOR, ELINOR BOUDINOT

Scholarship -- Cora Archer, 93; Carrie Archer, 98; Fannie Blythe, 94; Elinor Boudinot, 90; Martha Bertholf, 90; L. Becklehymmer, 90; B. Becklehymmer, 91; Nannie Carey, 91; Belle Cobb, 98; Annie Cloud, 91; Lizzie Parrot, 94; Sallie Rogers, 90; Flora Thorn, 91; Jane Wilkerson, 98.

Attendance -- Howard Blythe, Belle Cobb, Helen Doherty, Laura Inlow, Ida McBain, Lucy Nicholson, Maggie Stapler, Laura Schrimsher, Flora Thorn, Louisa Welch.

Deportment -- Cora Archer, Jane Couch, Eliza Couch, Sallie Cavalier, Belle Cobb, Annie Cloud, Jessie Drew, Ellen Goree, Sarah Horrat, Lucy Horrat, Lucy Jones, S. Lindsey, Ella Morgan, S. Musrat, Martha Miller, Annie Parks, Mary Ross, D. R. Gourd, M. Roberson, Maggie Stapler, Elsie Scott,

Lucinda Smith, K. Timberlake, Flora Thorn, Cassie Vann, Charlotte Whitmire, Nannie Whitmire, Jane Wilkerson, Lucy Wolfe, Ellen Wilson, Delilah Wilson, Lucy Hicks.

Especial mention should be made of Belle Cobb for being perfect in attendance, deportment and one of the highest in scholarship, also of Howard Blythe, B. Becklehymmer, Laura Schrimsher and Louisa Welch for attending school a year without missing a roll call.

THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat. I. T.
July 13, 1878
Vol. 3, No. 17
Geo. W. Johnson, Editor

EDITORIAL ON E. C. BOUDINOT

-- At the Banquet given by the citizens of Fort Scott, Kansas, on the night of the 5th inst., Col. E. C. Boudinot was called upon as a representative man of the Indian Territory to make a speech -- which he did -- giving his views as regards our people. Gov. Wright of the Choctaw Nation, and Col. Grayson of the Creek Nation also made speeches -- differing considerably with Boudinot; they also denied (and upon the best possible grounds too) that Boudinot represented the sentiments and feelings of the Indians of the Indian Territory -- not even one-hundredth part of them -- as expressed in his remarks on that occasion.

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THE CHEROKEE ADVOCATE

Vol. 3, No. 22

Tahlequah, Cherokee Nation, Indian Territory

Saturday, August 17, 1878

George W. Johnson, Editor

LETTER FROM THE PRINCIPAL CHIEF
CHARLES THOMPSON TO THE
SECRETARY OF THE INTERIOR
CARL SCHURZ

Executive Department
Cherokee Nation,
Tahlequah, Aug. 1st, 1878

Hon. Carl Schurz, Secretary of the Interior;
Department of the Interior, Washington, D. C.

Sir;-I have the honor to inform you that the Cherokee Delegation (Messers, Adair and Ross) have in their report, advise me that the Indian Office (through one of its clerks) has lost certain papers submitted by the the Delegation, in relation to Cherokee citizenship, &c., including the Act of the Cherokee National Council, Approved December 5th, 1877, entitled, "An Act providing for the the appointment of a special Commission, to try and to settle claims to Cherokee Citizenship," and which for several months been on file in the Indian Office, for its consideration, in connection with a letter filed by the Delrgation, asking for a

list of the names of such Cherokees as reservated on the Cherokee "Neutral Lands" in Kansas, for the information of the Commissioners Court, established under the Act. Enclosed, I have the honor of sending you another certified copy of said Act. Without troubling you with a repetition of my views heretofore expressed, and on file in the Department, in relation to the rights of self Government and the consequent prerogatives of determining Cherokee citizenship belonging to my Nation, I trust that the endorsed Act of our National Council will meet the suggestions of the letter of the Hon, Commissioner of Indian (J. Q. Smith) of December 8th, 1876. In that letter, the Hon, Commissioner suggested that our "Circuit Court" be authorized to determine questions of Cherokee citizenship, and in that connection made certain other suggestions as the formalities and rules to be observed by these courts. But the Hon, Commissioner did not demand that the exact text of his suggestions be adopted by our Council, for the obvious reasons that he well knew that he had no right to dictate the manner in which, nor the subjects upon which, our Nation should legislate; nor to interfere

with its rights of self-government. To show you that I am correct in this construction of the Hon, Commissioners letter, I need only to refer you to that part of it relating to his suggestions in which he says: "I(he) have, therefore, to suggest by act of Council it shall be, among other things, in substance, provided,"&c. Then follow his suggestions referred to above. I take it that the "suggestions" of the Hon, Commissioner were made in good faith, and in a friendly spirit, especially as they admit that my Nation has a right to enact its own laws, to determine its own citizenship; and so far as our constitution and laws, and treaties, and the "Indian Intercourse" Acts of congress would warrant, I endeavored at my earliest convenience, to respect his suggestions without sacrificing any rights of my people, by having our National Council to pass the law transmitted. I am convinced that a close examination of this law will satisfy you, that it is, in its general scope and indulgence to the claimants, far more liberal than the suggestions of the Hon, Commissioners. He as before stated, suggested our "Circuit Courts" as the tribunals before which citizenship claim-

of my people, with their property, were sacrificed on the alter of your country. I have felt the necessity of cultivating harmonious relation between my Nation and its citizens, and your Government and its citizens.

I am a strong believer in the Christian religion, and I am deeply impressed with the belief that the great hope for my people lies in peace, and in their civilization and christianization, and to those ends I appeal to you to let us execute this law, so that we may be permitted to settle these vexed questions of citizenship, which have already been so expensive to us; and thus rid our Nation and people of a class of lawless and reckless citizens of the United States, whose aggressive and demoralizing presence is a continued source of trouble. The Hon. Commisisoner is mistaken when he says in his letter, Dec. 8th, 1876, that my Nation has had no laws under which the question of citizenship has been settled or controlled. The truth is that we have had laws to control this question ever sence we have had a written government, and even prior to that date, and which have never, in all the history of your Government been called in question. We have even been accorded the right of making Cherokee citizens out of citizens of the United States, by intermarriage and by legislative adoption.

The great Sam Houston, of Texas, was an adopted Cherokee citizen, and so were the Jones family; and Houston and the Rev, J. B. Jones as Cherokees have been recognized as Delegates before your Government, and today we have domiciled in our Nation, as citizens thereof, not less than fifteen hundred white people, who were formerly citizen of the United States. These white Cherokees have homes, property, wives, husbands, and interesting children in this country. If for the first time, your Government should call in question our right to control the matter of citizenship, and make the startling decision through your Department, you will have violated our treaties, notably the 5th article of the Cherokee treaty of 1835-6, and the 13th, 26th and 27th articles of the treaty of 1866, which acknowledged in the Cherokees the right of self Government, the right to declare who are citizens of the Cherokee Nation, either by nativity or adoption, and to govern them. Such a decision would rob and disfranchise all the whites alluded to as being adopted Cherokees citizens, and would make them intruders, subject to expulsion from our country, and would throw their children into disgraceful bastardy, to say the least. Are you prepared to be the first officer of the United States to

take such a responsible step? Besides we have hundreds of Creek Indians, as well as some Seminoles, Choctaws and Chickasaws we have adopted, in the exercise of our power over this question. Will you disfranchise these people, and drive them and their descendants from ^{their} ~~their~~ homes? Moreover how came the Delawares and the Shawnees and the colored people to be citizens of the Cherokee Nation? The answer to this question you will find in the Cherokee treaty of 1866, and the treaty of 1867, between the Cherokees ^{and} ~~and~~ the Delewares, and that of 1869 between the Cherokees and the Shawnees, all of which will show that the consent of the Cherokee Nation was a condition precedent to the adoption of these people as citizens of said Nation. It is now too late to ignore the acknowledged power of the Cherokee Nation over its own citizenship, and I have too much confidence in your intellegence and integrity to believe that you will falsify or stultify your great Government. Some of the very claimants provided for by our law transmitted have already had their claims justly adjudicated by our Supreme Court and by our Council, at a cost to our Nation of thousands of dollars. But as before stated, so far as I could do so consistently to satisfy your Department, I have endeavored to be reasonable in all things, and accordi-

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ngly have had this law passed, and the court organized under it, which has been in operation several months, at a cost of about six thousand dollars up to this time, and which will probly reach, at the end of the year some fifteen thousand dollars. I therefore trust that you will not interfere with the execution of the law.

In conclusion I would call your attention to my oft-repeated appeals to your Department for the removal of intruders from the Cherokee Nation. These are becoming so very numerous that they are creating alarm and serous trouble among the Cherokees, and if they are permitted to remain and increase as they have donè, I fear that greater trouble will grow out of the affair. I could remove them myself, but your Government is pledged to remove them. by our treaties at our call, and I dislike to take the matter into my own hands, lest some difficulty might ensue, which I desire to avoid. But if the department refuses to protect my people, in the removal of these intruders, then I shall in view of our treaty relations: with~~e~~ the Government, proceed to remove them myself and report the facts to the President and to the Congress of thr United States, i in my justification. I feel that the christian peo-

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ple of the United States are not willing that our country (bought and paid for) should forcibly be wrested from my poor people by lawless intruders and "squatters" and I feel assured that you, when you understand the facts, will agree with me, and cause these intruders to be promptly put out of my Nation. The former Commissioner of Indian Affairs (J.Q. Smith) has in his letter of Dec. 8th, 1876, refused to eject the intruders, because he says that certain: other persons are claiming Cherokee citizenship. If "A" claims citizenship, that is no reason why "B", an intruder, should not be put out of our Nation. If the Hon. Commissioner refuses to expel persons from our country because they claim Cherokee citizenship, then why does he not put out actual intruders who does not claim such rights? There are hundreds of such now in this Nation who bid defiance to our laws, under the belief that they will be protected by the Indian Bureau, under Commissioner Smiths letter of Dec. 8th, 1876, I feel constrained to say, and I do so with great respect to your Department that your predecessor has failed to do his duty toward my people, and I look to you in great confidence, believing that you will redress the wrongs that he has suffered to be perpetrated upon my people; and if you will call on

the Military authorities at, Fort Gibson, to remove these intruders I will, if you desire, cheerfully co-operate in their removal, in a civil manner, so that no injury will be inflicted upon them.

I have the honor to be, Mr. Secretary, with great respect, your ob't serv't and friend,

CHARLES THOMPSON

Principal Chief Cherokee Nation.
Attest; W. P. Adair,
Executive Secretary.

INDIAN JOURNAL

Maskogee, Ind. Ter.
Thursday, July 31, 1879
Vol. 3, No. 47
M. P. Roberts, Editor

SPEECH OF D. W. BUSHYHEAD

Friends and Fellow Citizens of the Cherokee Nation.

We are here to-day to discuss the important questions that pertain to our National existence and welfare. Our tribal organization has been maintained, and we still retain the inestimable boon of liberty and the right of self government. In considering whom you should select as your representatives in the future, it is well to refer to the history of the near past, and to those who have been called to serve you: to examine the record they have made for themselves, that you may approve the good and discard the unworthy or incompetent and wisely correct the errors of the past if any there be.

The Cherokee people in regular Convention assembled, according to the laws and usages of our country have placed Rabbit Bunch and myself in nomination for the

office of Principal and Assistant Chief. We were both in the Convention four years ago with the leading men of the Nation when the National Party was formed. Delegates from every District were present. We were in council together when the platform of the National Party was adopted. By the principle of that party we stand. Having been regularly nominated by that party without solicitation on my part, without even a knowledge that it was contemplated to place me in nomination. I have accepted the high trust offered me and heartily endorse every principle of that platform. By the action of that party we shall abide. Had some other name been placed in nomination I should have accepted that man as my candidate and given him my hearty support.

For the information and guidance of the people of this nation, I will make a report of the trust confided in me. In November, 1871, by the unanimous vote of the National Council. I was elected Treasurer of the Cherokee Nation, and I assumed the custody of your National funds under a bond of \$75,000, for the faithful care of your money and performance of the sacred trust. This bond was signed by the best and

most responsible citizens of the Nation, irrespective of party or political difference of opinion. During the first four years of my official service there came into my hands in 1872, \$126,884.47; in 1873 \$90,869.74; in 1874 \$293,841.91; and in 1875 \$456,534.53. Total \$968,130.65. In November 1875 you re-elected me Treasurer and I filed a new bond in accordance with law in the sum of \$80,000. This was also signed by the best men of the nation irrespective of party. From that day to this (including, however, only one-half of the present fiscal year) I have received from the Secretary on the Interior in 1876, \$148,617.57; in 1877, \$163,259.30; in 1878, \$153,251.42; and in 1879, \$71,895.24. Total, \$537,023.53.

The source of your income was as follows:

General fund,	\$512,595.89,
School fund,	401,829.64,
Orphan fund,	154,947.91,
Asylum fund,	23,816.65,
Proceeds sale of lands in Kansas, ..	91,964.09,
Purchase of buildings. etc., for Orphan	
Asylum,	20,000.00,
Institution for indigent Cherokees, .	75,000.00,

Asylum fund for deaf, dumb and blind, ..	\$25,000.00,
Bread money,	200,000.00.
Total,	\$1,505,154.18

The records of your National Council will show vouchers for the proper expenditure of this money, (except the amount now on hand) in accordance with law and specific acts of appropriation by them. And they will so show that I am the only Treasurer who has settled with the Council since the war. That I have received during the seven and one-half years of my official connection with you the sum total of \$1,505,154.18, being a much larger sum than any Treasurer of this Nation ever before received and accounted for to your Council.

The outstanding indebtedness of the Cherokee Nation including the past (1st and second 2d) quarters of the fiscal year ending Sept. 30, 1879 will approximate \$210,000. January 1876 the Congress of the United States passed an act to provide for the sale of certain lands lying in Kansas, known as the Cherokee strip. The act of Congress names the price at which they shall be sold to actual settlers, to wit: \$1.25 per acre, and all the said lands remaining

unsold after one year from the date at which they were so offered, shall be sold by the Secretary of the Interior for cash, at not less than \$1.00 per acre. The terms of the sale is conditioned upon the approval of the National Council. The National Council approved of the sale of said lands December 1st, 1877 in accordance with act of Congress, and provided: That the proceeds should be applied to the payment of our outstanding indebtedness. I learn through the attorney for the Cherokee Delegation, that by the time your next Council convenes there will be from 100,000 to \$150,000 on hand to pay off our National warrants. This large debt has been made for services rendered the Nation by the people as guards, jurors, witnesses, interpreters and for board bills. This script has been sold by the people at from 25 cts. to 40 cts. on the dollar. Out of this debt of \$210,000 the actual amount received by the people has been \$75,000, while by selling their script at 25 cts. and 40 cts. on the dollar they have lost \$135,000. The Nation has to pay this debt dollar for dollar. The money comes from the sale of Cherokee lands in Kansas, and by the time this debt is paid

there will remain to the Cherokee people in Kansas 67,830.99 acres and fraction over, out of nearly half a million of acres the Cherokees owned but a few years ago. I would ask you, my fellow citizens, to think of the situation of our financial matters. It is the life of our Nation. No more land to pay future indebtedness.

When our indebtedness is canceled we have the more difficult problem to solve: how to avoid running into debt. How to carry on our government, our schools and our charitable institutions within our current receipts. How to avoid extravagance in the future. It has been a principle of my life to endeavor to always live within my means, to create no debt that I did not see my way clear to pay when promised. The same principle, I conceive, should apply to the management of the affairs of Government. No country can prosper weighed down with debt, for the burden is felt and has to be carried by the people. The National party of the Cherokee Nation is committed and pledged to economy and reform in our financial matters. If elected as your executive my best efforts will be given to reduce our expenses within our income. In

regard to the lands west of ninety-six, a commission was appointed January 1877, by the Secretary of the Interior to appraise these lands. This Commission examined and appraised 6,574,576 acres. The amount the Cherokees will receive from the sale of these lands will be \$3,174,042.32, Arrangements have been made with the Secretary of the Interior under which he is bound without delay to transmit to Congress the necessary recommendations and estimates for funds to secure our nation in the amounts due on account of all these lands, by appropriations at the next session of Congress, at which time so much of these funds as our people may desire paid them per capita, may be set apart by our National Council, as provided by Article 23, of the Treaty of 1866.

Thus you will see that such portions of this fund as the people may desire shall be set apart by the Council and so far as I know the sentiment of the people, it is that after the amount for the school and orphan fund is taken out, the remainder shall be divided per capita.

I shall briefly refer to a source of expenditure that I conceive may well be reduced without detriment

to our interest or endangering our national existence. I refer to the amounts expended for delegations at Washington. I fully recognize the necessity for a representative of Cherokee interests near the American Congress, and I am persuaded the compensation allowed should be large enough to command the highest talent and ability we have. Yet I am convinced that much has been needlessly expended, and that threatened danger might have been averted had we relied more upon the justice of our cause, upon our treaties, and upon the fairness of Congress and the American people. The following are the amounts for each year, and which have been paid by me as Treasurer, and drawn by the Delegation at Washington, under the provisions of the 23d article of the Treaty of 1866:

1871,	\$ 12,160,
1872,	6,900,
1873,	12,170,
1874,	29,128,
1875,	30,000,
1876,	3,300,
1877,	6,023,
1878,	10,000,

Making a total amount of \$109,681 from 1871 to 1878.

In addition to the above amount I have paid \$64,171.10 to attorneys for services rendered by them. This you will see the amount expended for delegations and attorneys fees approximates very nearly to the amount of our public debt, amounting in the sum total of \$173,852.

I will now show you the approximate amounts expended by our sister nations for delegations in the last eight years. These amounts were obtained from the Chiefs of the following nations: Chickasaws \$15,000, Choctaws \$10,000, Creeks \$30,000, Seminoles \$10,000, making the sum total of \$65,000, also showing that the Cherokees have spent \$108,852 more than the four nations above named. I will now show you under whose administration this sum of money has been expended. The Delegates for 1871 and at the extra session of Council in October 1872 were appointed by Lewis Downing. The cost of these Delegations was \$19,060. Louis Downing died the 9th of November, 1872. Mr. Ross was elected by the joint vote of the National Council, November 13th, 1872 to fill the vacancy occasioned by the death of Louis Downing. The Delegations for 1873 and 1874 were appointed by Mr. Ross. They cost

\$41,298. In addition to the above amount I paid \$59,000 of attorney's fees, making the amount expended for the three years administration of Mr. Ross the sum of \$100,298. During the present administration of Charles Thompson there has been expended on account of Delegations and attorneys, \$54,494.10. In my report to the National Council in 1876 I used the following language:

"In regard to delegates, two in my opinion would be sufficient to attend to all matters of National importance at Washington, or the appointment of a resident agent as provided by our laws and the 22d article of the Treaty of 1866. By the reduction of the number of Delegates a large amount would be saved and the interests of the people as well attended as heretofore."

These were my views three years ago, and the events of the past few weeks tend to establish their correctness then as now. In all encroachments upon our National rights by members of Congress stimulated by avaricious corporations or unprincipled individuals, a strong reliance may be placed upon the plighted faith of the United States Government; upon the President

and his cabinet of advisers; upon the honor of the majority of the members of Congress; upon the newspapers of the United States, and their readiness to expose all schemes of corruption, trickery or fraud sought to be perpetrated by their political opponents; and lastly but not least, upon the unswerving honesty of the mass of the people of the United States, and their consequent disinclination to permit a wrong to the Indian people when once they are informed of their rights under the treaties and the laws.

I recognize the necessity of delegations to look after the interests of our people. But I differ as to the number required and the amount of money deemed necessary to expend on that account. As remarked recently in my hearing by an ex-governor of a sister nation speaking for themselves: "We have expended all our money in purchasing members of Congress; in paying for their silence as well as for their votes, till now we are nearly bankrupt -- our money all gone -- and still the agitation continues. Yes, and will continue as long as we have any money to spend." This is the feeling among our sister nations, and I am in favor of a consolidation of the Five Nations in our common interests, for the reduction of the number and expense of Dele-

gations at Washington, instead of the Cherokees sending from two to five, and the total number from this Territory at twenty to thirty-five, including interpreters. It may be by a union of interests that one from each nation or even less could do all that these twenty-five representatives have done and save to the people of the Territory from 20,000 to \$30,000 annually. The amount thus saved might be appropriated to the diffusing of intelligence through the press of the United States and the Territory, and through our school system. This latter I deem the most important element to be considered in the preservation of our National existence and independence. In 1815 John C. Calhoun, one of the ablest of American statesman, used the following language in his debates in the American Congress on the Cherokee Question of that day. He says: "Much of the difficulty of acquiring additional sections of land from the Cherokees and other southern tribes results from their growing civilization and knowledge." What was true then is equally true now, our higher civilization and the sum of our knowledge today, increased as it has been by seventy years of additional experience must be the protection more

to be relied on than the uncertain arbitration of arms or reckless expenditure of money to influence or pervert legislation. Then let us by every means in our power foster education, encourage the attendance of pupils not only in our neighborhood schools, but in our higher seminaries, and I believe that an agricultural college might be established upon a basis nearly or quite self supporting, where we might learn the more lucrative modes of farming practiced in Europe or the Eastern States to supercede the unprofitable manner that now prevails. These schools should be managed, not to furnish a home, or place, or money for the incompetent; not to reward political parties or personal friendship, but so as to secure the highest efficiency and the greatest possible amount of intelligence among the mass of the Cherokee people.

Should I be elected by your votes as principal chief, I would impartially execute the laws enacted by your Council and endeavor to inculcate respect for, and obedience to law.

I would foster by wise legislation the agricultural and industrial pursuits of the people, and recommend more stringent laws for the protection of stock and the

punishment of crimes against that species of property that forms so large an element in the accumulation of wealth to the individual. I would do all that could be done to encourage individual enterprise.

To the adopted citizens of the Cherokee Nation I have a few words to say. I make no broad and glittering promises to win your votes. The colored people were adopted by the Treaty of 1866. All those who returned to this country within six months are full citizens of the Cherokee Nation with rights as complete as any we possess, and no promise of mine can make them more so. To those who may have claims for citizenship they will go before the Council of the Nation for relief. The promises of no man are worth more than this. The Treaty of 1866, the Cherokee people, and the National Party are equally bound to protect you in all the rights guaranteed by that treaty. No party can do more than this no matter what pledges should be made.

The time is past when one man or set of men can rule this Nation, unquestioned by the increasing intelligence of the people.

This country which we have bought and paid for, and for which we have a perfect title, is our home,

and must be preserved to the Cherokee people.

Switzerland is not more dear to the Swiss than our land and our country to us.

They have maintained their independence and form of government intact, although surrounded on every side by differing and hostile governments. So may we. Our men are as brave as the Swiss. Let them be educated as well, as wise and honest in council, and we shall succeed Our women are as intelligent, fair and virtuous as they. Let them teach patriotism and love of country to their children that they too may preserve our vested rights. We have a country to love and cherish with a patriotism as pure as theirs. It is destined, I trust, to as permanent, as noble and useful a destiny. I love its hills, for among them I played as a boy. I love its plains, its forests and its streams, its institutions and its people. Here my kinsfolks and friends were born. In their veins runs the blood of the Cherokee, unmixed with any other race. Here they lived and here many of them have died, and their bones lie buried in every district in this Nation, and here may they rest forever undisturbed, endearing my country to me by all the ties of race, of

blood, and of home. My lot is cast with yours. I yield to no man in my love for my country, my people, and my home. For the maintainence, preservation and development of these, for our peaceable enjoyment, and that we may transmit them unimpaired to our posterity, my life is pledged.

Having thus briefly placed before you my views on the most important subjects to the Nation, I would council a continued faith in the honor and justice of the United States and of the American people. I would rely upon our treaties for the maintainence of our rights, rather than upon the numbers of our delegates. The enormous expenditures of money will not save us from threatened Territorial Bills, and, I firmly believe, the matter can be taken in a great measure from the hands of politicians in Congress when the truth is properly made known to, and we appeal to the American people.

Upon the Platform and principles of the National Party, we invite you all to unite without regard to past political difference or party predelections in the election of the regular nominees of the National Party.

To you fellow citizens, I offer the best years of my life in your service, in whatever place you may assign me, and will fill the measure in your behalf with as clear a record in the future as in the past. Ladies and gentlemen, I thank you for the courteous attention with which you have listened to my remarks.

THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
September 24, 1879
Vol. 4, No. 26
Geo. W. Johnson, Editor

EDITORIAL ON E. C. BOUDINOT

Mentioning the school for Indians and others, which existed in Cornwall, Conn., some fifty years ago, a writer in Sunday Afternoon says. Among others who attended the mission school were two intelligent young men of the Cherokee tribe of Indians. One of them, known among his people as Weite, received the name of Boudinot, from Elias Boudinot, once Governor of New Jersey and for a long time president of the American Bible Society. The young Indian, naturally gifted with a pleasing address and manner was welcomed into the best families of the village. His frequent calls at the home of a prominent resident in time gave rise to some neighborly gossip, but the social life of the parish, usually so quiet and placid, was stirred to a fever heat when news spread far and near that he

was about to marry one of the fairest and most cultivated daughters in the place. Against the wishes of her parents and friends she persisted in her choice and the words were spoken that linked their fortunes for life. The companion of Boudinot, the son of a Cherokee chief, was also enamored with the beauty of a maiden living near the village, and was equally successful in his suit. These love affairs seriously disturbed the feeling of the community and hindered the progress of the school. The Indians with their brides returned to their nation, then occupying a portion of Georgia. Boudinot became conspicuous among his people as a scholar, edited a newspaper, and during the administration of Andrew Jackson took a leading part in the arrangements by which the tribe were removed to Arkansas. Ridge, then one of the chiefs of the Cherokees was in sympathy with this movement, but a strong party was opposed to leaving the burial places of their fathers. The disaffected portion of the tribe after the settlement in Arkansas, denounced Ridge and Boudinot as traitors and untrue to the traditions of the people, and in their bitterness they clandestinely murdered them.

THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
Vol. 4, No. 33
November 26, 1879
E. C. Boudinot Jr., Editor

LETTER OF E. C. BOUDINOT, TO THE CHEROKEE PEOPLE

With this issue of the Cherokee Advocate--
your paper -- I take the responsible and arduous position
of its editor, having been elected to that place by
the National Council for the ensuing two years.

The law defines my duties in a general way
The paper can never contain anything of a partisan
or personal character --" I shall take care that
it does not. I shall also constantly endeavor to
keep before you the condition of our affairs with
the United States Government to which you cannot
give too much attention -- for our greatest danger
is from that quarter. I shall also attempt weekly
to give you the news, gleaned from exchanges and
correspondence. The ADVOCATE can never be eminently
successful as a newspaper as long as it remains as
it does -- remote from any telegraph or railroad

line -- and I wish those to remember this who may be disposed to judge the paper hastily on account of news that to them may be stale. As the defender and Advocate of Indian rights, I can only say that every thing that the paper may contain on the subject will first pass under the eye and be approved by an Indian, one who is identified with Cherokees and whose every right and interest is inseparably connected with theirs. The paper will forever oppose any legislation by the United States Government touching Indian, and more especially Cherokee rights, without first having obtained their consent, and that consent given after a fair and public expression of opinion by our whole people.

I respectfully invite my friends and all friends of the Cherokee Paper to correspond. Any thing of interest that happens in your neighborhoods will be thankfully received.

Very Respectfully,
E. C. BOUDINOT, JR.

THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
November 26, 1879
Vol. 4, No. 33
E. C. Boudinot, Jr., Editor

PROCLAMATION OF D. W. BUSHYHEAD

It was the custom of the Cherokees not a hundred years ago, to give thanks to the "Great Spirit" when their yearly harvests became assured. Their feasts and greencorn dances betokened a strong instinct of gratitude to the Great Giver, struggling to manifest itself in the right way according to their lights. Since then this People, then in darkness, "have seen a great light." Churches and schools now abound among us. We have a good government and good laws, based upon an expressed recognition of the equal natural rights of all mankind. We have accepted the "Golden Rule" from the lips of benevolent apostles of the true religion, as the acknowledged guide of our national and individual conduct, and the results are as we see them -- the blessings of

peace and of increase -- the fruitful yields of industry in various useful pursuits -- a happy, intelligent and growing population, and rich moral harvests, For all this we have cause to join in open thanks and expressions of gratitude to the source whence all our good comes -- a tribute wholly consistent both with our high position and our dependence as human beings -- a sincere offering never to be withheld, but always to be encouraged to be given -- lest a prosperous conditions should foster pride, drown the regard due to others in haughty self-interest and self- enjoyment and so cause blessings to change to curses. Therefore, I, D. W. Bushyhead, Principal Chief of the Cherokee Nation, do hereby designate

THURSDAY, NOVEMBER 27 1879

as a day of Thanksgiving and praise to Almighty God; and I ask that the people of this Nation do assemble in their homes, and accustomed places of worship, on that day, to render the just tribute of grateful hearts to our Heavenly Father for the favors he has so freely bestowed upon us, and to

earnestly seek continuance of his mercies and guidance.

In testimony whereof I have hereunto set my hand and the seal of the Cherokee Nation, at Tahlequah Cherokee Nation, on this the nineteenth day of November, in the Year of our Lord one thousand eight hundred and seventy nine.

D. W. BUSHYHEAD,
Principal Chief

W. P. Boudinot,
Executive Secretary

THE CHEROKEE ADVOCATE

Tahlequah, Cher, Nat., I. T.
January 14, 1880
Vol. 4, No. 39
E. C. Boudinot, Jr., Editor

NOTICE OF D. W. BUSHYHEAD

Tahlequah,
Oct. 29, 1879

Executive Department
Cherokee Nation I. T.

All physicians not citizens of the Cherokee Nation, desiring to practice the profession of medicine in this Nation, who have not heretofore proved a satisfactory examination before the Board entered by an act of the National Council, entitled "an act in relation to physicians" approved Nov. 23, 1873 and amendatory act approved Nov. 1876, are hereby notified to appear before the Board for examination, without delay, and failing to do so will be deemed intruders, and reported as such to the proper authority, and their removal from the

Nation be required. The Board will be convened in
Tahlequah by Dr. W. T. Adair president, whenever
desired by any applicant for examination. By the
Principal Chief.

D. W. Bushyhead,

W. P. Boudinot,
Secretary.

INDIAN JOURNAL

Muskogee, Indian Territory
Thursday, November 11, 1880
Vol. 5 No. 10
M. P. Roberts, Publisher.

ANNUAL MESSAGE OF D. W. BUSHYHEAD

In conformity with the Constitution of the Cherokee Nation, we have again assembled to legislate for the mutual and general interests of our people. Though the duties devolving on you may at times seem arduous and difficult, you should constantly devote to them your best effort and undivided attention.

Upon this occasion the Constitution makes it incumbent upon the Executive to give to the general council information respecting the nation, and recommend to their consideration such measures as he may deem expedient to assist in legislation for the best good and general interests of our people.

Before I proceed, let us return our heartfelt thanks to the Supreme Ruler of nations for the blessings of peace vouchsafed our nation, for the continued good health of our people, and for the almost unexampled prosperity they have enjoyed the past year. The abund-

ant harvest of the past season has made all hearts glad.

We are at peace with our sister nations and with the United States, and, better still, we are at peace with ourselves; no internecine feuds or domestic strife retard our progress or distract our efforts to improve our condition. For all of these blessings I trust we feel truly thankful and appreciate them at their high value.

It was with a feeling of diffidence, and to a degree, with a distrust of my ability to govern the Cherokee people as wisely as I ought, that took the place assigned me by their voice one year ago. In all wherein my administration has been successful I have been indebted to the intelligence, the patriotism, and the support of the people, which they have freely given, and to their prompt acquiescence in, and obedience to law.

It is with profound sorrow that we refer to the inroads made by death among our public men within the year. Situated as we are, where each prominent man is known by all, it becomes a private grief as well as a public loss.

It is with feelings of deepest sorrow and regret, that I inform you of the death of Hon. William Penn

Adair, Assistant Chief of the Cherokee Nation. He died in the City of Washington Saturday, Oct. 23d, at the age of 50 years. It is not necessary for me to repeat the history of his life, for his life is a prominent part in the history of this nation, and embalmed in the memory of all its people. But one other man, John Ross, has been permitted by Providence to serve your people so long and so well. Born in the old nation, Colonel Adair removed to this country in 1837. The foundation of his education was laid in our public schools, to which he added in the States, until he rose to the prominent position of an eloquent member of the bar, of the Supreme Court of the United States. In 1852 he was elected to the Senate of your legislature, in which he has served since almost continuously. In 1867 he was sent by you to represent and defend interests in Washington and ... since, with but two exceptions. In 1879 by the votes of our people he was elected to serve assistant chief for four years. In the discharge of this honor and trust he acted well his part. A faithful honest and true patriot, and able statesman and kind friend, his death is a National loss -- it is more, it is a loss to the Indian race, and will be felt keenly by every Nation and tribe, for his voice has been heard in appeal or defense for all, and they, as well as we, have looked up to him as a leader,

counsellor and guide.

In the death of Hon. John Landrum, Judge of the Supreme Court, the Nation loses an able jurist, a courteous gentleman, an eminent citizen, one who has filled every place assigned him to the satisfaction of a grateful people. He was an honor to the bench, to his District and to the Nation.

We are also called to mourn the loss of a prominent member of the National Senate, Hon. Walker Daniel, of Delaware District, personally known to nearly every one present. You will join me in testimonials of respect to the memory of an able and useful member of the Council, a public spirited citizen and one whose private virtues are worthy of public emulation.

The death of Ross T. Carey, another prominent citizen of Delaware District, who so ably filled the office of clerk of the court, fills up the measure of sorrow in that afflicted portion of our Nation.

APPLYING THE PENALTY FOR INTRUSION.

During the year just concluded efforts have been made by certain lawless citizens of the United States outside of our domain to effect a lodgement in what has been described and known as the Indian Territory. They.

have formed colonies and entered upon and taken possession of lands within the limits of the Territory, set apart for, and by the solemn faith of their government consecrated by treaty to certain specified purposes. These colonies have been promptly removed by the military authorities of the United States and a part of the leaders, to-wit, the so called Capt. Payne and his companions, turned over to the U. S. court for the Western District of Arkansas for trial.

Pending this trial Payne and other parties have formed other colonies, admitting any one on paying the membership fee. According to report these various companies have an enrolled membership of 1800.

In view of the importance to the entire Territory of the result of Paynes trial as a means to discourage and prevent intrusion, I addressed communications to the governors and chiefs of the Choctaw, Creek, Chickasaw and Seminole nations, with a view to unanimity of action in a common defence of the rights of all.

On the 20th ult. with D. W. C. Duncan representing the Cherokees, ... at Eufaula, Muskogee nation, ... McCurtain, Ex. Gov. Wright ... Capt. J. S. Stanley of the Choctaws; Gov. B. F. Overton of the Chickasaws, G. W. Grayson of the Creeks, Thomas Cloud of the Seminoles,

representing their respective nations. The council was harmonious, and unanimously determined to co-operate hereafter. The details of this conference will be made the subject of a special communication.

THE NATURE OF THE TITLE OF THE FIVE NATIONS.

As the pending question is in regard to Payne's right, and that of his followers, to settle upon certain lands ceded by the Chickasaw and Creek Nation for certain special purposes -- the right to which land when the cession was made being the same in those Nations as ours is now to the country we have reserved -- it may not be amiss to state what that title or tenure is.

Ours is not a mere title of occupancy, but a title in "fee simple" under patent from the United States Government, dated December 31st, 1838. It was certified under date of March 18th, 1880, as follows:

"I, J. A. Williamson, Commissioner of the General Land Office, certify that the annexed copy of a patent dated December 31st, 1838, in favor of the Cherokee Nation is a true and literal exemplification from the records of this office."

This patent was made in accordance with an act of Congress dated the 28th, day of May, 1830, which

authorized treaties to be made with certain Indian tribes, including the Cherokees. Such treaties were afterwards made, and a formal and solemn pledge made in each that the authorized patent would be given, as the most emphatic and unquestionable assurance of right to soil that the government could give. So our present right to the country we occupy was derived, as well as that of the Choctaws and Chickasaws, the Creeks and the Seminoles.

This to us makes a perfect title, to our lands which can only be transferred, with or without conditions, by our own act. No subsequent act of Congress, without our consent, can rightfully change it -- no decision of any court can lawfully invalidate it.

As to our Government, the treaty of 1836 guarantees to the Cherokee people the right to self-government, according to our own laws, manners and custom, that no laws of any State or Territory shall be extended over us, nor that any State boundaries shall encroach upon us.

Upon this title -- this deed -- and upon these guarantees we rely, in full faith that they will be respected and duly observed by the United States Government.

By the removal of Payne and his band of outlaws

we know that the United States is fully determined to defend our rights from the unlawful encroachment of any of their citizens.

We cannot believe that Payne and his aiders and abettors represent in any degree the honorable portion of the people of the United States. We regard them, justly we think, as the "guerillas," so to speak, of American society -- the infamous Cortez and Pizzaro element of freebooters and robbers, as contra-distinguished from the honest Anglo Saxon Race who control and dictate the policy of that Nation. Relying upon the faith -- believing in the promises and guarantees of the latter, we will go on developing our resources, and increasing our fund of intelligence and wealth to the best of our ability.

FINANCE

Is a subject that should have your special attention, at all times, associated as the subject is with every act of Government. Without money, and a prudent care and use of it, whether much or little, progress of the individual or of the Nation is impossible.

I have made application to the department at Washington for a tabulated statement of our funds in

the hands of the United States, and the amount of interest annually accruing, which statement I hope to be able to lay before you at an early day.

The amount of our National indebtedness on September 30th, 1879, was \$197,661,22. This amount has been reduced by the payment of \$82,724,80, derived in part from the sale of the Kansas strip.

The sum of \$50,354,17 is available from the same source to reduce the Public Debt as it now stands.

An approximate statement of all of our investments may be made as follows:

General fund.....	\$1,373,515,43
School Fund.....	883,198,90
Orphan Fund.....	352,062,60
Asylum Fund.....	64,147,17
Total.....	\$2,672,924,10
Bearing an Annual interest of	\$136,043,70

This statement may be modified by the official statement from the Department, as some changes have been made in the rate of interest paid. Our warrants have appreciated in value, and National Certificates, from 30 cents on the dollar, at which they were selling September, 1870, to 80 cents on the dollar, their present

value. This increase of the value of our National paper, so important to the people as well as to their Government, has been brought about by rigid economy in expenditures, and by increased receipts.

The current expenses of the Government, for judicial and other objects, exclusive of the salaries of officers, has amounted during the fiscal year ending September 30, 1880, to \$18,474.50.

This sum has been nearly balanced by the receipts from cattle grazing west of the Arkansas river, and from other sources of revenue.

EDUCATION.

Prominent among, and perhaps foremost in the elements of the preservation and advancement of nations as well as of individuals, is that of education. The more intelligent a people, the more wisely and carefully they govern themselves, and the more faithfully will the Representatives to whom they necessarily delegate a portion of their duties, watch over their interests. It is intelligent public opinion that guides the law-maker, and it is the fear of a just criticism that holds the statesman in check.

Our school system is new in practice, and it is

not to be expected that any new system, however good, will not develop defects in carrying it out. It is the part of wisdom in such a case not to wholly demolish, but to repair and improve.

A statement of the condition of our school funds in one respect will convince you that a very grave error was committed in regard to their management when the high schools were established.

On September 30th, 1875, there was in the treasury of the Nation, to the credit of the School Fund, a surplus of \$89,272.21. A wiser system would not have provided for the expenditure of this large sum in a few years, without providing at the same time that both High and Primary schools should be carried on upon a scale commensurate with the public needs, when the surplus funds should have become exhausted.

I do not wish to criticize or blame, but it is necessary that I should call your attention to this truth in connection with the assured fact that the surplus funds are now almost wholly expended, and that such an improvement must be made, and made at once, in the economical management and expenditure of the school fund, as will, if possible, accomplish the objects of Primary and High schools by means of the regularly

accruing school fund alone. In order to accomplish this object, I respectfully suggest, in regard to the Primary schools, that the number be fixed, and the schools apportioned among the several districts according to population, as shown by the present census.

In reference to the same class of schools, I suggest that the required average be increased, and that they be so graded as to allow an increase of compensation to teachers who prove themselves to be competent, efficient and successful, after trial, in the double regard of the advancement of the pupils and the number attending.

In regard to the High schools, I suggest that some plan be devised to bring the expenditures for board, &c., within more explicit limits -- either by defining the duties of the Board of Education, more particularly in such respect, or by declaring by law what shall be necessary to be furnished both departments of each institution, in the way of supplies and labor, and authorizing the furnishing of such supplies by contract.

The Cherokees have an ample school fund, and the utmost care should be exercised in the application of that fund, in order that the people who entrust you

with its management may derive its fullest value.

I suggest and recommend the establishment of a manual labor department in connection with the Male Seminary. I am satisfied such a department, suitably conducted, would be of great benefit to our young men in giving them a practical knowledge of farming, without interfering with their mental culture. The soil is the best friend of our people. It is well called "Mother Earth," and how to utilize the blessing should be an especial object of the training and education of our youth -- situated as we are, as a nation.

THE CENSUS OF 1880.

In conformity to the Constitution, the last National Council provided for making an enumeration of citizens in the year 1880. The work was mostly accomplished by the appointed census takers during the months of March and April, and a "summary" of the returns has been prepared, and is herewith submitted to your consideration, as required by law.

So far as the list of resident citizens is concerned, I consider it to be desirable that the occasion should be made use of to make such list as complete and authentic as possible, for two reasons:

First -- Because it is all important that there

should be for ready reference an authentic and reliable record of the names of all citizens recognized as such by general usage and acknowledgement, and through special enactment of Council; also of all persons residing with us under permit; also of all intruders, so that at any future time it shall be practicable to ascertain by reference to such record who are entitled to the common land of the nation, and who are not.

Second -- Because there should be the same complete and reliable record to refer to in case, as is reasonably expected, there should be another per capita division, so that none shall be excluded who are entitled, and none participate who should be excluded -- such per capita payment consisting of a division of the surplus funds of the nation, that may reasonably be looked for to accrue from the sale of lands west of 96°, after the general, school and orphan investments have been conclusively shown to be large enough for reasonable present and future purposes.

I respectfully recommend that your honorable bodies appoint by law a joint committee authorized to review and formally approve or amend by addition or otherwise the work of the census takers, in view of the highly important objects just mentioned; and that after

the work of review and amendment is carefully, and fully completed, you authorize an alphabetical list of all resident citizens, and the same of all resident non-citizens at the time of taking the census of 1880, to be made for permanent deposit and use as a record, in the Executive Office of the Nation.

I do not by any means propose that the Council shall regard each and every person reported as a citizen by the census takers, as a claimant to be admitted or rejected according to the opinion of the Council, without formal evidence or trial. What I suggest is, that the work of the census takers be first examined for any palpable errors of commission or omission, with the view of more completely and effectually carrying out the intention of the law authorizing the census to be taken -- which is, as I understand it, the enrollment of all resident citizens, acknowledged as such by special law or by usage -- leaving all doubtful cases to be investigated, as before, by the Committee on Citizenship; and when their work shall have been so reviewed, and all omitted names added that should be, that the list be endorsed, formally authenticated, and provided to be put in a suitable shape for speedy reference when desired.

I cannot too urgently press upon you the importance

of this work in order to avoid future complications and embarrassments associated with the question of citizenship and rights of individuals to the benefits of the common land and funds.

I suggest, also, as a means to effect the same object, that the marriage law be so amended that the fact of a marriage shall be recorded by the District Clerk before the marriage shall be held to be a legal one.

DISPUTED CITIZENSHIP.

The question pertaining to claims of citizenship should be settled justly and soon. Each year's delay only complicates matters more and more. That part of the question relating to the colored people is still more complicated because the question is not simply one of blood and relationship, but also one of time and ownership.

Article 9 of the treaty of 1866 specifically provides that "all persons who have been liberated voluntarily or by law, as well as all free colored persons who were in the country at the commencement of the Rebellion, and are now residents therein, (July 10, 1866,) or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

This is a promise that we as a nation have made. This portion of the treaty is equally as binding upon us as any portion of the same or other treaties is upon the United States. We cannot conscientiously ask the United States to strictly and literally comply with the provisions and guaranties of treaties, unless we ourselves are willing to be equally bound. I trust you will take up the question and settle it as soon as practicable, and finally, upon the basis of the treaty. This is due to them. It is equally due to us and to our honor.

I have been informed that you will be called upon to meet one or more Commissioners on the part of the United States, who have been appointed by that government to confer with you as to the mode of ascertaining the real status of doubtful colored residents.

LANDS WEST OF 96° AND BENEFITS THEREFROM.

The Cherokee lands west of 96° of which we have the right of occupancy and jurisdiction, under the treaty of 1866, except so far as they may be occupied and settled by friendly Indians, under operation of said treaty, may, by prudent management, be made a source of large revenue from the grazing of cattle thereon by non-

residents. For years they have occupied the land for such purpose, undisturbed and free from tax. The tax imposed by Art. 1st, Chap. 12th of the Revised Code, for the grazing of cattle, is applicable only to the organized Cherokee Nation, where it is practicable through the sheriffs to collect such tax. The tax for grazing upon the domain west of 96^o, being left to the discretion of the Treasurer, was temporarily put at what was considered a reasonable amount, and the policy was adopted to insist upon its payment or the removal of all non-resident grazers from the country. The result has been a considerable income (\$7,500) to date, from those who have heretofore held the range and evaded heretofore paying any sum whatever for the privilege. A large income may be expected to be derived from this source in the near future, should the business be wisely managed.

A committee of stockmen grazing cattle west of the Arkansas River, it is expected, will visit your Council with a view of agreeing upon some satisfactory plan, including the amount of tax which they should pay in consideration of the protection thereby afforded them as stock grazers in that section of our domain. Our right to levy such a tax has been recognized by

the United States, and they are willing to comply with our laws.

TROUBLE WITH COLORED CREEKS.

I cannot avoid mentioning the difficulty and danger into which our Nation, that of the Creeks, and indirectly the whole Territory, were thrown by certain hasty, ill-advised and unlawful acts committed near Gibson station last summer. I would remark in reference to the whole business that the attempt of any person or persons to ignore the Judiciary, and to take the law in their own hands, except in a clear case of self defense is replete with danger and disaster in every light. Often it is positive injury to innocent parties as well as to the participants in the unlawful act.

The question of jurisdiction growing out of the proximity of the boundary line to the point where the killing of Cobb and wounding of Cowan occurred, was submitted to a committee of four -- two Cherokees and two Creeks -- with the United States Indian Agent, Hon. J. Q. Tufts, as final arbiter, should the others fail to agree. There being raised a question of doubt between the Cherokee and Creek members of the commission, they failed to agree. The decision of the Agent,

officially rendered to me, approves the judgment of the Cherokee portion of the Commission that this Nation has jurisdiction of those accused of the killing of Cobb, as far as the fact is concerned that "the killing was done in the Cherokee Nation." Prompt, and I trust effectual measures will be taken, according to the recognized "compact" between the Creek and Cherokee Nations, to bring the accused parties to a fair and impartial trial. Such will be the "due course of law" required in such matters by the Cherokee Constitution, which provision is, and shall remain, so far as Executive authority may be exercised, a promise of protection to the innocent, as well as punishment to the guilty.

THE JAIL.

If the condition of the finances, in your opinion, permit an expenditure for that purpose, I respectfully suggest that an appropriation be made for the establishing of work-shops in connection with the jail, by means of which, with proper management, the prisoners will be taught some useful trade, and the institution at the same time be made in a larger degree self-supporting. It is plain that the intention of the law, both as regards the punishment and refor-

mation of the convict requires him to be profitably employed while confined. If so employed the expenses of his board and clothing to the Nation will necessarily be reduced to a minimum, or to nothing. But a suitable expenditure of money for material, etc., with prudent regulations in regard to the use of the same, will first be necessary, should the plan be adopted of teaching the convicts useful trades.

The receipts from convict employment are greater, while the expense of keeping them is less than last year in spite of the very unfavorable condition in which the jail was taken in charge by High Sheriff French.

CARRYING DANGEROUS WEAPONS.

The pernicious and dangerous practice of carrying deadly weapons should, if possible, be more strictly restrained. Too many accidents and affrays, resulting in the loss of valuable lives, have occurred in times past in consequence. I respectfully recommend that the law "prohibiting the carrying of weapons" be so amended that the cost of trial shall be attached to the fine in every case of conviction.

CHEROKEE ADVOCATE.

The expense to the Nation of the Advocate for

the year 1879, ending November the 18th, was \$10,216. The receipts reported amounted to only \$248.00. The expense of the same public institution from Nov. 18, 1879 to Sept. 30th, 1880 has been reduced to \$3,600, and its receipts according to the editors report increased to \$500 accounted for to the Treasurer and \$187 cash, besides \$280 still due for advertising and upon other accounts.

The "Cherokee Advocate," is an exponent to residents of their duties and to non-residents of our rights, and to both classes of readers is a medium for the communication of official acts and of current local news. It is in short the National Organ which the Government has established and supports in order to realize to some extent the well known power and far reaching influence of "the Press" which in our case is the voice of a people who own lands and funds in common -- whose Government and property rights are constantly assailed, and who need to make use of effective instruments in self-defence.

The attention of the Council should therefore be directed to the inquiry how far the National Journal, with such economical management as is practicable under the circumstances of our condition, answers the object

of its establishment. And the same general observation will apply to every Public Institution.

COMPILING THE LAWS.

The compiling and printing of the acts of the National Council now in force is a matter that cannot longer be delayed. Quite all of the printed copies of the law passed since ... inclusive are distributed, and if all were at hand, it would be now almost impossible for the citizen to extract from the mass of matter the statute in force. In the meantime, it cannot be denied that the members of our Nation should be given a fair chance to become acquainted with the laws which they are required to obey. I respectfully submit the matter to your considerate attention.

AGRICULTURE.

Coming as you do from all sections of the Nation, where you live and are aware of the needs of your constituents, I abstain from giving you any suggestions in reference to labor or in regard to the encouragement of any special production of our soil. I would only urge upon your honorable bodies to foster and encourage the material interests of the country by such wise legislation as you may have ascertained that the country requires.

THE DELEGATION.

In regard to the very important matters placed in charge of your delegation to Washington to transact, I will say that you will no doubt be fully informed thereof through the official report which they will submit to your honorable bodies as required by their instructions. I have however been informed through the office of the United States Agent that a Commission will be appointed by the Department at Washington, by suggestion of your delegates, to settle with the Government at, or subsequent to, this council, the mode of determining the status of all claimants to Cherokee citizenship -- more especially that of colored claimants.

In the meantime, as one of the results of the arduous labors of the delegation, the U. S. Agent has been instructed to remove all persons whom he shall be officially notified to be intruders, except such as shall be able to make out before him a "prima facie" right to citizenship in this Nation.

I have been officially informed by the Delegation that their efforts, to a large degree, were necessarily expended to obtain the means of subsistence for our people, owing to the failure of last year's crops. They first obtained for the purpose the sum

of \$26,651,70 premium upon bonds, which sum was made applicable for relief by their instructions, as "not drawing interest." This sum being much too small for the object in view an arrangement was afterwards made with the Government, by which the additional sum of \$300,000 was obtained for the relief of the people. The whole has been duly divided ... cap. among those reported ... by the census takers as required by law. This last and larger sum ... partial payment for on, land west of 36 degree and the obligation of the U. S. Government to pay for the lands at the price fixed may be considered acknowledged and settled.

In pursuance of this fixed price, after deducting the \$300,000 recently received and divided and the \$200,000 taken from our investment five years since, to distribute per capita for relief, and which latter sum is provided by law to be restored from the proceeds when obtained of the lands west of 36 degrees -- the large sum of \$2,674,000 will remain to be realized from those lands.

I favor the acquirement of this money as soon as practicable, and a division of it per capita after the several funds shall have been sufficiently enlarged to accomodate all present and prospective National needs.

In consideration of the unsettled state of important National interests at Washington, and the necessity of being represented there during the sessions of Congress, I respectfully recommend the appointment of a delegation by your honorable bodies.

The following report, of officers are herewith submitted:

Of National Treasurer, Board of Education, Auditor, High Sheriff, Editor Cherokee Advocate and the Summary of the Census of 1880.

The repairs of the Insane Asylum building, authorized by the last National Council, are nearly completed, and will be made the subject of a special communication.

IN CONCLUSION.

Gentlemen of the Council, allow me to express my grateful recognition of the courtesy you have at all times extended to me as your Executive, of the valuable aid you have rendered my administration, and I know that I will not appeal to you in vain for your continued support and counsel in the future.

My highest ambition shall be, with your aid, to govern the Cherokee people well, to guide them through wise legislation along paths of prosperity and peace,

to increase their store of material wealth and happiness. I desire that our people as far as practicable become the equals of any race on earth, in intelligence, and in the possession and practice of those virtues that lead to a higher life.

With a firm reliance upon your wisdom and patriotism, and an implicit faith in a beneficent Ruler of the universe who will guide and direct your deliberations to the greatest good of the Cherokee people, I submit this my second message to your consideration.

D. W. BUSHYHEAD,
Principal Chief.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Nov. 17, 1880

Vol. 5, No. 29

W. P. Houdinot, Jr., Editor

PROCLAMATION OF D. W. BUSHYHEAD

In compliance with a time honored custom of Christian nations which grows the better the longer it is well observed I, D. W. Bushyhead Principal Chief of the Cherokee Nation do hereby appoint Thursday the 25th of November, 1880 as a day for the Cherokees to devote to THANKS-GIVING to Divine Providence for the many blessings for the past year. The Cherokees have been much favored in health and in the results of their energy and industry. Their crops have been abundant, the sun has shone and the rain has fallen upon the "just and the unjust" alike. Both classes have cause to be thankful but it is the just who are and will be so. I call upon all the people of our Nation to praise Him who hath quickened our dust to a feeling of kinship with Him and with our fellow living creatures. Gratitude to the giver enters largely into the true enjoyment of every good thing but feelings of benevolence and acts of kindness

signs of gratitude. In the end perhaps, the most cause we will find to be grateful will be in our gratitude itself. Although material blessings have been showered abundantly upon us there must be many who from what is called accident or misfortune, have cause to be sorrowful. One cannot remember his own joys and cause for joy and forget these without being selfish. Let us consecrate the 25th to feelings and social exhibitions of thankfulness and sympathy for all.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
Nov. 17, 1880
Vol. 5, No. 29
W. P. Boudinot, Jr., Editor

EDITORIAL ON MESSAGE OF D. W. BUSHYHEAD

. . . . bankruptcy of the school fund, and that very shortly. Various measures have been talked of incidentally, but nothing definite has been suggested in Council. The Chief in his message makes a suggestion that would, if properly carried out, reduce to a considerable degree the expense of the Seminaries. He has thought of the subject and proposes the thing that seems most practicable to him after mature deliberation; if any one opposes such a disposition of the Seminaries let him be able to give a better plan of retrenchment or he will earn and deserve the name of nothing but a fault-finder, and a blind "leader of the opposition." At any rate the success of the schools for many years will depend on the action of this and the next Council. If they do nothing and the present rate of expenditure is continued, before two years from now a school warrant will not be equal to a general fund warrant, and the expenses of the schools will be proportionately

higher for they must be met on a cash basis.

THE CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Feb. 2, 1881

Vol. 5, No. 40

E. Boudinot, Jr., Editor

LETTER OF H. V. BEESON TO E. C. BOUDINOT

Fort Laramie Wy., Terr.

December 26th, 1880

E. C. Boudinot

Dear Sir:

I sent you by mail to-day several papers. In one the Black Hills Times, you will see an item from a Nevada paper, probably that you have never seen before, and which might be of some interest to your many readers. It is in regard to some of the past life of land grabbing, Payne while here in the west and it shows up his real character, and all law abiding citizens should avoid him as they would a snake in the grass. He is not capable of distinguishing the great difference between right and wrong if he would be engaged in the dirty nefarious job of robbing people, who are by far his

superiors in anything but "botching up dirty jobs with a mob of chronic grumblers who have nothing nor never did," not even character; and even if they were to get possession of the entire Territory, it would not be long before they would be casting their green eyed globes around for something else to devour.

Very respectfully,

W. V. BEESON.

Citizen of Delaware Dist.

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THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat., I. T.
February 17, 1882
Vol. 6, No. 41
D. H. Ross, Editor

OBITUARY ON MRS. SALLIE STAND WATIE

Mrs. Gen. Sallie Stand Watie died in Vinita, I. T., on the 1st inst., of pneumonia. This will cause a pang of sorrow to many throughout the Nation who knew her. She was born at Cooscowattie, Ga., and was in her 63d year. A more fitting tribute to her memory appears in another place, written by "A Friend."

THE CHEROKEE ADVOCATE

Tahlequah, Cher., Nat., I. T.
February 24, 1882
Vol. 6, No. 42
D. H. ROSS, Editor

OBITUARY ON MRS. SALLIE WATIE

Mrs. Sallie Watie is dead. She died on the 3rd of Feb. 1882, at Vinita, I. T. She had passed her "three score," and was in the 63rd year of her age. She was born at Coosawattie, in Georgia. On the evening of her death the Presbyterian Minister, Rev. Haworth, called to see her and sat down by her dying bed, put his hand upon her cold brow and said, "Mother, I have come to see you; would you like to have me pray for you?" to which she answered, "Yos, sir." His prayer was fervent and impressive. She expressed herself willing and ready for the expected new life. None of all the loving friends who watched over her during the last hours of her life, doubt but that she had learned to love God years ago. During her life she was kind and charitable, and many there are among the Cherokee People

who know this; no one ever went to her in need but that she ministered to their wants. Possessed of a noble nature, she always chose to look on the bright, rather than the dark side of human character; she sought out the good deeds of others, and overlooked their faults. She was of a cheerful disposition; her good nature easily diffused itself in the society in which she mingled -- making friends wherever she went. As a parent she was affectionate and provident; a neighbor, peaceable and obliging; a friend, faithful and generous. Thus has passed from the Cherokee Nation the last of that patriotic, historic and heroic name -- Watie

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
May 26, 1882
Vol. 7, No. 3
D. H. Ross, Editor

AN ORDER APPROVED BY D. W. BUSHYHEAD

Executive Department,
Cherokee Nation, I. T.,
Tahlequah, May 25th, 1882.

Whereas certain licenses to furnish railroad ties and other material from the Public Domain of the Cherokee Nation to the St. Louis & San Francisco R. R. Co., were granted and issued to certain citizens of said Nation from this Department at different dates, prior to the 27th day of March, A. D., 1882, and during a period when the supply of such material, under contracts made pursuant to such licenses, were refused sanction by the Secretary of the Interior, and,

Whereas, afterward, to-wit: On the 27th day of March, 1882, an agreement was made by and between the Cherokee Delegation and the Atlantic & Pacific R. R. Co., secured by a bond of the latter, duly

approved by the Secretary of the Interior, by the terms of which agreement, the said R. R. Co. was, and is granted the privilege of obtaining R. R. ties and other material from the Cherokee Public Domain, "in conformity to such provisions of law as relates to the subject" of supplying the same.

Now, therefore, in pursuance of my obligation and duty to see the laws faithfully executed, and to avoid and prevent any misconstruction, error, or evasion of the law regulation the matter of appropriating the property of the people in the Public Domain, and in order to conform the furnishing of R. R. material by citizens to the said bond and agreement, all licenses to furnish R. R. ties or material to the St. Louis & San Francisco R. R. Co. of date prior to the 27th day of March, 1882, to whomsoever granted from this department, are hereby cancelled and annulled and declared to be void and of no effect--those under assumed authority of which material has been furnished the A. & P. R. R. Co., being annulled by the special condition thereof, that no delivery of material shall be made before obtaining Executive approval of the bond required by law, and the licenses for supplying the St. Louis & San

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Francisco R. R. Co. with material, having no reference to any company authorized to construct a railroad in the Cherokee Nation, and not being in accordance with the subsequent decision of the Secretary of the Interior authorizing the further construction of the Atlantic & Pacific Railroad in this Nation, nor with the bond and agreement of said Company predicated upon such decision. And I hereby give notice to all citizens who have supplied, or are engaged in supplying, material from the "Common Domain" to the Atlantic & Pacific R. R., to desist from and such further supply as contrary to law until they shall be duly authorized by licenses, granted to supply such Company and no other, and issued subsequent to March 27th, 1882, and until such licenses shall be made operative and valid for the furnishing of such material by bonds satisfactory to and approved by this department, and of which fact such licensed citizens shall have due notice.

No such bonds now being on file in the Treasurer's office, nor legally acceptable under any license heretofore granted and hereby declared void, all citizens who have supplied material from the Common Domain to the A. & P. R. R. Co., and have not given evidence of their good faith in so doing by the prompt payment to

the Sheriff when due, and by him demanded, of the lawful tax thereon, are hereby required to settle with the Sheriff without delay, as required by law, under penalty of being otherwise subject to the charge of wilfully attempting to defraud the Nation of its property and of its revenue, and in violation of the existing law prohibiting the disposal of the timber of the Nation to non-citizens, except as authorized by law in special cases. Any citizen hereafter applying for authority to furnish the Atlantic & Pacific R. R. Co., with material in conformity to the law "relating to the subject," is required to make application for a license in writing, and to set forth therein, for my information, the character of security to be given, whether personal or collateral, including names of bondsmen and description of property to be put in pledge.

In witness whereof, I hereunto set my hand and the seal of the Cherokee Nation, on the date first above written.

D. W. BUSHYHEAD,
Principal Chief.

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By order of the Principal Chief.

W. P. BOUDINOT,

Executive Secretary.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
June 2, 1882
Vol. 7, No. 4
D. H. Ross, Editor

EDITORIAL ON E. C. BOUDINOT

Col. E. C. Boudinot delivered the address
on the occasion of decorating the graves of the
confederate dead, at Fayetteville, Ark., a few
days since.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
September 29, 1882
Vol. 7, No. 21
D. H. Ross, Editor

EDITORIAL ON W. P. ROSS, E. C. BOUDINOT ET AL

The September Term of the Circuit Court for Tahlequah District C. N. convened here last Monday-- Judge G. W. Clark presiding. The occasion brought together an unusually large number of our leading fellow citizens--some as litigants--others as jurymen and witnesses--and still others as spectators. The Bar was exceptionally well represented, in the person of the white headed veteran Col. W. P. Ross, the portly Capt. S. H. Benge, E. C. Boudinot, Jno. F. Lyons, and Translator J. L. Springston--the youthful Geo. Butler, M. Ghomley and Honorable Robert L. Owen--the tall, wiry Lacy Hawkins, Wm. Rasmus and Wesley Walker--the genial Geo. Downing, Solicitor Triplett and others. Among the jurors, witnesses and lookers on, we recognized Judge Sherley, Councillor Osie Hair, Geo. Still, Jno. R. Meigs, Rev. W. A. Duncan, John R. Gourd, Mike Chopper, Sheriff

W. West and a host of others who seldom come to town, but who are men of sterling worth, and whose example for good is felt all over our country. From these many friends, of Tahlequah and other districts, we learn of teeming crops of corn, wheat, oats, potatoes and other vegetables, apples, peaches and other fruits everywhere, and therewith peace and contentment. With these blessings however, there is much sickness among the people, and a terrible visitation among their stock in the shape of the "screw-fly," the hog cholera, and in a few localities, of the murrain.

Judge Clark was on hand at the hour (ten o'clock A. M.) specified for opening Court--and with his customary dispatch organized, and had the machinery of his Court in working order in a very short time. The Criminal Docket as we get it from one of the best Clerks in any country, Mr. Allen Ross, contained but three cases, "To-wit:" Cherokee Nation vs Mack Coates on a charge of assault and shooting at the Jail Guard. Cherokee Nation vs Ezekiel Still and Tim Downing, on charge of disturbing a religious meeting, and assaulting and attempting to kill Blue Hothouse. Cherokee Nation vs. James M. Smith, on charge of criminal slander of

John Taylor. The first two of these cases were,
"Nolle Prosequied" by Solicitor Triplett and dis-
missed. The other was tried by jury and resulted in
the acquital of the defendant Mr. Smith.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
March 23, 1883
Vol. 7, No. 45
D. H. Ross, Editor

EDITORIAL ON LETTER OF CHICOTE TO D. W. BUSHYHEAD

Dated March 12, 1883; a letter from Chief Chicote of the Creek Nation to Chief Bushyhead has been received at the Executive Department within the last few days, in which the Creek Chief enumerates some of the causes out of which have grown, in part, the troubles in the Creek Nation between the two parties there, the Chicote and the Ispahcheher. They are about the same as have heretofore, been given. His version of the killing of Sleeping Rabbit is as follows:

"On the second night after the prisoners were brought here, Sleeping Rabbit and two others asked to go down stairs and permission being granted, guards were sent with them, Sleeping Rabbit going in front of the guards. On reaching the door he opened it, stepped out and shut the door between himself and the guard and broke to run, halt was said, but he heeded not, and then fire was opened

on him, resulting in his death."

Chief Checote further says, "Isparhecher sent Daniel Childers to Washington, who with the aid of a lawyer, prepared a petition to Congress, praying for a division of lands and has now returned to have it signed."

He says likewise: "The majority of the loyal Creeks are loyal to our Government;" that the "Isparhecher party is composed of a few Southern and Northern Creeks, and all are outlaws and desperadoes in the country, such as the notorious pick Glass."

Further on he says: "I am informed that some of the Isparhecher men have returned to the Cherokee Nation. I would therefore most respectfully request that you have all such Creeks, who are not citizens of your Nation, arrested and turned over to the Creek authorities."

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.,
Thursday, March 6, 1884
Vol. 2, No. 25
Wm. P. ROSS,)
J. W. SCROGGS,) Editors

LETTER TO GLOBE-DEMOCRAT

The following dispatch to the Globe-Democrat shows that, so far, the charges of Boudinot respecting the \$22,500 paid out of the \$300,000 fund appropriated for the Cherokees at the last session of Congress, which have been so pompously paraded against Col. Phillips, Chief Bushyhead and the Cherokee delegation, have not been sustained. But few have ever supposed that they would be, or that the movement was for any other purpose than to strike a blow at the Cherokee Nation and its friends, and possibly reap the reward of the informer, or the prosecutor as he is called in this case, which would be half of the sum above stated, or \$11,250.

Washington, D. C.,

Feb. 27.

E. C. Boudinot has failed in sustaining his

charges against Wm. A. Phillips, who received \$22,500 from the Cherokee Indians for procuring for them an annuity of \$500,000. The correspondence on the subject is quite lengthy, and dates back to Dec. 9, 1883, when W. H. H. Clayton, United States Attorney for the Western District of Arkansas, addressed the Attorney General, inclosing a letter received by him from Col. Boudinot. After reviewing the charge Mr. Clayton says: "The contract by which Phillips was to receive the \$22,500 was not approved, as provided by section 2103 of the Revised Statutes, which provides for a civil action, one half to go to the party prosecuting. Under this section Col. Boudinot has brought suit in the District Court for the Western District of Arkansas. I suggest if it meets with your approval that the commencement of the criminal action be postponed until the civil action already brought develops the truth of the charge." Section 2105 makes such a contract on the part of Phillips a misdemeanor, punishable with fine and imprisonment, Mr. Clayton also asked that the matter be laid before the Secretary of the Interior.

SECRETARY TELLER'S RESPONSE

The matter was then referred by the Attorney

General to Secretary Teller, who, in response, quotes the act "that the sum of \$300,000 is hereby appropriated to be paid into the treasury of the Cherokee Nation out of the funds due under appraisement for Cherokee lands west of the Arkansas River, which sums shall be expended as the acts of the Cherokee Legislature direct. This amount to be immediately available provided that the Cherokee Nation, through its proper authorities, shall execute conveyances satisfactory to the Secretary of the Interior of the United States, in trust only, for the benefit of the Pawnees, Poncas, Nez Perces, Otoes and Missouris and Osages, now occupying said tract, as they respectively occupy the same, before the payment of said money. On the 14th of June last, under the provision of said act, deeds were duly executed by the Cherokee Nation to the United States in trust for the several tribes as hereafter stated, and thereupon a requisition was drawn on the Secretary of the Treasury for the amount to be paid in favor of the Treasurer of said nation. I understand that the money was paid by warrant on the Assistant United States Treasurer at St. Louis. The Interior Department was not charged with the distribution of this money, and can have no control over it. I do not know whether any portion of

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it was paid to Mr. Phillips or not. The act making the appropriation declares it shall be expended as the act of the Cherokee Legislature directs. I can't see under this provision how the Treasurer of the Nation can settle his accounts for the money paid out, unless he has paid the same by authority of the Legislature of the Nation."

THE CHARGE SWORN TO

Col. Boudinot then made the charge, duly sworn to, to the Attorney General, who again addressed the secretary of the Interior, stating that the "specific violation of the statute consists in Mr. Phillips having entered into a contract with certain Indians, not citizens, for the payment to him of a certain sum of money, without your approval, and that Phillips has since received under the contract from the Indians \$22,500." and then asked if the contract had been approved. Secretary Teller replied: "I understand Mr. Phillips alleges that he never made such a contract, and there is nothing in the Interior Department to show that such a contract was made. If such a contract was made it was not approved, as required by law." The Attorney General closed in a letter to Col. Boudinot, in which he says; "I understand that Mr.

Phillips denies the fact of the contract. While I agree with you that it is incumbent upon the United States Attorney to prosecute upon application, I do not think it his duty to do so if, after an investigation, he is satisfied that the charge is not well founded."

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.,
Thursday, April 7, 1884
Vol. 2, No. 31
Wm. P. ROSS, Editor

LETTER OF W. P. BOUDINOT TO EDITOR CHIEFTAIN

ED. CHIEFTAIN: In regard to the "notification" given to the Old Settlers from the Court of claims at Washington, I wish to say this to the "Old Settlers." By a rule of the Court, which was published with the notification, information is required to be given to Claimants, one and all, when their claims are referred to that Court, that they are so referred to, and are pending. The notification was, in this instance, directed to the Principal Chief of the Old Settlers. But since John Jollyy's time the Old Settlers have had no Principal Chief. Still, had a dozen persons claimed to be principal Chief, not one of whom could have honorably exercised option or choice in the matter. As a representative of his people, he would have been bound to transmit to them a message that had been transmitted to him for them. As this matter stood, the notification had come to the Executive Department of the Nation,

and the responsibility lay with the Department what to do with it, since no such officers as the one addressed existed. None the less was the message meant and intended for those whom such an official would have represented had he existed. The notion did not suggest itself to pocket, pigeon-hole, suppress, or conceal it from the interested parties. But the idea did suggest itself, after conscientious deliberation, that the only proper and honorable course to pursue in the premises was to transmit the notification to the ones it belonged to, in the way most practicable namely, by publishing it in the Cherokee Advocate as a mere piece of news. The claim could not possibly be injured by letting the people, and perhaps the attorneys at Washington, know where and how the claim stood, while, if it should be thought necessary to do anything further, the allotted time to make reply of sixty days, was swiftly passing. The notification was therefore published at once.

Such were my views, motives, and object in forwarding to the Old Settlers the message from the Court of Claims, that came to my hands as Executive Secretary. To just and reasonable men, a frank exposition of affairs

that concern them is always due. To such the above
is commended.

Very Truly.

W. P. BOUDINOT.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.,
Thursday, June 5, 1884
Vol. 2, No. 38
WM. P. ROSS, Editor

OBITUARY ON SAMUEL DOWNING

The Cherokee Advocate of the 30th records the death of Samuel Downing, of Tahlequah on that day, after a long protracted illness. Mr. D. was the only surviving son of the late Lewis Downing, Principal Chief of the Nation, and was a lieutenant in the 3d Indian Regiment U. S. V. during the late war. He leaves few, if any enemies, and many friends behind him, who will read with regret the announcement of his death, though not unexpected.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.,
Thursday, Oct., 16, 1884
Vol. 3, No. 5
S. J. THOMPSON & } Editors
M. E. MILFORD, }

BIRTH OF JAMES BUTLER BUSHYHEAD

A son was born to Chief and Mrs. D. W. Bushyhead on the 7th inst. He has been named James Butler. May he live to prove a blessing to the parents and an honor to his country.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nat., I. T.
April 2, 1886
Vol. 10, No. 44
E. C. Boudinot, Editor

LETTER OF D. W. BUSHYHEAD

Washington, D. C.,

March 15th, 1886

Hon. R. Bunch,
Ass't. Principal Chief
Cherokee Nation

Dear Sir:

Since my arrival here I find that a great many bills have been introduced to Congress, and some of them partially considered or acted on, which propose to affect the rights and interests of the different Nations of the Indian Territory. These have been argued with great vehemence by certain interests represented in the lobby and in the Departments. I have reason to believe largely at the instance of railroad men and land speculators,

who are exceedingly anxious to change the condition of things in the Indian Territory. Much confusion has arisen and exists, owing to the ignorance of those who frame these measures as to the actual condition of affairs in the Indian Territory.

Many do not know, or seem to ignore, the fact that the Cherokee Nation does not own her lands by Indian Occupancy title, but by a fee simple title from the United States, and are thus not subject to disposition in any manner by Congress. This point has been forcibly called to their attention, and I am glad to say that in one of the few bills acted on it was recognized. This was a bill of Senator Dawes, of which I send you a copy, which has after amendment passed the Senate. It took the place of all the other bills on the subject. Our friends found it impossible to exclude the whole Indian Territory from the operation of the bill, which provides for the allotment of Indian lands, under certain contingencies in severalty. The Cherokee, Creek, Seminole, Choctaw and Chickasaw and Osage Nations are excepted from its provisions, on the ground that these lands, being patented, are not

subject to be disposed of by legislation. In the House, similar measures are pending. None of them are now a law, and I think I can say that what was done in this bill will be the extent of what will be done in this matter this session.

Many dangerous bills of a judicial character have been introduced and are pending. I send you files of nearly all. In the Senate all these measures have been referred to the Judiciary Committee, and are now before a sub-committee, which will shortly hear the arguments of those representing the Cherokee Nation here. One of these bills, S. 1100, introduced by Mr. Dawes, places all Indians, except the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles, under the criminal jurisdiction of the State or Territory where their reservations may be. Mr. Coke, S. 997, creates a District in Texas and part of the Indian Territory, with certain jurisdiction, as does several other bills. Senator Jones of Arkansas introduced a bill, S. 1025, which gives civil jurisdiction to the Western Dist. Court of Arkansas, and the Texas Court. Also a bill of Senator Mexey, S. 1026. Besides these, I send you House Bills on the same subjects by Rogers of

Arkansas, Perkins of Kansas, and others. Senator Vest also introduced his bill, the same which was formerly before Congress, for the creation of a Court for the Indian Territory alone. This bill gives the Court the same jurisdiction only that is now exercised by the Western District Court of Arkansas, and makes jurors of any person who can understand the English language, who is lawfully in the country. This is the bill that several delegations have been instructed to accept. A strong effort is being made by those unfriendly to our people to extend civil jurisdiction over the Indian Territory, to the Courts now having limited criminal jurisdiction. This, with proper effort can, I think, be resisted in the Senate. There is a strong demand, however, for civil jurisdiction in the cases of white men now resident in the Indian Territory or temporarily there. It is alleged that such men buy cattle in the adjacent States, drive them into the Indian Territory and refuse to pay for them.

An effort is also being made by St. Louis and Chicago parties to get civil jurisdiction of

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as some kind on the plea that they cannot collect debts due them from people living in the Territory.

I am happy to say that a bill has already passed the Senate to punish invasions of the Indian Territory by imprisonment as well as fine. It is now in the House and our friends will endeavor to have it favorably acted on. If it becomes a law it will be a great protection. Bills to punish cutting of timber on Indian reservations, and the introduction of liquor are pending in both Houses.

Bills have been favorably reported in both House and Senate to send the claims of the old settlers, and also the claims of the Cherokee Nation, under the Treaties of 1835 and 1846, for final adjudication to the Court of Claims.

A communication has been sent to Congress by the Commissioner of Indian Affairs, being Executive Document No. 82, 1st Session 49th Congress. It contains certain memorials of colored and other citizens of Cherokee Nation, complaining that they did not get their share of the last per capita payment when the proceeds of the sale of lands to Pawnees, Nez Perces, Poncas, Otoes and Missouris,

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etc., was distributed and claiming that a share of the same is legally and justly due them under the Treaties with the United States. A bill was framed in the Commissioner's office and transmitted with it, recommending that an Act of Congress be passed taking a sufficient amount from the Cherokee invested funds, and paying it out to these parties, or that an appropriation be made of a sufficient amount from the Treasury of the United States, and that it be declared a lien against the lands of the Nation lying west of the Arkansas River, and be deducted from any payment hereafter to be made on them. The first proposition is clearly in violation of the decision of the Court of Claims recently affirmed by the Supreme Court, which declares that the Cherokees have vested rights in their funds with which neither Congress nor the Executive Department can interfere. I am of opinion that the Cherokee lands are covered in the same decision as they are common property of the Nation. This document was prepared and sent up before the decision of the Supreme Court had been promulgated. Much confusion seems to exist in the minds of many as to what are really the rights of Cherokee citizens. I do not

think that the bill in either shape can become a law if properly resisted. As soon as the bills are referred to sub-committees, steps will be taken to resist the passage of any act of Congress interfering with the just rights and powers of the government of the Cherokee Nation.

Connected with this and other bills threatening the Nation, the recent decision of the Supreme Court affirming by a unanimous decision the decree of the Court of Claims in the North Carolina Cherokee suit is of great value and importance. This case has been very ably managed by the Attorneys of the Cherokee Nation, Hon. Wm. A. Phillips as Senior Counsel, and Gen. Burdett of Counsel. In the Supreme Court, the Attorney General's office declined to render any assistance to the Nation, presenting a Brief stating that the United States had no interest in it, and that the United States would be satisfied to deliver the property to either party to whom it might be decreed. As the United States held it in trust for the "Cherokee Nation," it is difficult to see how its officers should not feel the full responsibility of the trust. However, it is gratifying to know that

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the Supreme Court put a quietus forever to that claim and decided that the only right the appellants, the claimants, had or could have, would be "to be re-admitted to citizenship under the Constitution and Laws of the Cherokee Nation," that is if they were Cherokees. The decision will be published by next Monday or Tuesday, and as Col. Phillips has made arrangements for copies from the Court, they will be forwarded the moment they are received. The case is considered one of the most important decided this Term, the decision occupying considerable time. The result clearly proves that, even in the Courts of the United States these great questions are safe.

Great efforts have been made and many bills introduced to establish territorial governments for the Indian Territory, and open large portions to white settlement. Among these are the bills of Mr. Townsend of Illinois and Mr. Weaver of Iowa; just before the latter gentleman took his seat in Congress he appeared as the advocate of the lawless invaders of the Indian Territory styled boomer.

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Although not a member of the Territorial Committee, he has appeared before it in company with Mr. Clarke an ex-member who represents them, and made arguments in favor of these bills. While many men in Congress favor these unjust and aggressive measures, from all the evidence, it appears to me that the railroad interests which center in and seem to have great power with the public men of Illinois, are largely at the bottom of this movement, and merely put the lawless squatters forward to cover up their own real objects. The discussion in the House Committee on Territories has been carried on for weeks, the Committee sitting to hear the arguments. Representatives of the Creeks, Choctaws, and Seminoles have appeared, and under my instructions, our special Agent, Col. Phillips has represented the Cherokee Nation. I am happy to say that in the Committee bill after bill have been beaten or withdrawn, but as the parties are very determined they may bring in a minority report into the House. One argument of Mr. Weaver has been that the Creek and Seminole land was ceded and conveyed to Government, and could be settled by whites, and that the Cheyennes, Arapahoes, Iiowas

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and Comanches merely held their land by "Executive Order" and could be dispossessed and the land given to white settlers. He insisted that the Cherokee land west of the river was "ceded," but the decision convinced the Committee that it was not. Indeed that language of the Treaty is very plain. This discussion and the language of these interested parties shows very clearly that the attempt to force the Cherokee Nation to take 47 $\frac{1}{2}$ cents per acre was a movement in their interest. Mr. Clarke even produced a copy of some actions of a Committee of the Cherokee Senate, to show that the appraisement was thought to be legal by a party in the Cherokee Nation. He did not succeed with this Committee, however.

While there are many able gentlemen who are inclined to do fairly by the Cherokee Nation, there is a very strong sentiment in favor of forcing Indians generally to become citizens of the United States and to merge them with the white population, and sell all of the reserves, save 160 acres, to the head of each Indian family. I do not think they can succeed this year in breaking up the Cherokee Nation the greatest danger being in measures that might lead to it. Our chief defense lies in the fact that our

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lands are not held by occupancy title, but in fee simple from the United States, and cannot be alienated without a deed from the Cherokee Nation. The late decisions of the Courts have strongly fortified us, and convince me that our chief security consists in asserting our property rights before the tribunals of law. Until the whole land system is revolutionized they cannot dispossess us.

I have presented the act of the Cherokee Legislature, passed at its late session, in relation to citizenship to ascertain what would be its probable action if such a measure became a law. The Department, however, I understand, declines taking any action on the citizenship question until they get a copy of the recent decision of the Supreme Court in the North Carolina case.

Among the pending bills are a number of bills granting right of way to railroad companies through the Indian Territory, sixteen of which I send you. The only one placed before the Senate so that it is likely to become a law, is one along the valley of the Arkansas River from Ft. Smith to Arkansas City. The right of way is 100 feet wide, with additional amounts each ten miles for stations. The bill was

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contested by our Representative and was amended so the right of way could only be used for railroad purposes, and was to revert to the Nation in case of the abandonment of the road. Other objectionable features were eliminated, but the Senate insists on passing bills for necessary roads only, as the Cherokee Nation has refused to take any action on that matter. Assurances have been given that these charters will not be granted except for roads absolutely necessary that must be built. There is a provision in them by which the Cherokee Nation can carry the matter into Court if she desires to do so.

In this connection, under instructions from me Col. Phillips filed a protest in the Department against the acceptance of the maps and plats of the roads chartered two years ago. I have not yet been able to ascertain exactly what action will be necessary, but will advise you.

Very Respectfully,

D. W. BUSHYHEAD,

Principal Chief.

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INDIAN JOURNAL

Eufaula, Indian Territory
July 21, 1887
Vol. 11, No. 41
Leo E. Bennett, Editor

NEWS ITEM OF T. M. BUFFINGTON ET AL

Delaware District, I. T.,

July 14, 1887.

Editor Journal:

A committee of four, Messrs. Arch Elliott, Ose Dick, Wm. Foreman and T. M. Buffington called on me a few days ago to ascertain my views politically, in the coming election. I am, always have been, and expect to give my support to the Downing party and cast my vote for the candidates now for chief--Mayes and Smith, including the full ticket of the local officers of said party.

CHAS. THOMPSON.

(Oo-che-la-tah.)

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INDIAN CHIEFTAIN

Vinita, Indian Territory
December 8, 1887
Vol. 6, No. 13
John L. Adair, Editor

EDITORIAL ON J. B. MAYES

Tahlequah, Dec 7.

As intimated in latest correspondence, a crisis was reached in the chief embroglio to-day. In the Downing caucus held last night it was resolved to induct Mayes and Smith into office. About 4 p. m. to-day Mayes with probably 100 men as an escort started to the executive office to take oath as chief. The door of the executive department was locked and Bushyhead refused to surrender the office. The door was kicked open and the crowd entered and informed Bushyhead that he was relieved of the responsibility of the place. He replied that he would not surrender except by force. He was told that force would be used if necessary. There is much excitement though no demonstrations of an armed conflict. C. S. Shelton, clerk of Delaware district, administered the oath of office. No count of votes has been made.

INDIAN CHIEFTAIN

Vinita, Indian Territory,
December 29, 1887
Vol. 6, No. 16
John L. Adair, Editor

EDITORIAL ON DISPUTED ELECTION OF 1887

Tahlequah, Dec. 26th, 1887.

The transactions of last week at the Cherokee capital are now matters of history, and in these days of hurry, steam and electricity are as old to the general reader of the times as was the news of a month previous to our forefathers. But it may not be uninteresting to the readers of the CHIEFTAIN to become acquainted with some of the leading incidents that are mixed up with the results of which they have already heard.

To one who has been on the qui vive for the novel and unique in a political poker game, where "bluff" and "straddling blinds" are the ruling tactics, there has been much to cause one to look behind events for some secret motive not generally understood. Certainly in the rear of apparently innocent pretense

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there has been the smell and cloven foot of his sooty majesty, "squat" there, not to play tricks, but to learn them of those who have gotten ahead of their teacher.

Had it not been for the arrival here of General Armstrong, with the authority to adjust difficulties, there is no telling when harmony would have been restored. His presence here, though unasked for by the Downing party, has proven a great benefit to the entire country. Clothed with authority, either persuasive or dictatorial, it cannot be denied that his presence was not necessary. It may be truly said that we could have brought matters to a termination, but not to one of peace and satisfaction, or to anything approaching their conditions. Although we may congratulate ourselves on having our difficulties so speedily settled, yet the causes of this interference must ever remain matters of regret to any but a hardened politician whose patriotism consists in domineering the affairs of his country. It may be a great satisfaction to feel that at the very verge of destruction that one has been drawn back, but it is in the act of deliverance the pleasure lies and not in the danger that threatened, which should be a

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warning for all time to come.

Although there has been much see-sawing and "chewing" on matters since council met, the full merit of the reasons why the count of the vote for chief has been so long deferred is not understood. The amount of squirming and agonizing to prevent the count is far in excess of the seriousness of any event less than death. While it was generally accorded that Mayes had been elected, there was honor in legally establishing the fact, and proclaiming him chief which could not be accorded. There was no way of escape from this determined course except a disregard of the law and voice of the people, and by the will of superior numbers and the arbitrary power of advantage when the time came to reckon the vote. The delay in determining who is chief lies between the wish to defeat Mayes in the count and the fear that it would be resisted and lead to trouble.

General Armstrong suggested many verbal and written methods of agreement between the parties. The following was presented by him to Mayes and his friends and signed by them without any hesitation. It was then submitted to the Nationals who, instead of subscribing to its terms got up a rehash of one

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formerly submitted to, but rejected by Mayes and his party. Here is General Armstrong's proposition:

Department of the Interior,

Indian Service.

Tahlequah, Dec. 20, 1887.

We the undersigned, as representative men of the parties to which we respectively belong, recognizing the present emergency as presenting apparent cause, do hereby agree to exercise our best efforts to have the national council by common consent to meet tomorrow morning at 10 o'clock, for the purpose of receiving and computing as by law provided, the vote cast at the recent election of August 1st, 1887, agreeing that the manner of so convening the council shall not be by us taken hereafter as precedent nor made the basis of future agreement.

We make the above agreement because it appears under all circumstances required by the best interests of the people.

In witness whereof hereunto we attach our hand this day. Signed J. B. Mayes, Samuel Smith, L. B. Bell and others.

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Tahlequah, Ind. Ter.,

Dec. 21st, 1887.

We the undersigned citizens of the Cherokee nation, acting as such and as representatives of their respective parties so far as their influence extends, hereby express their sincere desire to have the public business of the nation safely and promptly transacted, and for such purpose make the following propositions and concessions in regard to the administration of the government until the successor of Hon. D. W. Bushyhead shall be declared to be elected and is installed into office:

First.--That neither of the candidates for principal chief shall occupy or have charge of the executive office until the election of one or the other shall be determined and declared by the national council as provided by law.

Second.--That no one belonging to either party shall be summoned by the district sheriff to serve as an extra guard in the vicinity of the capitol, but that said sheriff shall be confined to his ordinary guard and ordinary duties--pursuant to which all of the extra armed men now serving under his summons shall be disbanded and sent home.

Third.--That for the preservation of the peace and order of the town and vicinity it is agreed by mutual consent that Mr. Wm. McCracken shall have charge of the national prison and perform the duties of high sheriff with the number of guards designated by law, until a high sheriff shall be appointed according to law.

Fourth.--That by mutual consent all concerned agree that both branches of the national council shall convene in council at Tahlequah on the 27th inst, then and there to resume and continue the transaction of the business of the regular session.

Fifth.--That the returns of election for chiefs and councilors be immediately called for and the disposition of the returns for the chiefs be the first business to be transacted by the national council in joint session, as provided by law--either side reserving the right to contest the result announced as the law provides.

Sixth.--That the executive office and records shall be in charge of the Hon. U. S. Agent from this date until the result of the chiefs' election shall be duly declared and the chiefs installed. The election returns to be in charge of Mr. Owen until

called for by the national council. Signed:

D. W. BUSHYHEAD,
RABBIT BUNCH,
GEORGE SANDERS,
W. P. BOUDINOT,
DANIEL R. BIRD,
WILL P. ROSS,
JAS. M. KEYS,
RICHARD M. WOLF,
S. H. BERGE,
JESSE COCHRAN.

Mayes and his party in respect to themselves and their former refusal, did not comply. They informed General Armstrong of their resolution, and met by an offer to release one of the contested seats in the senate, the reason why the Nationals objected to an immediate count of the votes--that there was no quorum. There appearing now no reasonable grounds for deferring the matter any longer, General Armstrong declined any further excuses and demanded the count to be made at once. This was done after some "chewing," with the result that Mayes' majority was 133 and Smith's 674. Without acknowledging the validity and

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binding effects of his former oath as chief, the oath of office was administered to them again. The count began about two o'clock last Friday and was concluded and the oaths administered just after lamp-light.

INDIAN CHIEFTAIN

Vinita, Indian Territory
December 29, 1887
Vol. 6, No. 16
John L. Adair, Editor

A VISIT

Tahlequah, Dec. 26th, 1887.

There is a relief even to the disappointed when the suspense and doubtfulness of a controversy has been passed. This seems to be the condition of matters in Tahlequah this morning. A visit to the council and executive department discloses this fact in the outward appearances at least. There may be a slumbering discontent, but really, conditions are seemingly accepted.

Stepping into the council chamber the attention of one is at once arrested by the appearance of a full house. After observing for a while the run of business, he will discover that a contest is under examination, and that the case is between Mr. Johnson Fields, member elect of the Downing party, and Andrew Lasley, a colored gentleman and defeated candidate for legis-

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lative honors, of the National. Occupying the central point of the picture we discover attorneys, Henry Coval, R. W. Walker and Ridge Paschal on part of the defense, and E. C. Boudinot, Jr., John Springston and John Grass, on part of the prosecution. The reading of the evidence in the case is going on. This being rather tedious we will step into the senate chamber. Here we discover more spectators than members, a full representation consisting of eighteen members, so that one member is equal to a little more than two councilors in legislative power. Looking over those seated at the desks, we discover Hon. L. B. Bell, the wit of the senate, whose contest as well as that of Houston Bengo has been withdrawn. The appearance here is that of preparation for business. The scene reminds one of an old fashioned Cherokee ball play, when the players were examining closely the strength of their opponents before the tug came. Seeing this is the case, whether fanciful or not, let's walk up to the executive department. Entering at the door of the east room, we find a considerable number of men setting around the stove, all busily chatting and smoking pipes and cigars. The topics of conversation are various, ranging from the grave and

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serious to the humorous and pleasant. Beyond the group seated around the stove, are three desks in line with each other, at which are seated three secretaries. One only seems to be busy. He is filling out warrants to pay the members of the national council on what is aptly termed the "No one bill," and is the only one that has been passed this council. It being as it were the beginning of a term, there is scarcely any general business. More especially is this so, because the new chief is but just initiated into the duties of his office.

Passing out of this room the middle or library room is reached. Fenced off by a picket from public ingress are between fifteen hundred and two thousand volumes consisting of congressional proceedings, proceedings of the legislature of the different states and reports without number. To any but the general politician and those of legal occupation the whole thing is a desert without an oasis or a song bird.

The next is called the chiefs' room. Here, as a natural consequence we look for him who is at the head of the government. He is not hard to find among the crowd who are standing about in groups or occupying seats in comfortable distance from the stove.

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He is distinguished by his portly size, healthy appearance and that distingue that should point out the ruler of a people.

By the same token, one can easily discover the assistant principal chief, Hon. Samuel Smith. He is every inch an Indian, naturally highly gifted, of pleasant and agreeable manners, and the greatest orator among his people. He is tall and erect, his eyes large, black and intelligent, his mouth large and nose Roman. He is of that age when ambition is not for self, but for the good of those whose welfare he is called to promote and safely to protect.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation I. T.

January 4, 1888

Vol. 12, No. 30

Ridge Paschall, Editor

MAYES AND SMITH INSTALLED AS CHIEF'S

From our extra of Dec., 24

Yesterday at five o'clock, the National Council finished counting the votes, and declared Joel B. Mayes elected Principal, and Samuel Smith Assistant Principal Chief. The count of the votes showed Mayes had 133 majority over Bunch and Smith 655 over Clark.

The two Chiefs were then sent for and sworn as officers. Chief Mayes said while he considered the former taking of the oath as binding, he, for the sake of harmony; would be sworn again,

This morning Chief Mayes called both Houses of the Council together, and delivered the following message.

GENTLEMEN OF THE NATIONAL COUNCIL:

It is with due reverence for the Great Ruler of all nations we acknowledge His protection to us as a nation of people -- Giving us the peace and prosperity that now smile over our country. We ask that His protecting hand ever remain over us.

The political strife has now ended, and now as a band of brothers, let us come together with one common interest in the welfare of the whole Cherokee people. What enmity may have been engendered on account of

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this political strife, let it forever be buried. In the discharge of our duties as servants of the Cherokee people, let us show to them what we are ever faithful to the sacred trust they have placed in our hands.

A government is strong and its citizens are happy when that government has the affections of its entire citizens. Then let us, as rulers and law-makers, so demean ourselves, so make laws and execute them that the entire people are protected.

Let us now give assurance to the entire people, within our limits that their lives liberty and property will be protected - that peace and security shall reign in the Cherokee Nation,

I am aware of the great responsibility that rests upon me as Chief of the Cherokee people--but, if I can live to see them benefitted by their choice; if I can live to see our people secure in their Government, lands and monies, and our people happy,--and contented--and a faithful execution of our laws--then my ambition is at an end.

The rights of soil and self-government, that we so much cherish as a nation of people, seems to-day to be safe, but there are many steps and moves in this machinery of government that are liable to endanger these sacred rights. The first great principle, is to be true to ourselves--true to every interest that belongs

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to the Cherokee people. At no time, either as officers or private citizens, let any one of us through any mercenary motive or thirst for office deviate from a straightforward, honorable and upright course in the discharge of the duties we owe to our people and country-then we are safe.

You will find me ready and willing at any time to counsel with you, irrespective of political affiliations over all matters of public interest, and anything that pertains to the general good and welfare of the Cherokee people--we may differ on politics, but when our common interest is at stake, we must be one.

As the regular Constitutional Term for our Nation Council has expired, I will transmit to you by Special Messages during this extra session, all the business that should have come before you during the time that has just passed, that require your immediate attention and action- which I hope will be satisfactory to all parties.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

June 27, 1888

Vol. 13, No. 3

W. P. Boudinot, Editor

SPECIAL MESSAGE OF J. B. MAYES

EXECUTIVE DEPARTMENT

Cherokee Nation, Ind. Ter.

Tahlequah, June 7th, 1888.

Hon. R. L. Owen,
U. S. Indian Agent,
Muscogee, I. T.

Sir:

I am in receipt of a letter from W. E. Sanders, Sheriff of Cooweescoowee District, transmitting a notification from you, for Mr. Sanders to appear before you on the 2nd inst., to answer to the complaint of C. M. McClellan, also the affidavit of C. M. McClellan, stating that he is a citizen of the United States and

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also a citizen of the Cherokee Nation -- claiming that he has been unlawfully deprived of 540 head of cattle by said sheriff, which he was driving through our country to his ranch on the outlet, claiming that the law under which the cattle were seized, was unconstitutional, also claiming that prejudice is so high against him that he cannot hope to get justice. I must acknowledge that I am truly surprised at the position that Mr. McClellan has taken. He has lived in our country about 18 years and enjoyed all the rights of a Cherokee and had the full protection of the laws, and enjoyed all the numerous advantages derived from Cherokee citizenship, and now when he violates our quarantine laws in regard to the introduction of cattle in our country and is caught in the act, comes before you and swears that he is a citizen of the United States, and asks that you protect him in this open violation of our laws. He claims that our laws on this subject are unconstitutional, therefore he wants you to release his cattle. It such is the case, and he has been unlawfully deprived of his property, he has a remedy before our Judicial Department, the place where all good citizens should

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go for a remedy for all wrongs sustained, instead of calling on you to use arbitrary power in interfering with our local laws.

I am sure his rights would be and have been, as much respected before our courts as any citizen of our country. I respectfully ask that you do not interfere in this, with our officers in the discharge of their duty, but return McClellan to our local laws for protection. We claim jurisdiction over him and his property so long as he domiciles in and remains a citizen of our country.

I can assure you that McClellan will have as much protection as any other citizen of the nation. I will send parties to represent the interests of the Cherokee Nation, on the 12th inst.

Yours Respectfully,

J. B. MAYES

Principal Chief.

THE CHEROKEE CAPITAL

Tahlequah, I. T.,
July 20, 1888
Vol. 1, No. 6
T. W. FOREMAN)
F. J. BOUDINOT) Pubs.

EDITORIAL ON J. B. MAYES

Right or wrong Chief Mayes and the fourteen or fifteen members who stood by him raised the bid from \$125,000 to \$185,000 for our grazing privileges west of 96.

GRAZING-VETO ETC.,

Last week there was a joint Committee appointed consisting of three members from the Senate and five from the House, to take into consideration the Chief's Veto Message and the bid of Pat Henry & Co., for \$185,000. In making their report the Committee was divided, the three Senators and three of the Committee from the House reporting that Henry & Co., were not responsible, while the remaining two members reported that they were responsible and reported in favor of

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their bid for \$185,000. The Minority report was rejected in the Senate and the majority report accepted, and when the Minority report reached the Lower House the Speaker refused to allow it read, claiming it had been killed in the Senate, which settled it. This is a strange ruling, in our opinion, and we will leave it to the people to decide who is right, as they will have a chance before very long.

The report of the Senate Committee on the message of Chief Mayes, vetoing the bill to lease the grazing privileges west of 96, and on the status of the companies bidding for the privilege will be found in our columns. It occupies more space than we like to give it, but as it involves a question in which every citizen of the nation is directly interested, we have thought proper to give it publicity. It will be interesting reading for politicians one and three years hence. --
INDIAN ARROW.

It and the rest of the record are interesting now. We regret that we have not space enough to publish it. The Arrow does not coincide with the conclusion arrived at by the committee in taking Mr. Henry's

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bid and letting another company use it. And there will be few who think fairness to Mr. Henry or protection to the interest of the Cherokee people was the governing motive of the committee that reported the bills in favor of the Kansas lobbyists.

The National Council did not accord generous treatment to our fellow citizen Mr. P. Henry, in passing by his bid of \$175,000, per annum for the grazing privileges of the Cherokee strip and awarding it to the Live Stock Association. Mr. Henry's bid was to be regarded as good or not good. If good, it was unjust to give it to others and force him to raise his own bid -- If not good, it should not have received notice and the highest responsible bid below was the only one to be considered. If good, the party bidding in opposition to Mr. Henry was the one who should have been required to raise the amount. -- INDIAN ARROW.

THE CHEROKEE CAPITAL

Tahlequah, I. T.,

July 20, 1888

Vol. 1, No. 6

T. W. FOREMAN } Pubs.
F. J. BOUDINOT }

EXTRA SESSION OF THE NATIONAL COUNCIL

The Extra Session of the National Council which convened on the 25th day of June, ult. and adjourned yesterday, the 20th of July, was in session just 26 days. The extraordinary necessity to the convening of the Council in extra session, in the opinion of the Principal Chief was the leasing of the grazing lands belonging to the Cherokee Nation west of 96°. The present lease will terminate on the 30th of next October. The regular session of Council does not convene until the 1st Monday in November, hence the necessity of an extra session of the Council to provide for a new lease to commence as soon as the old expires. Though 26 days passed and the Council had time to dispose of the matter twenty times over; there was such a radical difference between the Chief and the Council as to whom the land should be leased, taking into consideration the responsibility of the applicants for the

lease, that a dead lock was the result, and the Council adjourned without having released the country to any one.

The reasons that the Chief gave for his position and those given by the Councillors who oppose him as well as all the records in the matter will in due time be given by us to the people that they may judge -- as one of the people we co-incide with the Chief -- we believe he was acuated by motives purely patriotic -- that he gave the matter his closest attention and that his conclusions were those of wisdom.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
December 5, 1888
Vol. 13, No. 26
W. P. Boudinot, Editor

EDITORIAL ON E. C. BOUDINOT

One of those important occurrences that happen in every community at some time in its history--an occurrence which involved the death of one man, and an investigation of the charge of murder against another--has recently had its conclusion in the complete vindication of E. C. Boudinot Jr., the defendant in the case, at the hands of a jury of solid, intelligent and impartial men of the neighboring State of Arkansas. One of the most respected, honored and learned Judges of the United States, Hon. I. C. Parker, tried the case. The trial lasted over a week. There was no disagreement, it is said, among the jury after the case was put in their hands. The decision, though sufficiently deliberate, was unanimous on the first ballot.

Various accounts of the occurrence have been given by private parties and reporters in the news-

papers, all of which were bound to be more or less incomplete or incorrect on account either of lack of information or of wilful partiality. Not so in the case of the jury, with the whole of the evidence before them. The following facts were shown and admitted to be proven by the verdict of the twelve men.

WHAT WAS PROVEN

The evidence showed that E. C. Boudinot, Jr., was an officer of the Cherokee Government, and as such had business to transact with Stone--

That Stone had without any proof, and without provocation, published Boudinot as a criminal and shown a deadly animosity towards the latter by threats against his life.--

That Boudinot visited Stone on the business above referred to and while there, from the hostile manner and demonstrations on Stone's part, had the assurance of a reasonable man that Stone then and there, immediately, intended to carry out his previously made threats.--

That having good reason, according to the proof, that his life was in imminent danger, Boudinot immediately fired with a pistol with which he had armed

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himself, but only with the design of putting it to a justifiable and legitimate use.--

That there was no second shot fired as there would have been, had the defendant's purpose been to slay, and not simply to defend himself.

Such was that portion of the testimony which, pursuant to the learned Judge's charge, the jury must have believed to be true in order to exonerate the defendant.

These facts are given as belonging to the public, and matters of public record. Other testimony was produced by the prosecution totally at variance with the above which the jury must have disbelieved.

They were the sworn judges of the evidence, and their verdict establishes the truth of the affair, against the many mistaken versions that have been published.

It is the truth of a matter that the public should have, and it belongs to a newspaper's office to give it to the public without any reflections of a partizan or personal nature--reflections carefully avoided in the above relation.

The above true account of the trial is also due to the good character of the Cherokee Nation and

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of its officials in the discharge of their duty; and especially due and appropriate where the good name and fame of one of the former editors of this Journal has been unsuccessfully assailed, but on the contrary, completely vindicated.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
November 6, 1889
Volume 14, Number 22
(Date given on inside page:
Wednesday November 13, 1889.)
W. P. Boudinot, Editor

THANKSGIVING PROCLAMATION OF J. B. MAYES

As our forefathers when nature's children of the forest, in pursuit of game, around the council fire, in simplicity did give praise and thanks to the Great Spirit in their yearly mystic "green corn dance," for the return of His great gift to them--the "Indian" corn--now to-day, as a Christian Nation of people, it is but meet that the Cherokee People should give thanks to the Christian's God for his continued protection of our tribe in the enjoyment of their government and homes, and that, through the many trials we have been compelled to pass, he has continued to bless our people.

It is but proper that we, as a Nation, should pause and give earnest thanks to God that we have been permitted to live in the enjoyment of this life, and the peace and prosperity that surrounds us.

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Now, therefore, I, J. B. Mayes, Principal
Chief of the Cherokee Nation, do issue this, my pro-
clamation, to the Cherokee People, asking that you
set apart Thursday the 28th day of November as a
day of Thanksgiving, that you assemble at your usual
places of worship and give thanks to God, and be-
seech Him to bless us once more, and shield us from
the dangers that surround us, and earnestly ask
him to let us live, as other Nations and States
around us, in the full enjoyment of the gifts that
he has given us.

Given under my hand at Tahlequah, Cherokee
Nation, on this the 13th day of November in the
year of our Lord Eighteen Hundred and Eighty-Nine.

J. B. MAYES,

Principal Chief.

THE INDIAN CHIEFTAIN

Vinita, Indian Territory
Thursday November 7, 1889
Vol. 8 No. 9
M. E. Milford, Manager

PORTION OF MESSAGE OF JOEL B. MAYES

Following will be found that portion of Chief
Mayes' message referring to the western lands:

Gentlemen:

While the Cherokees have in the last year been compelled to listen to the clamor that is being raised by many citizens of the United States and even officials of high standing to take from the Cherokees, lands that we have justly owned so long, we must acknowledge that the God of the white man is our God and has, in His mercy, been on the side of the Indian: that He in His mercy, been on the side of the Indian: that He in His wisdom has not only protected us as a nation of people in the ownership of our lands and in the right of self-government, but he has caused it to rain upon our land, and it has brought forth bountiful harvests for the subsistence of our people.

You are doubtless aware of the fact that the United States government has made a formal proposition to the Cherokees to buy all their lands lying west of

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the Arkansas river at the price of \$1,25 per acre, consisting of something over 6,000,000 acres. I herewith submit their proposition and my answer them on the subject.

In the original acquirement of all our lands west of the Mississippi and in their removal from their ancient homes east of that river, the Cherokees were very particular in getting a bona fide title to their newly acquired country. When the United States government proposed to the Cherokees their removal west, they replied that it would be useless to go there; that it would be but a short time before the white man would be there demanding their new homes. "No," was the reply from the government, in the poetical language of that great hero, Andrew Jackson, "You shall have it as long as grass grows and water runs." An agreement was entered into by treaty stipulation that a patent to the land - a white man's title - should be given to the Cherokees. The United States congress enacted a law in 1838, ordering the president to issue this patent to the Cherokees for these lands. Accordingly Mr. Van Buren did issue the patent which you will find in the vaults of the treasury

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department, which conveys these tracts of country - the 7,000,000 acres which lie east of what was then termed the "outlet," and the outlet itself and 800,000 acres known as the neutral lands, which the Cherokees paid for after the original purchase.

The two first tracts amounted to 14,374,135.14 acres

After perfecting this title to this country, experience had taught the Cherokees that there was an ever approaching danger among their own people in making unlawful disposition of their lands, or that such a thing was liable to be done, and in order to put a stay to this dangerous evil, the tenure of our lands was fixed by the organic law of the Cherokee government - its constitution - which places it in the hands of the Cherokee people, where it emphatically says it shall remain, entirely out of the immediate control of the legislature so far as the sale of land is concerned. This is, no doubt, a safe and wise policy. In my opinion there is but one way by which the Cherokees could entertain a proposition to cede any portion of our country for the settlement of United States citizens. If the constitution of the Cherokee nation means anything at all,

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it certainly means what it says about the tenure and ownership of our land when it makes it the common property of the Cherokee people and says it shall remain so. This article of the constitution was changed to comply with the treaty of 1866, when it gives the Cherokees the right to allot their lands when they see fit. But, mark you, if this change of tenure should be made, it still places the lands in the hands of the people. Therefore, a change in the constitution must be effected before the Cherokee nation could entertain the proposition to buy our lands west of the Arkansas river, Any action on your part, outside of this fundamental principle of your government would be revolution, which would not only involve the safety of your government but your lands also. In the formation of the Cherokee government every principle goes to show that the Cherokee nation never intended to part with this country, but that it should remain the common property of the Cherokee people. So you will perceive that it will be hard matter to sell any portions of our country to the United States government, if we choose to do so, for the settlement of her citizens.

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This proposition of the government of the United States to the Cherokees to re-cede to the government this country is entirely a new one. It proposes in part to abrogate the 16th article of the treaty of 1866 - the right to settle friendly Indians on these lands, after a lapse of over twenty years, and after the government retreated from this privilege by making this proposition through an act of congress to buy this country for other purposes. It should certainly be abandoned. There has been much said about the appraisement of these lands by the United States government at 47.49 cents per acre. There has been much said about the appraisement of these lands by the United States government at 47.49 cents per acre. There is no article in said treaty that authorizes an appraisement of the lands in a body. The appraisement was made contrary to treaty stipulation. The treaty provides for the Cherokees to sell portions of this land and gave fee simple titles to friendly Indians that the government may settle thereon, the price thereof to be fixed by the Cherokees and the Indians to be settled, and should the parties in interest fail to agree on the price, the president of

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the United States is to be the umpire and fix the price. This price extends only to such lands as are sold and transferred by the Cherokees and occupied by friendly Indians in compact bodies, not to exceed 160 acres to each Indian, and the meets and bounds definitely described. The same article of treaty plainly specifies that all of said lands not sold and occupied by friendly Indians shall remain in the possession of and under the jurisdiction of the Cherokee nation. To-day there is no more restriction on the 6,000,000 acres of the Cherokee lands west of the Arkansas river than there is on their lands occupied by them east of that river, since the whole is embraced in one and the same patent and all belongs to the Cherokee people, except that which has been sold and transferred to friendly Indians and for which deeds have been executed by the Cherokee nation to the United States in trust for the friendly Indians. The United States government can take the lands of the Cherokees east of the Arkansas river for the settlement of her citizens, with as much propriety as it can take their lands west of that river.

This is the last show the Cherokees have inside

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of the jurisdiction of the United States. After the Cherokees having from time to time, parted with over 81,000,000 acres of land to the colonies and the United States government since the year 1721, and where now stand the proud states of the Carolinas, Virginia, Georgia, Kentucky, Tennessee and Alabama, this remnant portion of our once powerful tribe certainly should be permitted to rest on a spot of earth where it can have a permanent home protected from the danger of land pirates and boomers who know no law except that of might. Besides all this every right, immunity and interest in this soil belong to the Cherokee people. They should never think once of parting with it without realizing its full value. There is a clamor of unprincipled and unscrupulous class of people who say that the government will take it if you do not sell it. Now I have faith in that proud and honorable government, the United States, with such a noble and good man as Benjamin Harrison at its head, that she cannot stoop to such a low act as to rob a helpless and defenseless race of people as we are, and who long since laid down the implements of war and have learned the arts of peace and left our

disputes to be settled by civil arbitration and to the God of justice to fight our battles before a Christian nation of people. Therefore be true to yourselves in every particular. Surrender nothing you believe to be yours unless done by your voluntary consent and your conscience tells you it is right.

If the land is ever sold, it should be done by the people, untrammelled, true and voluntarily, with the distinct understanding that the Cherokees are parting with a piece of property that rightfully belongs to them, and without being coerced or bulldozed into sale and at a price equal to its full value. But it is certainly a poor government that is continually parting with its territory, off all the wealth owned by any nation of the earth, the pride and boast of that nation is in its land and property.