

CHEROKEE

1889-1901

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THE TELEPHONE

Tahlequah, Ind. Ter.,
Thursday Morning, Dec. 19, 1889
Volume 3, No. 33
H. W. C. Shelton, Editor

CHIEF MAYES AND THE ORPHAN ASYLUM BY W. A. THOMPSON

For the Telephone:

The following is the portion of Chief Mayes Message relating to the Cherokee Orphan Asylum:

Orphan Asylum:

"The Cherokee Orphan Asylum is classed among our public Institutions simply as a school only where the full time and all the means are used alone for education

ITS INMATES

"In reality it would have been better for the Cherokee people had not this institution been built, if it is to be continued under the present system.

This institution is a home for its inmates, where they are taken at all ages. The Cherokee Nation takes the place of the fathers and mothers of this unfortunate class of our people. The very idea inself is full of sublime gratitude and will receive the lasting sympathy of all Christian people. But while the nation assumes the care of these children, as their parents,

it certainly ought to fit them to meet the responsibilities of life, and be able to earn a living at some laudable and honorable occupation. I will venture to say that there is not one third of this class of children who will receive sufficient education within itself to fit them to earn an honest support should every possible opportunity be offered, and those who fail to receive an education will not, under its present system, receive anything else. They neither receive an education, nor learn any trade or occupation by which they can earn a livelihood. Hence it would have been better for them to have remained among their relatives who perhaps would have taught them something.

Now this is not the fault of any particular person or officer, but the great mistake is in the manner or system under which this institution is managed.. Common reason would then teach us that it should be an industrial as well as an educational institution. With what little education many may here receive, accompanied by a good trade or through knowledge of agriculture or horticulture, and fixed habits of industry, they may become useful and prosperous citizens. By all means, when you discover a

brilliant talent, willing and susceptible of receiving an education, give it an opportunity to develop itself.

I recommend that a radical change be made in the management of this institution. Make it industrial as well as educational, and place it under the immediate control of a board of trustees to consist of three suitable persons to manage its material, industrial and educational interests, and curtail to some extent the sole and extensive effort in the way of education, and teach them, as a father and mother would sure enough do, to meet all the duties and responsibilities of this life. Let honest and physical toil be a part of their education."

The above was delivered by our Chief at Tah-lequah and was afterwards printed in both English and Cherokee in the Cherokee Advocate and in pamphlet form and distributed gratuitously all over the Nation. This fact of its wide circulation and the high position of its author antitle it to that consideration which, coming from another source, it would not deserve.

In his message the Chief speaks flatteringly of the work and prospects of the two Seminaries and recommends additional appropriations for them and for the Colored High School. But about the Orphan

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Asylum not one word of commendation or encouragement escapes his lips. Instead we have this. "In reality it would have been better for the Cherokee people had not this Institution been built, if it is to be continued under the present system." And this: Those who fail to receive an education will not , under the present system, receive anything else. They neither receive an education nor learn any trade or occupation by which they can earn a livelihood. Hence it would have been better for them to have remained among their relatives who perhaps would have taught them something."

Now what impression is this intended to convey? What does it all mean? If it means anything it means simply this: The Orphan Asylum is and has been nothing but a huge failure. On every page of its history is written and rewritten the fateful word failure. The action of the Council of '71 in passing an "act for the support and education of Orphan children" was a failure.

The expenditures of about \$300,000 in the original purchase, in rebuilding, equipping and running this Institution, the visits and councils of the different Boards of Education, the struggles of hundreds of boys and girls for an education, the

time and labor of some of the purest and ablest men and women of this Nation and the States who have served as teachers and officers-- all these have produced so far nothing but-- "failure."

Such is the impression conveyed by the Message. And what reason is given for such sweeping statements? Stripped of a mass of verbiage, it is simply this: the Orphan Asylum neither educates nor teaches a trade. Therefore it is a failure.

It is said that "comparisons are odious" and it is doubtless true when they are so damaging to a cause as they are in this case. Compare this school with the two Seminaries. It is not to be supposed that the faculty and students of the Orphan Asylum are inferior in point of ability to those of the Seminaries while the course of study is practically the same. The ablest educators teach that a man's education is only fairly begun when he graduates from a first class college and ends only with his life. If, then, the Orphan Asylum does not educate, neither do the Seminaries or public schools. If it does not teach a trade or occupation, neither do the Seminaries or public schools. And if for these reasons the Orphan Asylum is a failure, then the Seminaries

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and public schools are failures. Such being the case, why, we ask, does the Chief out of our hundred and more schools single out the Home of the Nation's orphans as a stupendous failure which demands a "radical change?" Why this discrimination in favor of the schools whose pupils have both loving mothers and voting fathers? Where is the consistency? We surely have the right to expect that the Chief, whom we all admire for his flinching moral courage and who stands head and shoulders above us all, shall in this important matter, be consistent.

But the claim is made that fault is not found with "any person or officer, but the great mistake is in the manner or system under which this institution is managed." That is, the officer is faultless but his way of doing things is a "great mistake." This cunning fallacy will not avail. If a system is radically wrong then its holders are wrong, either wilfully or ignorantly.

Finally it is proposed to make the Orphan Asylum an Industrial School. I am not by any means opposed to Industrial Education. I am examining an argument for its application to a particular school. The argument in the message runs thus: "The school neither

educates nor teaches a trade. Common reason would then teach us that it should be an industrial as well as an educational institution." This is sufficiently answered when it is said that the conclusion does not follow from the reasons given and the reasons are only partially true.

Suppose the school is made Industrial. Suppose a Seminary boy wishes to learn a trade. He is excluded from this school because he is not an orphan. If a trade will benefit an orphan who will have neither aged mother nor father to support, it will certainly benefit those who may have both. Suppose an orphan with brilliant natural endowments should wish to learn a literary life. He must be satisfied with a partial education and a trade. The better plan would seem to be to make an Industrial Institution separate and distinct from the others. Make an Industrial Education obtainable by all, compulsory on none.

True, the plan proposed in the message would make three new offices. But really the Cherokees have offices enough. Every tract of unoccupied prairie or woodland is an office waiting for the coming of the office-seeker." There is an office in every bed of

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ore or building stone. There are offices in every sick room, in every school, church and court house, in every shop, store and printing-office. Offices! Why, we have thousands of them -- more offices than men to fill them.

WALTER A. THOMPSON

INDIAN CITIZEN

Vinita, Indian Territory
Thursday, November 13, 1890
Vol. 9 No. 10
M. E. Milford, Manager

PORTION OF FOURTH ANNUAL MESSAGE OF J. B. MAYES

During the progress of the election throughout the states last week the chief was engaged in delivering his very lengthy message. After the introductory passages, the first topic considered was that of the finances of the nation. The point sought to be made was that while there was no increase in the amount received as interest on the invested funds, there is a large increase in the cost of government, owing to the constant increase in population.

When you make an appropriation in excess of the annuity, says the chief, it would be well for you to know where the money is coming from to pay the same. The fund derived from the lease of the grazing privileges now on hand amounts to \$300.000 and would have been now \$400.000 had the last payment been made by the Cherokee Strip Live Stock Association, which was due July 1st last. The association refused to make the payment on account of the order of President Harrison for their removal from the strip. The association is more than willing to make the payment if still allowed to occupy and enjoy these lands.

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It is an unreasonable hardship on the Cherokees to be thus deprived of a revenue of \$200,000 by such an order.

The \$15,000 that should have been available at the last session of the council that was derived from the grazing privilege west of the Arkansas river, of which \$8,750 was retained by the treasurer as a per cent, for receiving this fund to make the \$200,000 per annum complete, constitute the \$15,000 and would have made a decent sum to pay national warrants that are to-day selling at a discount.

I had a proposition made to the Attorney General of the United States to whiche he agreed to submit a joint resolution to congress authorizing the adjudication by the supreme court of the United States, the question of the Cherokee nation's right to use those lands as it saw proper. I am confident the resolution can be passed. The loss of this revenue will be seriously felt and we cannot afford to surrender it without a struggle to recover the same.

The allowance for right of way, deposited by several railroads traversing the nation, was alluded to with the suggestion that if thought prudent it might be covered into the treasury, the supreme court

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having sustained the "eminent domain theory, as against the nation's claim.

The revenue provision of the hay law being avaded in many instances, it is recommended that provision be made by which the collection of this tax shall be made certain.

The remnants of the walnut timber, (stumps and limbs) would yield quite a sum, and provision for the sale thereof is advised.

There being so many percentages taken out of all receipts by the various officers it is recommended that a national revenue officer be provided for, as by a careful handling of our resources a sum sufficient to meet largely the expenses of government could be realized. At present our affairs in this direction are very poorly managed and yield but a pitiful sum.

Council is urged to try and obtain from the government the sum of \$15,000 received by W. P. Ross and Riley Keys in 1863 for the subsistence of destitute loyal Cherokees, which was taken at the time from the Choctaw funds and by a late act of congress restored from the Cherokee.

The proposition for the national council to

sell these lands (the outlet) was something entirely out of the line of policy of the United States government in its dealings heretofore with the Cherokee nation and contrary to the usages and laws of the same. The many million of acres of land heretofore sold to the government by the nation at different times, has been done only by treaty, ratified by the people. The national council has never assumed the sole right of disposing of lands belonging to the Cherokee people.

The treaty of 1886 was a result of the civil war, and forced upon this nation as an alternative for something worse. The Cherokees submitted to and ratified it, whereby an agreement was made for the sale of the Cherokee lands west of ninety-six for the settlement of friendly Indians. But this idea has long since been abandoned by the United States government. The original intention to reserve the entire Indian Territory for the Indians, as first inaugurated by such men as Jefferson and Jackson, was still provided for in the treaty of 1866, and carried out in good faith by that great man General Grant, at the close of the late war. But this faith was broken and violated in the organization of the Territory of Oklahoma in the midst of the Indian country. Under

these circumstances the Cherokee nation must consider the full and complete ownership of these lands, and if ever sold, it must be by all means at a price equal to its value either by a constitutional amendment or by the modification of the treaty of 1866 in a manner that will make the sale to the government instead of to friendly Indians. This can, perhaps, be effected if the Cherokees so desire it and by following this line of policy the sale, if made at all, should be made under the shelter of treaty stipulations the Cherokees can never afford to lose sight of, as a safe guard in their dealings with the government of the United States.

PUBLIC DOMAIN

The settlement of the public domain has become one of the greatest questions that concern our people. When the Cherokees were greatly a pastoral people, the land was prized for the grass and cane which furnished ample feed for their stock, and the land valued on account of the natural growth it furnished for the subsistence of one's herds; then the settlement of the public domain was an easy problem. But to-day the Cherokees are an agricultural people -- wheat, corn, cotton, fruits and vegetables are produced

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in abundance for exportation. Large wealth is now being accumulated in tilling the soil, so much so our valuable lands will soon be taken up and be put in cultivation, thereby making permanent and happy homes. Hence this important question presses itself upon your consideration. The strong, energetic and wealthy class of our citizens will naturally get possession of our rich lands and monopolize the use of the same. Our forefathers in the formation of this government wisely looked to this day and engrafted in the constitution a provision by which this monopoly could be restrained.

At this time the monopoly has grown to be an evil that demands your immediate action. The information I have from many parts of the country is that individuals have become so infatuated with the accumulation of improvements that single persons claim as many as thirty farms. The country in some sections is literally fenced up without a pass way. While you should encourage every citizen to make and own good farms and become large tillers of the soil, there should certainly be a limit to this greed. You should teach the people that every one has an interest in this, our common country, and when they properly understand and fully

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appreciate this great family government and estate, they will then know that a few citizens cannot fence up and own the entire country.

The way in which this monopoly is greatly carried on is by our citizens entering to pretended leases of the land to non-citizens for a number of years, which is in plain violation of the laws of this nation. The citizen is to get all improvements after the non-citizen gets the use of the land, and in many instances after the land is nearly worn out. The citizen as a general thing has never invested a dollar in this transaction. I am also informed that a land office business is being carried on between non-citizens in buying and selling these leases. You can at once see the great evil and danger that will be entailed on the country by this unscrupulous action of our own citizens. I am of the opinion that you are justified in resorting to extreme measures to relieve our country of this curse.

We have many good and wholesome laws and if properly executed, would correct many evils that exist. There are violators of law who go unpunished. This state of affairs is greatly due to the fact that

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the district solicitors are neglectful of their duties, or incompetent. I recommend that you provide for a Solicitor General for the Cherokee nation, with a salary sufficient to demand the services of an able attorney.

INTRUDERS--5,333

This question has become sickening to the pride of every Cherokee who has a bona fide interest in this nation and is enough to arouse his indignation and vengeance, after having endured the burden, hardships and expense of owning and holding this country for themselves and posterity, to be compelled to sit quietly and see a herd of vagabonds organizing themselves into a "citizenship association" with a fund placed by it in the hands of unscrupulous lawyers to carry out one of the boldest robberies ever perpetrated on a people. This lawless class of marauders, who have come from the four corners of the earth, have fastened themselves upon our rich soil and claim to be Cherokees by blood, appealing to the United States government for protection in carrying out this infamous scheme. It makes no difference from what country he hails, if he only has the initiation fee of five dollars, he is duly ingrafted into said association and then

instructed by the leader to make improvements on Cherokee land. How wonderfully strange the officers of the United States government, whose duty it is to remove them, after knowing all the facts connected with this fraud, will listen to their plea and afford them protection. While recently in Washington, the commissioner of Indian affairs gave me his sacred promise that he would see that they were removed, but means and ways are used to defeat this purpose.

The matter passes through many hands; many formalities are gone through with and finally the proper officer loses sight of it and thereby this outrage goes on unsettled. This class of persons have lived here for years and in many instances accumulated fortunes by the use of our soil and the sale of our timber, without paying one cent for the support of our government and at the same time ignoring every statute on our law book.

Now I recommend that you make a last appeal to the government for their removal and if this effort should prove futile, that you provide for their removal at the hands of the proper officers of this nation. It would be better for the nation to suffer in the act of removing the intruder than to be both

insulted and robbed. Self protection is the first law of nature. We do not deserve to own homes if we are not willing to make a sacrifice in protecting them. The Cherokee nation has for the last twenty years, begged, prayed and plead with the government to carry out its treaty agreements for the removal of intruders but nothing has been done and they are daily coming into our country and settling on our soil.

Alluding to education, the chief advised that the grade of our common school teachers should be raised, stating the fear that many of our teachers have not attained the proficiency that would justify giving them schools. The pay of teachers should be uniform. The only effort now is to make an increased average in order to increase their pay. Under these circumstances teachers are liable to lose sight of everything but the average. The inducement to make a wrong report is continually held out-- the money temptation is there. It was recommended that the price of board at the high schools be reduced from \$2.00 a week to \$5.00 a month. The enrollment of the various schools is as follows.

Common schools....	3,877
Female Seminary.....	156

Male Seminary(Scholastic year 1889).....	211
Orphan Asylum.....	150
Babtist Mission, Tahlequah.....	70
Presbyterian Mission, Tahlequah.....	35
" " Park Hill.....	77
" " Woodall.....	41
" " Elm Springs.....	40
Worcester Academy, Vinita.....	122
Galloway College, Vinita.....	60

Aggregate in the nation.....	4,839
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The colored high school has been discontinued temporarily on account of non-attendance of students, but will now go into operation with a fair patronage.

A strong delegation to Washington was recommended and that provision be made for united action with the other civilized tribes.

A policeman should be appointed to take charge of the improvements left on the strip by the cattlemen.

Concerning the per capita the chief urged the appropriation for this purpose, recommending "that it be given to all bona fide citizens."

Alluding to the judiciary it was urged that provision be made for an appeal in criminal cases;

also for a revision of the statutes.

The census by districts is as follows:

Cooweescoowee District.....	5,621
Tahlequah.....	3,966
Flint.....	1,881
Delaware.....	3,983
Going Snake.....	2,675
Illinois	2,678
Saline	1,514
Sequoyah	1,440
Canadian	2,302
Total	25,978
Increase in ten years.....	5,642

This is the fourth and last annual message of my term of office, and it is hoped that our action will be harmonious. In the performance of the labors and duties, in connection with yourselves and the preceding council, I can assure you and conscientiously say, that my only aim and purpose has been for the good of the Cherokee people. I may have erred but not intentionally, and if I have offended any one in the performance of those duties I simply ask their pardon.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Nov. 20, 1890
Vol. 9, No. 11
John L. Adair, Editor

EDITORIAL ON F. P. ROSS

Col. Ross declared unequivocally in the senate last week that the Shawnees, Delawares and Freedmen were each entitled to an equal sum with the Cherokees in the per capita. He further said he understood fully the intention of the treaties and compacts for he assisted in making them. The senator was certainly in a position to have positive knowledge upon this subject and his views are worthy of more than casual consideration.

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THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.

Nov. 20, 1890

Vol. 9, No. 11

John L. Adair, Editor

EDITORIAL ON J. B. MAYES

It is reported that Chief Mayes has signified his willingness to sign the per capita bill in whatever shape the national council passes it. That he should have committed himself in advance looks rather improbable, for his political enemies will thus be given an opportunity of making the dose as nauseating as possible. By the way, will it not take considerable hardihood for the chief, now a candidate for re-election, to look over the returns of three years ago and approve a "blood" bill? It looks that way from this point of observation.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Dec. 11, 1890
Vol. 9, No. 14
John L. Adair, Editor

MEMORIAL ON E. C. BOUDINOT ✓

Whereas, since the last session of this court it has pleased Almighty God to call home our beloved friend and distinguished professional brother, Col. E. C. Boudinot, therefore be it resolved by the Bar of the United States court for the Indian Territory, held at Muskogee:

1st. That in the death of Col. Boudinot the Bar of the Indian Territory has lost one of its most eminent and exemplary members and one who was endeared to us all by the many amiable traits of his character. He was a courageous and honorable man, a faithful lawyer of high attainments, an eloquent advocate, an educated and accomplished gentleman who was ever courteous and kind to his professional brethren and who carried with him into all the walks of life a genialty, a culture and good humor which shed light and commanded respect and

admiration, whether moving in the humble sphere of his own people, or among the most affluent and powerful, and honored, of the nation.

2nd. That as the blood of the two races ran in his veins, so he exemplified in his life many of the best characteristics of both the Indian and Anglo-Saxon. His heart was singularly devoid of race prejudice or partiality, and he loved his friends and family among both with equal fervor. The just and impartial spirit of the man, his anxiety for the welfare of the Cherokees, his statesmanship, knowledge and forecast of events, led him to the advocacy of advanced positions among his own people, which for a season estranged them from him, but time vindicated and is still vindicating his wisdom and foresight, and at the period of his sad taking off in the prime of a vigorous manhood, ostracism had been transformed into popularity and he was welcomed around all the fires of the Cherokees.

3rd. That we sincerely and profoundly lament his death and warmly cherish the bright example he has left us as a legacy to his professional brethren and the whole country.

4th. That a copy of these resolutions be

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sent to his bereaved widow to whom we extend our
heartiest sympathies and that they be spread upon
the records of the U. S. court for the Indian Ter-
ritory.

THOS. MARCUM,

Chairman.

D. M. WISDOM,

GEO. J. NELSON,

J. H. KOOGLER,

S. S. FEARS,

Committee.

CHEROKEE TELEPHONE

Tahlequah, I. T.,
Thursday, April 28, 1891.
Vol. 4. No. 49.
Augustus E. Ivey, Editor.

EDITORIAL ON ALLEN ROSS ✓

"Uncle" Allen Ross, one of the oldest and most esteemed Cherokees at this place, died at the home of his son, R. B. Ross, at 12:10 p.m., Tuesday, after a brief illness. He was a son of John Ross, so long principal chief of the Cherokees, and was born at Rossville, near Chatanooga, Tenn., Dec. 26, 1818, and grew up at that place, at the head of the Coosa river. Mr. Ross was educated at Athens, Tenn., and came west with the Cherokee emigrants in 1837-8. He served in the war of the rebellion with two brothers, who died several years since, and two sons, (Rufus Ross, deceased, and Robt. B. Ross, the present treasurer,) in the 3rd regiment of Cherokee Home Guards, United States volunteers. At the time of his death, and for about 14 years previous, he has held the office of clerk of Tahlequah district. He was a consistent member of the Moravian

church, and was much esteemed by the people of the district, among whom he has resided for more than fifty years. He leaves two surviving sons and several grandchildren.

CHEROKEE TELEPHONE

Tahlequah, I. T.,
Thursday, June 4, 1891.
Vol. 5. No. 5.
Augustus E. Ivey, Editor.

EDITORIAL ON J. B. MAYES ✓

A prominent citizen of this place who is a Mayes man and personal friend of the Cherokee Chief, hailed a friend, who is also a Mayes man, from the upper part of the Nation, as the east bound train drew into the station one day last week:

"Hello Charley -- glad to see you. How is the Downing party in the upper country?"

"Gone to h -- I and Bushyhead!" was the doleful reply.

The Muldrow man walked off with a grave yard expression on his face.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
July 2, 1891
Vol. 9, No. 43
John L. Adair, Editor

OBITUARY ON CHARLES THOMPSON ✓

Ex-chief, Chas. Thompson, (Cochaville)
died at his home in the eastern part of Delaware
district on the 25th of July. In his neighborhood
among the full-bloods, he was for years the dic-
tator and they voted as he directed without ques-
tion.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
January 6, 1892
Vol. 16, No. 25
H. M. Adair, Editor

AN AGREEMENT APPROVED BY E. C. BOUDINOT ET AL

An Act to ratify and confirm certain articles of agreement by and between the United States and the Cherokee Nation of Indians, in the Indian Territory.

WHEREAS, It is provided by Section fourteenth, of the Act of Congress, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1889, and for other purposes," approved March 2nd, 1889, that

SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session, and to the Council or councils

of the Nation or nations, tribe or tribes, agreeing to the same for ratification, and for this purpose the sum of twenty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated, to be immediately available: Provided, That said Commission is further authorized to submit to the Cherokee Nation the proposition that said Nation shall cede to the United States, in the manner and with the effect aforesaid, all the rights of said Nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date of January nineteenth, eighteen hundred and eighty-nine, and ratified by the present Congress; and if said Cherokee Nation shall accept and, by act of its legislative authority duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized, as soon thereafter as he may deem advisable, by proclamation, to open said lands to settlement in the same manner and to the same effect as in this act provided concerning the lands acquired from said Creek Indians; but until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto; and

WHEREAS, David H. Jerome, Alfred M. Wilson and Warren G. Sayre have been duly appointed, qualified and commissioned as such Commissioners; and

WHEREAS, By an Act of the Cherokee National Council, approved November 16th, 1891, among other things it is provided:

"That the Principal Chief is hereby authorized, by and with the advice and consent of the Senate to appoint a commission of seven persons with authority to meet and enter into negotiations with

the above named Commission, appointed by the President of the United States, for the cession of lands of the Cherokee Nation west of the 96th degree of west longitude, and for the final adjustment of all questions of interest between the United States and the Cherokee Nation, which are now unsettled; and it shall be the duty of said Commission on the part of the Cherokee Nation to report their proceedings in full to the National Council for their approval and ratification, and that of the Cherokee people, in such manner as the National Council may decide to be necessary, before the same shall be obligatory and binding on the Cherokee Nation; and

WHEREAS, Elias C. Boudinot, Joseph A. Scales, Roach Young, William Triplett, Thomas Smith, Joseph Smallwood and George Downing have been duly appointed and qualified as such Commissioners; and

WHEREAS, Said Commissioners, so representing the United States, upon the one part, and the Cherokee Nation upon the other part, have made, concluded and signed certain articles of agreement in the words and figures following, to-wit:

Articles of agreement made and concluded at Tahlequah, in the Indian Territory, on the 19th day of December, A. D. 1891, by and between David H. Jer-

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ome, Alfred M. Wilson and Warren G. Sayre, Commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Seales, George Downing, Roach Young, Thomas Smith, William Triplett and Joseph Smallwood, Commissioners on the part of the Cherokee Nation.

ARTICLE I.

The Cherokee Nation, by act duly passed, shall cede and relinquish all its title, claim and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth (100⁰) degree of west longitude; on the north by the State of Kansas; on the east by the (96⁰) degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma and the Cheyenne and Arapahoe Reservation created or defined by Executive Order dated August 10, 1869. The tract of land embraced within the above boundaries containing eight million one hundred and forty-four thousand six hundred and eighty-two and ninety-one hundredth (8,144,682.91) acres, more or less.

ARTICLE II.

For and in consideration of the above cession

and relinquishment the United States agrees:

FIRST. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation and who are not recognized as citizens of the Cherokee Nation, by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the the provision of Treaty, or Acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of Section Six of the Treaty of 1835 and Sections Twenty-six and Twenty-seven of the Treaty of July 19, 1866, and shall together with their personal effects, be removed without delay from the limits of said Nation by the United States, as trespassers, upon the demand of the Principal Chief of the Cherokee Nation. In such removal no houses, barns, out-buildings, fences, orchards, growing crops or other chattels real, being attached to the soil and belonging to the Cherokee Nation, the owner of the land, shall be removed, damaged or destroyed, unless it

shall become necessary in order to effect the removal of such trespassers; Provided, Always, That nothing in this section shall be so construed as to affect in any manner the rights of any persons in the Cherokee Nation under the Ninth Article of the Treaty of July 19, 1866.

SECOND. That Article Fifteen (15) of the Treaty of July 19, 1866, by and between the United States and the Cherokee Nation, shall be abrogated and held for naught from and after the day that Congress may ratify this agreement providing for such session and relinquishment of title; Provided, That the rights of any person or persons heretofore acquired under and by virtue of said Article Fifteen shall in no manner, and to no extent whatever, be effected by such abrogation.

THIRD. The judicial tribunals of the Cherokee Nation, shall have exclusive jurisdiction in all civil and criminal cases, arising in the Cherokee Country, in which members of the Cherokee Nation by nativity or adoption shall be the only parties.

FOURTH. The United States shall, without delay render to the Cherokee Nation, through any agent appointed by authority of the National Council, a complete account of monies due the Cherokee

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Nation under any of the Treaties ratified in the years, 1817, 1819, 1825, 1828, 1833, 1835-6, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect; and upon such accounting should the Cherokee Nation, by its National Council conclude and determine that such accounting is incorrect or unjust, then the Cherokee Nation shall have the right within twelve (12) months to enter suit against the United States, in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for any alleged or declared amount of money promised but withheld by the United States from the Cherokee Nation, under any of said treaties or laws, which may be claimed to be omitted from or improperly or unjustly or illegally adjusted in said accounting; and the Congress of the United States shall at its next session after such case shall be finally decided and certified to Congress according to law, appropriate a sufficient sum of money to pay such judgment to the Cherokee Nation, should judgment be rendered in her favor; or if it shall be found upon such accounting that any sum of money has been so withheld, the amount

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shall be duly appropriated by Congress, payable to the Cherokee Nation, upon the order of its National Council, such appropriation to be made by Congress if then in session, and if not, then at the session immediately following such accounting.

FIFTH. That any citizen of the Cherokee Nation, who prior to the first day of November, 1891, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land herein ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and farming purposes, shall have the right to select one-eighth of a section of land, to conform however to the United States' surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take -- until all of his improved land shall be taken.

That any citizen of the Cherokee Nation not a resident within the land herein ceded, who, prior,

to the first day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land herein ceded, shall have the right to select one-eighth of a section of land to conform to the United States' surveys; such selection to embrace, as far as the above limitation will admit, such improvements.

It is further agreed and understood that the number of such allotments shall not exceed seventy (70) in number and the land allotted shall not exceed five thousand and six hundred (5,600) acres; that such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States, in fee simple.

It is further agreed that from the price to be paid to the Cherokee Nation for the cession herein provided for there shall be deducted the sum of one dollar and forty cents (\$1.40) for each acre so taken in allotment.

SIXTH. That in addition to the foregoing enumerated considerations for the cession and relinquishments of title to the lands hereinbefore provided, the United States shall pay to the Cherokee

Nation, at such time, and in such manner, as the Cherokee National Council shall determine, the sum of eight million five hundred and ninety-five thousand seven hundred and thirty-six and twelve one-hundredths (\$8,595,736.12) dollars, in excess of the sum of seven hundred and twenty-eight thousand three hundred and eighty-nine and forty-six one-hundredth (\$728,389.46) dollars, the aggregate amounts heretofore appropriated by Congress and charged against the lands of the Cherokees west of the Arkansas River; and also in excess of the amount heretofore paid by the Osage Indians for their reservation. So long as the money, or any part of it, shall remain in the Treasury of the United States after this agreement shall have become effective, such sum, so left in the Treasury of the United States, shall bear interest at the rate of five per centum per annum -- payable semi-annually; Provided, that the United States may, at any time, pay to said Cherokee Nation the whole, or any part of said sum, and thereupon terminate the obligation of the United States, in respect to so much thereof as shall be so paid and in respect to any further interest upon the same; Provided, further, that should the Cherokee Nation determine to distribute said money, or any part thereof principal

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or interest, to any of its citizens per capita, and should the classes of persons provided for in the Ninth and Fifteenth Articles of the Treaty of July 19, 1866, claim that, in such distribution, they have been unjustly or illegally discriminated against, then, on complaint made by such persons, Congress shall, by law, authorize a suit in a proper court, by and between such classes of persons, and the United States, and the Cherokee Nation, to determine that question -- giving to any party thereto the right of appeal to the Supreme Court of the United States, and providing that such suit or suits may, in proper manner, be advanced upon the dockets of such courts, to secure a speedy hearing of the same; and the United States shall retain a sufficient sum of money, under its control, to adjust and relieve such discrimination, should it be adjudged that such discrimination has been made. It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described, shall not be effective, for any purpose whatever, until it shall, in its entirety, be ratified by Congress, and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress, and placed in the Treasury of

the United States subject to the order of the Cherokee National Council; Provided, further, that nothing contained in this agreement, shall have the effect to limit or impair any rights whatever, the Cherokee Nation has in or to or over, the lands herein ceded until it shall be so ratified by Congress; and

Provided, further, that if this agreement shall not be ratified by Congress, and the appropriation of money, as herein provided for, made, on or before March 4, 1893, it shall be utterly void.

In witness whereof we have hereunto set our hands, the day and year first above written.

Commissioners on the part of	(DAVID H. GEROME,
the United States.	) ALFRED M. WILSON,
	(WARREN G. SAYRE.

Commissioners on the part of	(ELIAS C. BOUDINOT,
the Cherokee Nation.	) JOSEPH A. SCALES,
	(ROACH YOUNG,
	) WILLIAM TRIPLETT,
	(THOMAS SMITH,
	) JOSEPH SMALLWOOD,
	(GEORGE DORNING.

In presence of	CHAS. S. KING,
	W. P. BOUDINOT.

Therefore,

Be It Enacted by the National Council: That said agreement be and the same is hereby accepted, ratified and confirmed on part of the Cherokee Nation, and that the cession and relinquishment of claim, title and interest recited in the First Article of said agreement is hereby made, declared and enacted, to take and

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have effect in the manner, and at the time, and in accordance only with the terms recited in said agreement; and the Cherokee Nation hereby gives its consent that such lands when so ceded and relinquished may be included within the territorial limits and jurisdiction of any state or territory directed or authorized by the Congress of the United States; Provided, That the sum of one hundred and twelve (\$112) dollars shall be deducted from the per capita share of money of each and every person who may take an allotment of land according to the provisions of this agreement.

NOTE: -- Since our last issue the above treaty has been duly ratified by the National Council. It was the intention of the ADVOCATE to publish the bill of ratification, but owing to the press of business in the Executive Department we have found it impossible. -- ED.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Jan. 21, 1892
Vol. 10, No. 20
D. M. Harris, Editor

NEWS ITEM OF T. M. BUFFINGTON AND E. C. BOUDINOT ✓

ST. LOUIS, Jan. 20

E. C. Boudinot and T. M. Buffington, delegates of the Cherokee Nation have gone to Washington to look after legislative measures affecting their people. The principal work they will have to perform will be to urge the ratification by congress of the agreement for the sale of the Cherokee Strip. Besides the payment of \$8,895,000 for the strip ✓ the treaty provides for the preservation of the rights and interests of the Cherokees, notably the removal of all intruders from the reservation. Under this new treaty the government also agrees to abrogate section 15 of the treaty of 1866 by which other friendly Indian nations are permitted to settle on Cherokee lands. Mr. Boudinot says that the report which has gained wide circulation to the effect that Cherokees were moving on the choicest

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lands of the strip and staking them off is made out of whole cloth. The facts are, he said, that at the time the treaty was drawn up there were nearly seventy Indians who had settled on the strip and made great improvements. A clause was inserted covering these cases to the effect that the Indians will not be disturbed. The clause covers but 5,600 acres. The committee will oppose Congressman Breckinridge's bill recently introduced having in view the organization of five tribes into a territory.

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THE CHEROKEE ADVOCATE.

Tahlequah, Cherokee Nation, I. T.
February 10, 1892.
Volume 16, No. 28.
H. M. Adair, Editor.

HONORABLE JOEL B. MAYES. ✓

For the Cherokee Advocate.

High up the mountain side and towering far
above its forest companions stood a tall oak tree.
So much higher it was than the surrounding trees
that the very clouds rested on its lofty head
and crowned it with their glory. The winds
lingered here and whispered their secrets to the
rustling branches that waved gladly up against
the clear blue sky, and now reached mournfully
down through the mists that rose from the valley.
Here too the birds first came with tidings from
the sunny land of hope and every ray of sun-shine
sent a happy thrill to the grand old tree. In
the moist earth at its roots grew those lovely
first born of spring, purple and pallid and pink,
and near by, making music all through the summer
days, a brook went hurrying on into which this
large tree dropped its leaves, whence they glided

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to the rushing river that bore them on and on into the great ocean. So this tree stood there in its own appointed place happy, happy only to be able to live in this beautiful world unshaken by the storms that swept over the mountain side. Its strong branches over spread shielding the trees that stood below, an inspiration to all living things. Smaller trees looked up to it, some with pride, that so fair and stately an oak was in their midst and that they could stand there, side by side with the forest king, others with envy, that it was taller and grander than they. So while the happy, contented trees were singing songs of gladness for the lofty friend, in the branches of the others were heard murmurings of discontent. But what cared the tree for all these complaints? Did it not stand secure in its might, the smiles of heaven forever upon it?

So in the forest of life stood Joel B. Mayes Higher indeed, was he, than his companions -- a grand, a splendid, a majestic, manhood, was his. Equally conspicuous in the loftiness and purity of his character; character with him meant an

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ingenuous mind, a generous heart and a glowing energy of will that made enjoyable the battle of life. Never did he surrender any of his love of truth but recognizing the stubbornness of facts, lived a life of noble purpose, lofty ideas and heroic endurance in grand efforts to carry out beneficent schemes against an iron antagonism of circumstances. Feeling the ^aappels of his people he promised that his entire work, even at the sacrifice of all he had, should be the defence and elevation of the oppressed: "My people shall have their rights!" he exclaimed. Therefore, he turned aside from the most alluring prospects of wealth, social distinction, honor and fame, to devote his life to the advocacy of an unpopular cause and that from the pure motive of the love of justice. Joel B. Mayes surely earned the right to be named the defender of his country, the friend of the despised and oppressed, for few men ever gave up more than he for an idea or worked more effectively that it might be realized in the lives of men. His age created him for its special service upon which he wielded a wonderful power in mouldering its opinions and directing the course of events, and in the history of which his figure will stand for all time,

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conspicuous and unique.. Nothing but a high moral purpose, a deep moral insight, untouched by the temptations, undimmed by the aims that blinded other men, could have made him the man he was. He could foresee dangers but was not deterred by them, being cheered by the thought, "Right at last shall triumph over wrong." As the tree reached its branches down towards the midst of the valley, Joel B. Mayes looked down on the sins of the world with mingled sorrow and shame.

And at times, when shadows overcast his mind, his wife would whisper sweet words of comfort and inspiration that came to him as a ray of sun shines to the dark, filling his life with light, heat and power. How often would men be less powerful were it not for one at home who lives a quiet life: so beautiful, so brave and so holy that a part of heaven seems verily to have come down to inspire their lives.

Alone among all the eager politicians which this nation has produced. Joel Mayes blended the sturdy conviction and rugged earnestness with the exquisite

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refinement and simple eloquence of a man. He convinced his opponents that they were wrong. He filled his hearers with awe, anger and admiration. By the devotion of duty he carried before him all opposing factions and with his commanding will, intellect, person, and eloquence he was enabled to triumph over his antagonists. Even as the tree dropped its leaves into the dashing brook to be carried on to the ocean, will not Joel Mayes' deeds be borne on and on by the great sea of eternity, by his untiring labors for the weak and helpless people. He has created a monument to his memory more enduring than marble -- the memory of good deeds are imperishable. In his life work he illustrated the power of a single earnest soul, in a noble cause, and has given to the world an example of the most sublime devotion, the most unselfish purpose.

Oh, thou good and faithful servant! whose domestic life was an idyl; whose public life was an epic. The consecration of thy life to the elevation of the despised race will glorify the pages of history and add glory to thy native land.

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We may well mourn for him, we may look far into the future for a star, so large and so brilliant as that which has just paled before us. But we must follow the shining example left and try to be to the future what he has been to us in the past, drawing from the well spring of his useful and eventful life, drops of thought that may inspire us to emulate his life and life work. Each of us stand in his own appointed place, as the tree on the mountain side, and we should begin life as Joel B. Mayes did, with an honesty of purpose, an unswerving devotion to the cause of right, loving all that is right and true, liberty of thought, liberty of conscience and of action, hating with all the intensity of our nature, every idea and every act that savors of the enslavement of a higher and better life.

R. H. F.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.

March 17, 1892

Vol. 10, No. 28

D. M. Harris, Editor

EDITORIAL ON C. J. HARRIS

Notwithstanding the fact that Chief Harris, of the Cherokees, declares there is nothing in the rumored compromise between the Cherokees and the Cherokee claimants, whereby the claimants are to accept 160 acres of land each in the Cherokee Strip, and a sum total of \$250,000 in lieu of their improvements in the home tract of Cherokees, reliable advices from Washington indicate that there is something in the rumor. This much is certain, the senate committee is convinced that a compromise should be effected to preserve the rights of all concerned and both the Cherokee delegates and citizenship delegates have expressed an inclination to compromise if their constituents would agree. -- Muskogee Phoenix.

Now, after reading the testimony taken before

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the sub-committee, the Phoenix or any one else could possibly arrive at the above conclusion we are entirely unable to understand. Mr. Boudinot stated to the committee explicitly that his people would all oppose any compromise whereby the intruders would have to be paid by the Cherokee nation and that they would never consent to an arrangement of that kind. Gov. Sayre stated to the committee that he regarded the intruders as trespassers, and did not think that the government was under any obligations whatever to provide for them. No member of the committee at any time even indicated that the Cherokee nation should be forced to pay these people for trespassing on their domain.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
March 17, 1892
Vol. 10, No. 28
D. M. Marrs, Editor

EDITORIAL ON E. C. BOUDINOT

It now transpires that Delegate Boudinot has been writing letters to a good many citizens of this country asking them to call the Strip agreement by some other name than the "Strip steal." Mr. Boudinot has made a gallant fight to secure the ratification of the agreement by congress, but the prospect at present is that he has failed. Meanwhile, the situation at home has narrowed down to the conclusion by the masses that the Cherokee people know what they want and know that they do not want the fifth article of the Strip agreement, whereby seventy individuals are the recipients of special privileges, and the evidences of a large sized job in the whole transaction are so palpable that the whole country understands the matter thoroughly.

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THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
March 17, 1892
Vol. 10, No. 28
D. M. Marrs, Editor

EDITORIAL ON E. C. BOUDINOT ✓

In his testimony before the senate, sub-committee on Indian affairs, on the subject of intruders, Delegate Boudinot said:

Yes, sir; we have passed laws against it. I want to say that the act of intrusion itself is barefaced and naked; that these very parties have come there and so far conformed to the Cherokee law as to make application for citizenship to the proper authorities, but, being rejected have ignored the Cherokee law, and made improvements before that question of citizenship was in any manner established or settled. There could be no excuse, and, the way we understand it, by your principles of law, no right in law or equity for naked intrusion. We claim, upon the various authorities to which you have been cited and the various treaties, and your decisions of the supreme court, that the right is

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entirely in us to settle these questions; that if the intruder is in any manner whatever maintained in that country, kept there, it will be at the expense of some unquestioned Cherokee citizen by blood; that within our country now, with its present population, and excluding that which we propose to cede to you, there does not remain to an individual Cherokee more than seventy acres of tillable land. So that it is altogether out of the question to ask the Cherokees to divide with this intruding element or in any manner make a sale of land to them, because we now know that the next generation must seek diversified labor; that they cannot find land enough to cultivate and make a living therefrom.

We have the same feeling of humanity among our people that you have. We do not like the idea of driving any people before a bayonet. At the same time when we are trespassed upon and in the manner we have been by these intruders, and when we know that from the very first trespass up to the very last, where we have had opportunity, we have prayed the government of the United States to remove them and it has not been done, we feel that the United States and not the Cherokee nation is to blame for

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nine-tenths of the people who are located there to-day. We complained when there were not fifty, not twenty-five there, and we asked their removal. But the department of the government in whose hands that matter was placed did not do it; and from the time of the first intrusion, something near twenty years ago, the apathy and refusal of the government to act in the matter has been an encouragement to induce the balance of those intruders to come.

Take, for instance, the case that you used as an illustration in the examination of Mr. Hubbard the other day, his own case. I make no personal reflections at all in that but just simply refer to it as far as he did. He stated that he was a North Carolina Cherokee. Yet, if he will answer my question, we can show by him that he was not born in the Cherokee nation. He claims to have been born where the Cherokee nation once was, in a portion of North Carolina. If we as a nation are compelled to admit every human being born in the country where we once lived we would hardly have land enough left to bury the people upon, much less support them and afford them a living. He claims that his

great grandmother was a Cherokee. Had he been able to come to the Cherokee nation and show from any of our rolls that such was the fact, and that his ancestors lived in North Carolina, according to his statement, at a time when they could have drawn money and received land by simply asking for it if they were Cherokees; I say that if he had come to our nation and proved that he was upon any of the rolls, or proved by any living Cherokee or party known to us, outside of some irresponsible affidavit, which we look upon always with suspicion, he undoubtedly would have been admitted as hundreds of others have been.

But we claim that it would not do to admit entirely upon affidavits of a few people we do not know anything about. His ancestor's name -- and that is so long ago that no living man can swear to it with any degree of certainty -- his ancestor's name does not appear upon the rolls, which can only attest the names of Cherokees of that long ago. That is the reason that we rejected him. If we were to take such testimony as he says that his is, we would not only have the 7,000 or 8,000 applicants for cit-

izenship in the Cherokee nation that we now have, but we would have tens of thousands of others, because men having an experience with affidavits, men connected with the pension office and connected with proving up land claims, connected with mining claims, or anything of that kind, know how wholly untrustworthy an ex parte affidavit is. The claim that under the treaty of 1846 the land was granted to the whole Cherokee people, and therefore entitled to it, must necessarily fail, under the decision already frequently quoted against the North Carolina band of Cherokees. Before the court of claims this mention of the whole of the Cherokee people was fully explained as simply meaning all of those people who were part of the Cherokee nation, belonging to one or the other of the three separate parties that that nation was divided into at the time of making the treaty of 1846, which was an adjustment of their differences, and to none other.

As to the question whether we should pay them for their improvements or not, which question would arise if the Cherokee nation pays for the improvements, then it takes the money belonging in common to our whole people and invests it in a home

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for all the parties. We cannot sell it to the individual Cherokees, because that individual Cherokee who is able to buy it has already received his portion of that land. If we sold him one of these improvements we would have to protect him in the title. They have really settled upon land that belongs to our poor people who have been unable to improve it who are unable to buy it to-day. They claim that they should be allowed to sell it to individual Cherokees. The same objection would arise. They could only sell to those who had the money to buy, and those Cherokees have already more than their prorata portion of the lands, and they must in the very near future relinquish it for the whole people, for the whole country is now becoming occupied. The poorer class must come there and take their share of land in some way or other, those who are recognized as citizens.

Q. Let me understand about that. Suppose they buy, you would then have an investment in them. Do you not suppose that the nation, having bought their improvements, could dispose of them to parties who have no improvements now, but who might be willing, if the terms of payment were easy, to step into

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these improvements? -- A. I do not think that would be practicable. That would be asking the Cherokee nation to do something, to give remuneration and expend her money for something that is not altogether her fault.

Q. That may be, but as a distinguished man said, "It is a condition, and not a theory, that confronts us." Perhaps you, as well as we, ought to look at this matter to see whether there is any practicable adjustment, rather than to look at it only on the ground of strict right. -- A. If we look for an adjustment in any direction where the Cherokees will be called upon to pay any money and relinquish any of their rights, that could not possibly be settled upon any question of right, as we think.

Q. But the question is, if there could be some arrangement made by fair appraisal, not an unjust appraisal, of those improvements, and you took some of your money which would be due you now if this agreement were ratified, and bought them, whether you could not reimburse yourselves by selling these lands to Cherokee citizens on long time and easy payments, and so you not be the loser

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pecuniarily by the arrangement? A. Such a thing might possibly be done with considerable discussion and considerable opposition at home. It would be altogether beyond defense, as a matter of right, by those who entered into any such arrangement. We might tell them that we had settled the question by surrendering the position.

Q. Suppose we could sit down here and negotiate an agreement by which there should be such an appraisal, if you did not want to buy the land, and also an appraisal of the value of the land, and that then if you did not want to pay for the improvements the intruders might pay for the land. -- A. We never would consent to that. I expect that we would vote unanimously against it. I do not think a man in our nation would ever vote to sell a foot more land, because we have not got it to spare.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
September 14, 1892
Vol. 17, No. 7
H. M. Adair, Editor

LETTER OF C. J. HARRIS TO THE CHEROKEE PEOPLE

EXECUTIVE DEPARTMENT,
Cherokee Nation,
Tahlequah, Sept. 12th, '92.

To the Cherokee people:

As my attention has been called to an address in the public press, purporting to be issued "by order of the Territorial Democratic Executive Committee," and signed by one William F. Weeks, as "chairman" and one Robt. L. Owen, as "chairman of the Executive Committee of the Muscogee Convention," and also to an article signed by these individuals, and styled by them, "Democratic Territorial convention Call" -- which convention, is to meet at McAlester, in the Choctaw Nation, on the 5th day of October next; and as the object of the "Call" -- as stated

in the second item thereof, among other things -- "Is to consider whether the Democrats of the Indian Territory shall put into the field a candidate for delegate to represent the Indian Territory in the Congress of the United States, and if it decides affirmatively, then to nominate such candidate and to devise a plan for holding an election;" and as the Cherokee Nation is a component part of the so-called "Indian Territory;" and is to be effected by the object of the plan set forth in the "Call;" and as the object of this plan is to change the relations of the Cherokee people, to the government of the United States, through political combinations with citizens of the United States, whose interests are now amply protected, by law and who have no interests in the soil of the Cherokee Nation, and who are only so-journers here, including the detestable class known as the "Intruders;" and the Nation, increase their numbers, and through them will destroy the nationality, and rob the Cherokee people of their lands; and as it is an insult, as well as an invitation to you, to ask you to cooperate with the "intruders" in the management of your public affairs, and to assist them by your votes to elect a delegate to Congress, to invite legislation to protect them in the robbery of your lands; and as the interests of the Cherokee people, the

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owners of the soil, and the interests of his class of citizens of the United States are utterly irreconcilable; and as the plan proposed can only lead to dissensions, strife and ultimately to the dissolution of your nationality, and as the use of the good name of the Democratic party of the United States, is in this matter an abuse of it, and only used as a disguise to further the speculative schemes of designing individuals, who look to their self-aggrandisement, and the enrichment of themselves, at the expense of the people of the Cherokee Nation, therefore:

I, C. J. Harris, Principal Chief of the Cherokee Nation, do hereby warn all good citizens of the Cherokee Nation, not to participate in such conventions, whether called Democratic or Republican, as such participation will only prejudice the interest, welfare and peace of Cherokee people; and as there is no law, either United States, or of the Cherokee Nation, authorizing any such election, whatever plans for such elections may be devised by any such convention, no election will be held in the Cherokee Nation, by any body, or for any purpose, without the authority of the National Council.

C. J. HARRIS

Principal Chief

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.,
Sept., 21, 1892
Vol. 17, No. 8
H. M. Adair, Editor

EDITORIAL ON LETTER OF C. J. HARRIS

In this issue appears a letter of advice from our Principal Chief C. J. Harris, which we think is timely and worthy of the most earnest consideration of all our people, irrespective of party. Much discussion has been had throughout the whole Territory of late over state issues, and many clubs formed looking forward to a general meeting lately called to assemble at McAlester, Oct. 5th. This move is either for our benefit or against our interests; if for the former, certainly we should lend a helping hand; if in the interest of destroying our autonomy, our patriotism should assert itself over our selfish political ambitions, and we should arouse ourselves to the situation. We understand that all classes are having a voice in these meetings; citizen, non-citizen and the long fought intruder, hence the men chosen to represent the Territory would necessarily represent

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all these classes. How can a delegate consistently do this? Our several interests are directly at variance, and to advocate one is to antagonize the other. We send a delegation annually, pay them large sums and allow liberal attorney's fees, to Washington, prayerfully request and earnestly instruct them to use all legal means to rid this country of these squatters. Could a delegate fight his own constituency? Ask that the men who elected him be ejected from the country? Unquestionably not. Next week we will publish the number of citizens and non-citizens in the five nations, and thereby show our readers that in case our people take part in an election, that the non-citizens are greatly in the majority. Are you ready for a non-citizen -- one not identified with the Indian people -- to suggest laws for our good in Congress? Suppose we send Jeff Watts, and by the way, he has announced, if a candidate, would let our interests be nicely and religiously guarded. But you say we wont send him. Sure enough we may defeat him this time, but if a delegate is allowed this time the precedent will be established and there will be no barrier to it in the future. Take the advice of your chief -- have nothing to do with sending delegates -- use all proper means to prevent others from

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going, for if we, as a people, participate in the preliminaries, the nomination, afterwards take part in the election, what good would a protest do at Washington by our delegation? In our instructions to our delegation we most assuredly will request that they fight this. Can they hope to make a successful fight if the rolls are opened and half of our citizen's names are found there enrolled? Consider this matter well, it is dangerous. Chief Harris' suggestion should be heeded. -- Indian Sentinel.

THE PURCELL REGISTER

Purcell, Chickasaw Nation, I. T.,
Friday, Sept. 23, 1892
Vol. 5, No. 44
Case & Walker, Pubs.

LETTER OF R. L. OWENS TO C. J. HARRIS

The Cherokee people are largely democrats, patriotic and true, honest men, democrats from principle and from the deep convictions of the heart. Men who hate the tariff tax that robs their labor and the force bill that threatens their liberties and lives with a race war. Men who believe the election of Grover Cleveland would be a glorious victory for the interests of the west.

Many wish to organize democratic clubs or societies for the purpose of expressing their sympathy with the great pending campaign and of contributing to the campaign and teaching the gospel of relief for the west from the severe oppression of class legislation. They wish to appeal to the organized democracy in favor of home rule, trial of Indian Territory people by Indian Territory officers alone and not by the prejudiced juries of Arkansas or Texas. They wish Indian Territory to control every federal appointment;

BROTHER IN RED

Muskogee, Ind. Ter.,
Thursday, December 1, 1892
Vol. 11, No. 49
Rev. F. M. Moore, Editor

MESSAGE OF C. J. HARRIS

After reviewing the ravages of Death during the past year in our nation, and the condition in which our people find themselves materially, the chief expresses the conviction that we have much to be grateful for.

The defect discovered in our jury law is first considered, and the urgent necessity of altering it so as to conform to the constitution of the United States -- making it twelve instead of six -- is pointed out.

The land question is next discussed, and in this discussion straight anti-allotment ground is taken, and it is declared that the land in severalty plan would be the destruction of the nation and of the happiness of its people.

The condition of the masses in the United States is pointed out as an example of what we should

see here. The Cherokee system breeds no millionaires, no land syndicates, no mortgage sharks.

Land is not degraded to the level of speculation.

Of the tax system, of which complaint is made, the chief say: To my mind the wisest provisions made by our fathers for their posterity was the dedication of the use only of the lands and the interest on the invested funds to each succeeding generation.

Monopoly could and should be largely curtailed by restricting permitted labor to a given number of improvements to each adult. In this manner the lesser could be disposed of. A reasonable wire fence law is suggested.

The town lot monopoly having reached immense proportions and it being evident they are bought for speculation and not for occupancy it is suggested that a minimum price be established and certain valuable improvements be demanded as a condition to the sale. It is further advised that a provision be made for laying off towns on the K. & A. V. railroad, and that improvements made prior to the building of this line, when used as town sites, be paid for.

Complaint and dissatisfaction being rife over the existing stock law and because the various

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acts appear to conflict and thus render them inoperative, their repeal is recommended and the enactment of a plain and simple law, fixing the time of introduction, providing for the speedy collection of the revenue, and punishment through the courts for its violation without confiscation of, or arbitrary seizure of the stock introduced.

A list of over 5,000 names of intruders has lately been sent to the president with request for removal by him; I am advised they were sent to the interior department.

The conditions attaching to and recommended in the report of the senate committee, to whom was referred the agreement for the sale of the lands west of the 96th meridian, are so at variance with the facts in the history of these intruders, and so manifestly unjust to the Cherokee people, that I do not, for a moment believe that they will be acceded to on your part, if they are made a condition to the sale of these lands. We have not been anxious to sell these lands and we have known that so far as the money consideration is concerned, we were not getting a tithe of their value, but as our tenants had been ejected and were unjustly, and uselessly deprived of the revenue

derived from the grazing thereon, and were constantly importuned and harrassed by the government of the United States for their sale, and our efforts to have the intruders removed having proved fruitless, we finally agreed to the sale, with the hope that our country would be freed from these pests, and the jurisdiction of our courts over our citizens be more firmly settled. The money was the least consideration. If congress should decline to accept and raitfy the agreement for the sale of these lands in its entirety, it will be necessary to take steps to remove the intruders by national authority. We have exhausted every effort to have the government of the United States comply with its treaty obligations without avail. That there be no further excuse for delay I advise that you authorize the principal chief to issue a proclamation warning these people not to put in crops the coming season, and to depart from the country in peace with their personal effects -- and authorizing him in case of the refusal of any so to do to organize a force sufficient to eject them.

Our schools, I am glad to say, generally are in a reasonable degree flourishing.

The plan of accepting payment of board at the seminaries of the national tickets should be abolished and cash demanded, as cash is required to pur-

chase the supplies to the end that these institutions so far as possible, be made self supporting.

From the allowance of \$50 a mile for right of way and \$15 a mile usual rental \$19,024.24 have been received. It is recommended that enough of this to liquidate the indebtedness of the school fund be devoted to that purpose and that hereafter the annual rental be converted to that fund.

The public debt is as follows:

The outstanding warrents on the general fund,		
remaining unpaid, amount to		\$99,200.24
School Fund		10,623.60
Orphan Fund		10,174.17
Total		119,998.01

The indebtedness can be easily met by a more frugal and judicious use of the interest of the invested funds, and the revenue collected from internal sources.

The general fund is annually about ...			\$75,000
The school fund is	"	"	46,000
The orphan fund is	"	"	18,000
The insane fund is	"	"	3,200
The internal revenue	"	"	30,000
Total			\$172,200

The expenses of the judicial department of the

government, exclusive of salaries of the officers, for fiscal year ending September 30th, last, is as follows:

Canadian district	\$ 1,422.50
Cooweescoowee district	4,345.50
Delaware district	1,696.00
Flint district	4,470.00
Going Snake district	3,056.00
Saline district	791.25
Sequoyah district	500.00
Illinois district	5,633.75
Tahlequah district	15,801.50
Supreme court	94.00

Total \$37,810.50

To reduce this expenditure now and hereafter, it is suggested that the expenses of council, pay of members and other officers and the pay of jurors be cut down; that all persons charged with crime, who do not give bond, be committed to the national jail to await trial. The repeal of the revenue collector law is recommended and that it be placed again in the hands of the clerks without the additional expenses. It is also recommended that the supreme judges be relieved of the criminal jurisdiction now exercised by them,

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and that this jurisdiction be given to the circuit courts, and the jurisdiction of the district be enlarged, so as to equalize the labors of the circuit and district courts, and that appeals under necessary restriction be granted from the circuit and district courts to the supreme court, In all civil suits wherein amount involved exceeds twenty-five dollars, either party may appeal to a higher court, but when the life of the citizen is jeopardized he has no such right under the existing law.

The message closes with these recommendations: For a Washington delegation; in the event the Strip trade is not ratified that country be placed under the jurisdiction of officers of one of the districts: that the laws be codified, and when printed, sold to cover the expense.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Feb. 16, 1893
Vol. 11, No. 24
D. M. Marrs, Editor

EDITORIAL ON E. C. BOUDINOT ✓

A mass convention of the citizens of this nation convened at Tehlequah last week and elected three individuals to go to Washington and assist the delegation already there. E. C. Boudinot, Geo. W. Benge and Red Bird were selected and departed at once for the capital.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
June 15, 1893
Vol. 11, No. 41
D. M. Harris, Editor

EDITORIAL ON FRANK BOUDINOT ✓

Frank Boudinot shot George Butler at Tah-lequah last Saturday and severely wounded him, breaking his leg in two places, which had to be amputated the following day. Whisky is said to have been the cause.

THE INDIAN CITIZEN

Atoka, Indian Territory
Thursday, Sept. 21, 1893
Volume 8, No. 21
B. S. Smiser) Editor
J. S. Standley)
Mrs. B. S. Smiser, Associate Editor

MESSAGE OF C. J. HARRIS

Executive Department
Cherokee Nation,
Tahlequah, Ind. Ter.
September 4, 1893

To the Cherokee People:

I am in receipt of the following petition:

"We, the people of the Cherokee nation, at the general election held August 7th, 1893, do hereby petition to the Hon. C. J. Harris Principal Chief, to call a special session of the nation council, and to recommend such legislation as will relieve us of our financial distress which was brought by the failure of the Cherokee nation, through its representatives, to negotiate the bonds."

This petition is signed by about 1200 persons, I am also in receipt of a petition signed by merchants

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in convention at Wagoner, August 3rd, 1893, in which they state that they were led to believe that the bonds could be readily sold at a premium; that such offers had been made to the executive department before the adjournment of the council, and that on the faith of this money being paid to the people, they had sold on credit merchandise to the amount of several hundred thousand dollars, and request that a special session of the council be convened.

In reply to the petitioners and their petitions, I am constrained to say, with sincere sympathy and respect, that I fail to see wherein the interest of a majority of the people will be better subserved by convening the national council in extraordinary session to enact additional legislation relative to the disposition of the obligation of the United States to the Cherokee nation for the cession of lands. A law is already in force, authorizing a disposal of this obligation, at not less than par or face value, and the delegation, having the management of this matter, have assiduously worked to dispose of the same, but have received no offer within their authority to accept.

The cause of the failure to negotiate a loan, as provided for in the act of congress and the Cherokee

national council is too well known to need explanation, in view of the almost unprecedented distress of the moneyed world. The council, if convened, could not possibly relieve this.

Authority could be given by the council to discount the obligation or the bonds, but when it is known that congress is now in session to legislate especially with reference to the financial distress of the country, with the view to restore confidence in the money market, it can but be believed that success will attend its efforts. In that case, I am satisfied, the bonds will be sold. If congress fails to accomplish this purpose, so that our bonds may find ready sale, it is more than useless for our Council to attempt any relief.

It may be reasonable apprehended, that, should the bonds be put on the market before the money stringency is removed, much loss in the value of the bonds will be sustained by the people. I see no reason for this sacrifice, and it is about the only remedy the Council could adopt, were it convened in special session.

All correspondence heretofore, with reference to the bonds, has been a question of brokerage, and I am thoroughly convinced that any departure from the law requiring a direct sale of the bonds would only

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induce further demand for a greater discount. This in my opinion will be the consequence, should the bonds be put on the market before the stringency in the money market is removed and public confidence is restored.

At the time the National Council accepted the modifications made by Congress in the original agreement, it was generally believed that the money could be easily realized by pledging the principal and interest of the Government's obligation, and there is no doubt that such could have been done, had not the money panic taken place before the preliminary arrangements for the issuance of the bonds were made. This panic was unforeseen, and the merchants, believing that the bonds would be immediately placed, risked their goods on credit to the people. This indeed, was unfortunate, and relief from the distress, so caused, should prompt some legislative action, if it were possible to accomplish any good in that way, but I seriously doubt that relief lies in that direction.

Under all these circumstances, I would urge upon the minds of all, that we await with patience further developments as may attend the actions of Congress and upon the energies of an enterprising public to bring about a better state of affairs.

Only two months from the present date the Council will convene in regular session, and I cannot admit that anything will be gained by convening them earlier or lost by waiting until the regular term.

C. J. HARRIS,

Principal Chief.

THE INDIAN CHIEFTAIN

Vinita, Indian Territory
Thursday, November 9, 1893
Vol. 12, ----- No. 10
D. M. Marrs, ----- Editor

ANNUAL MESSAGE OF C. J. HARRIS

A careful synopsis of the document

Gentlemen:

Being, as you are, fresh from the people of this nation and well acquainted with their wants, you are prepared, as their representatives, to legislate for the common interest of all. I hope my recommendations will be in line with your views as to what legislation is most necessary for the better protection of the common interests and the financial credit of our government. The laws of no nation have ever been so complete or comprehensive as to meet, for any considerable time, the requirements of a progressive people. Advancement, from lower to higher conditions of civilization, finds fault with habits once considered right and proper and afterwards condemn as being criminal and unlawful indulgence.

No great number of years have passed, compared with the life of a nation, since our annuities amounted to a few thousands of dollars only, and at the time were amply sufficient. Later on they were found insufficient and additions thereto were made. A great shortage is again apparent and must be supplied. This deficiency is due to several causes, but chiefly to increase in our population. A nation may be likened unto a family; it increases in expense in proportion to the increase in numbers. In 1870 our population was something less than 14,000; in 1880, 20,336, and 1890, 26,771. The expenses of our judiciary are about equal to, if not greater, in some instances, than that of the legislative and executive departments of our government. Our annuities are not what they were from 1870 to 1880, as during that time large sums were coming in from the sale of lands in Kansas. Retrenchment must take place somewhere or other provisions must be made to place our government on a better financial footing. At the close of the last fiscal year the indebtedness of our general fund was \$157, 117,50; of the school \$11,708.45; of the Orphan \$7,887.22, and of the Insane, Old and Decrepit, \$1,288,00 aggregating

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in a sum total, \$179,990.17. By careful and economical management I am satisfied that all of these will redeem themselves in a few years with but very little help, except the general fund. Especially, therefore, would I call your attention to the necessity of reducing the expenses incurred in the trial of criminal cases. This may not be sufficient to relieve the indebtedness of the general fund, but it will do much toward that purpose. For the fiscal year of 1892 the amount of certificates audited was, in round numbers, \$37,000; for that of 1893, something over \$60,000. Now if you will take the \$75,000, which is about the amount of our general fund annuity, you will find that the first year's amount of certificates lacks but little of being one-half of that annuity, and the second year's something over three-fourths. In the first instance you have \$38,000, and in the second \$15,000 for all other expenses of our government. Last council cut salaries \$10,000; the salary list is now \$26,450 per year.

Another source of great expense is the claims annually allowed by council. These claims are as interminable as time itself and as inexhaustible as its possibilities. The present mode of investigation

seems inadequate and I recommend that a committee or commission be authorized to sit and examine all claims at a specified time outside of council, reporting their findings thereto. As an example; There were 500 claimants for per capita in 1891, some running back to 1880 and including all intervening payments.

I respectfully call your attention to the annual expenses of the National Council for the years of 1891-2. The object in doing this is that you may discover where retrenchment may be possible. The regular and extra terms of 1891, respectively, cost \$16,869 and \$15,493.25; total, \$32,362.25; 1892, regular \$15,842; extra, \$5,649; total, \$21, 491. This was about one-half and one-third, respectively, of the general fund of \$75,000. Add to this \$60,000 in tickets issued by the clerks and you will understand why we are in debt.

I suggest that there be covered into the general fund the \$45,736 in the subtreasury, the difference between the amount appropriated by congress and the \$250.000 set apart for payment of intruders. From work already done I am satisfied there will be a considerable balance due us from this fund, and it cannot be better

employed than in paying our debts.

I suggest that a law be passed to incarcerate prisoners neglecting or unable to give bond, in the national jail, pending trial. Another leak which should be stopped is the disregard of the law relating to the number of witnesses which may be subpoenaed in criminal and civil cases.

As an offset against the current expenses of our nation, I would respectfully call your attention to the sources of internal revenue. I can but admit that it is not what it should be, if we properly consider what it might be under comprehensive and well executed laws. Existing laws may be sufficient for the purposes of revenue, if properly enforced, but if sufficient, we may lay the blame of so small amount at the doors of the district clerks and of those entrusted with the collection of revenue. The amount reported by the treasurer on all accounts, is \$27,250, 95, for the fiscal year closed September last.

The insufficiency of the school fund demands careful attention. I suggest that the board of teachers and of students at the male and female seminaries, and at the colored high school, be the exact cost of such

board and to pay in cash. It is certainly a great advantage to those who patronize our high schools to pay only \$5.00 a month for the board of their children in certificates discounted as they are. Our system of education is sufficiently free and liberal without the inducement of board cheaper than at home or less than its actual cost to the school fund. Low as is the pay, we have a full corps of primary teachers; it is a hardship that the lack of funds in the treasury compels them to discount their warrants five per cent to get the cash. The school annuity is about \$45,000, and to this may be added \$2,115.42 paid by the K. & A. V. railroad, as annual tax on 141 miles of road in the nation. Putting these items together and charging board at its cost, the aggregate will amount, if not quite, meet the requirements. The estimated cash cost of board is \$7.27 per month at the male seminary and \$7.83 at the female; average \$7.53.

Taking the average attendance at the seminaries and the colored high school to be 250 per month, we have the actual cost of board for 9 months, which is nearly \$17,000. The school annuity being \$47,115.45,

and the board of students at the figures given, we have a total of \$64,057.45 for school purpose.

Public domain; this means our country. It means our government. It means national existence. It means everything to us - life, self-control and prosperity. Without a country, we are simply a people. Without lands, we have no government. Without homes, we are paupers and vagabonds. How jealous should we then be of our common property and how well we should guard it. A few years hence there will not be left a vestage of Indian surplus lands, yet there will be homeless and destitute thousands looking with envious eyes upon the remaining acres of our race.

We are gradually growing out of the habits of our ancestors and becoming imbued with the ideas of an advanced civilization. Schools and education are doing their legitimate work, and higher social relations are producing the expensive refinements and inspiring habits of industry and the accumulation of property for their gratification. Individual rights are gradually superceding, in the minds of the people, the traditional ideas of the common.

The people of no nation are ever in step with the general advancement. Some are bound to be behind and some before. This fact makes difficult the adjustment of our affairs to the several conditions of the speedy and slow. Restraint in the one case may be impossible, and forced advancement in the other is equally so. No one citizen has any superior rights in the common property over another, or entitled to greater benefits therefrom. An accomodation, therefore, somewhere between these two conditions - the less and the more advanced of our people - should be so arranged that general satisfaction may be secured. This cannot be done by a denial of what may be considered the rightful and necessary aids to industry and interprise. Friction between the two classes is to be avoided, if possible, being dangerous to self-government.

The improvements of intruders, of which there are over seven hundred in the nation, will be for some sort of disposal, possibly, in the near future, or as soon as the intruders, now in possession of them, shall be removed from the country at the order of the United States, as provided in the

agreement for the cession of the lands of the outlet. A sale of these improvements to our citizens, under certain restrictions to be fixed by law, will become necessary in order to reimburse the nation for the valuation of such improvement as were made prior to August 11, 1886, at the price fixed by board of appraisers.

Monopoly of lands is already a grievous complaint among our native citizens and, as a matter of duty on our part, some preventative measure should be adopted against the possibility of such a thing to be done in the purchase of these improvements. Any act of yours in regard to this matter should combine two purposes, one to prevent monopoly and the other to devise some means for the benefit of those who are without homes and are unable to find them upon the public domain.

The present law, restricting the employment of non-citizens to two improvements, may indicate the policy to be adopted in the sale of these improvements to our citizens. How effective it has proved to be, in connection with the issuance of permits and in controlling the monopoly of lands,

I am not prepared to say, but I am satisfied that it has not been enforced. I am further satisfied that the law, if carefully carried out, would do much towards putting down the monopoly of lands.

The improvements of intruders, made prior to and since August 11, 1886, are by special act of the National Council the property of the Nation. That many false claims will set up for the possession of a great number of these improvements there can be but little doubt. The law defining what constitutes a lawful improvement, how it should be made and held to be lawful, if properly construed and enforced, will protect the Nation in what has been declared national property.

THE CHICKASAW ENTERPRISE

Pauls Valley, I. T.,
Saturday, November 18, 1893
Vol. 7 No. 47
Albert Rennie Editor

CHEROKEE COUNCIL

Tahlequah, I. T.

Nov. 13

Chief Harris yesterday delivered his message to the Cherokee council now in annual session at this place. It was a very lengthy document and dwelt principally with matters of interest to the Cherokees only. That part of the message which is of general interest relates to the question of statehood for the territory, and reads as follows:

"Section 15 and 16 of the act of congress, entitled an act of making an appropriation for the current and contingent expenses and for fulfilling treaty obligations with the Indian tribes for the fiscal year ending June 30, 1894, approved March 3, 1893, give the consent of the United States to the allotment of lands belonging to the Cherokees, Creeks, Choctaws, Chickasaws and Seminoles, allowing each person of the nations mentioned 160 acres, and upon

such allotments the individuals taking them shall be deemed citizens of the United States in all respects. The latter section provides for the appointment of a commissioner to negotiate with the five nations of the territory for the extinguishment of the national or tribal title to any land now held by them, either by session to the United States or by allotment among their respective members as may be entitled to the same. The intention of this is the ultimate creation of a state of the union to embrace the lands and people of the Indian Territory.

"You will readily understand from this that an allotment of land means the surrender of self-government and ultimate statehood.

"It likewise shows the watchfulness of congress in taking advantage of every opportunity to impose conditions for the purpose of carrying out the settled policy of the government towards their final disposition.

"The commission, as I have heard, has been appointed and may be here some time during your session. The object of their visit has been stated, and it will become your duty to give them a respectful hearing, and to afford them every facility for getting an expression from the people on the subject of their mission.

"As provided in the agreement for the cession of the outlet, there is to be a revision of accounts between the United States and the Cherokee nation, as far back as the treaty of 1817. An accountant or expert in such matters has already been appointed on the part of the

nation for the inspection of these accounts as a satisfactory arrangement to all parties concerned. I think it advisable that some competent person for this business should be appointed and assigned to duty as early as possible."

With reference to a sale of the strip bonds the chief says:

"All the necessary preparations for the sale of the bonds and placing them on the market having been done by the delegation, with the concurrent advice of myself and the treasurer, and all matters connected therewith being more properly the subject of their report, I deem it unnecessary that I should make any remarks or submit any opinion about them. However, I shall, when I have anything of importance to transmit on the subject, inform you by special message."

Chief Harris yesterday received a dispatch from a representative of an English syndicate at St. Louis, stating that he was advised to accept the terms of the Cherokees to pay par and accrued interest to date, and put up \$100,000 as a guarantee of their intentions.

One of the largest banks in St. Louis has been selected as the custodian of the guarantee money, \$100,000, which will be placed there as a special deposit subject to the fulfillment by the British syndicate of their portion of the contract, namely the receiving of and the payment for the bonds as soon as the latter can be engrossed, which will be in from three to four weeks. The tidings of the successful bridging over of all obstacles to the closing of this heavy transaction,

involving \$6,750,000, will be received with the utmost satisfaction throughout the country.

The net results of the sale of the bonds when distributed among the Cherokee citizens will place in circulation a very handsome sum of ready money, sufficient now and leave a goodly margin ahead for future investment.

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THE INDIAN CITIZEN

Atoka, I. T.
Thursday, Nov. 23, 1893
Vol. VIII, No. 30
B. S. Smiser)
J. S. Standley) Editors

EX-CHIEF BUSHYHEAD ✓

Arkansas City, Nov. 10 -

Ex-Chief D. W. Bushyhead, of the Cherokee nation, who is now spending a good deal of time here looking after the interests of the town of Kildare, located on his allotment in the strip, gives the general opinion of the Cherokees on the statehood question. He thinks that the question of statehood is one which should originate with the Indians themselves. He frankly says that it is inevitable, but that while the white men carry things through at railroad speed, the Indians are a little slow, and will be especially so in this case as the statehood question has never been considered by the Cherokees. It will be wholly new to them.

"The inevitable is that we will be merged into your civilization," he said to-day. "That will be the ultimate solution. But it will not come at once. The sentiment of the Indians is against it. Only the other day I noticed that the

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Chickasaw council passed resolutions against statehood with Oklahoma. It was stated that at the Purcell convention the five civilized tribes were represented and declared for statehood. There was not a delegate there from the five tribes who was a bona fide citizen. The delegates who attended were whites living among the different tribes. The real owners of the soil were not there at all."

"Why is the settlement against statehood?"

"Now, I can only give you my opinion of affairs. I'm not in politics. I held office in my nation sixteen years, and my experience is that there is nothing so expensive as glory. Just now I am attending strictly to business. The question of statehood, however, has never been presented to the Indians. It is a question of education, and something depends on how it is presented. When I was a chief in 1879, my first message to the council favored a federation of the five tribes. There were several meetings, but nothing ever came of them."

"Then you look for a federation as one of the first results of the appointment of the commission?"

DON'T WANT UNION WITH OKLAHOMA.

"If I were at the head of Cherokee affairs that is what I would endeavor to bring about. That would be the first step toward the change that must surely come in the future. Let

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the five tribes come together in federation and let them move for statehood themselves."

"For uniting with Oklahoma, is it to be inferred?"

"No our people have a dread of that. They look at Oklahoma as the home of all intruders, and think that united to Oklahoma they would be thrown among a lot of land sharks who would far out-number them and be voted out of everything. The Cherokees have over \$2,500,000 on which the government is paying interest, and they believe that if united to Oklahoma, this would be legislated away from them."

"Then they want a seperate state."

"Well", answered the shrewd ex-chief, "they do not want admission as a part of Oklahoma."

Discussing the land embraced in the present Cherokee reservation, Mr. Bushyhead said that on the maps of the Interior Department it appeared as 5,331,000 acres, but the most he could figure in the home reservation was about 4,800,000 acres. There are about 25,000 Cherokees.

"If there were eighty acres each," suggested the correspondent, after a little figuring, "this would leave about 2,800,000 acres open to settlement."

THE INDIAN WILL WANT ALL.

"Whenever the time comes for allotment," said the ex,

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chief, quickly and warmly, "let the government find the number of actual citizens of the Cherokee nation. Let them divide 4,800,000 by this number and let each citizen have his share of the land to dispose of as he will."

"You think that the general sentiment of the Cherokees."

"That is -- that will be the sentiment when they consent to make the change."

Mr. Bushyhead thinks this will hold true in all the five tribes. He affirms that the title to their lands -- under a patent from Van Buren in 1830 -- is as good as any title in the United States. It was under a treaty of 1866 that the Cherokee strip was set apart, so that the negotiations for its sale to the government did not touch the title to the present reservation."

"First of all, before any steps are taken toward statehood," said the ex-chief, "there are a number of questions to be settled. First is the intruder question. The contract for the sale of the strip pledges the government to remove intruders from our reservation. First, those who settled there prior to August 11, 1886, are to have their property appraised and paid for. Then the intruders are to be removed. From the sale of the strip \$295,000 was set apart to pay them, and a commission is now at work making the appraisement. Second, all who settled in the reservation since August 11, 1886, are to be

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removed without any benefit. There are 4,000 or 5,000 in each class, I judge. This matter must be settled ahead of statehood. And then the people will want to act for themselves and come in by themselves."

Mr. Bushyhead estimates that of the 25,000 bona fide residents of the nation nearly one half are full-bloods and at present these are opposed to statehood under any circumstances.

It will be seen that many vexing questions will come up, and the commission named last Wednesday, consisting of Senator Dawes, of Massachusetts, Meredith H. Kidd, of Indiana, and Archibald S. McKeenon, of Arkansas, may be a long lived one.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
November 25, 1893
Volume 18, Number 14
Geo. O. Butler, Editor

THANKSGIVING PROCLAMATION OF C. J. HARRIS

EXECUTIVE DEPARTMENT?

Cherokee Nation.

In compliance with the custom of the times,
and in humble acknowledgement of our dependence
upon the CREATOR of all things for the blessings
we daily receive from His bounteous hands, I,
C. J. Harris, Principal Chief of the Cherokee
Nation, do hereby respectfully recommend that

THURSDAY 30, INSTANT,

be set apart as a day of, thanksgiving and praise
to Him.

"By whatever name adored."

Great Spirit, Who manifested to our ancestors His
sorrow and displeasure in the dire convulsions of
Nature;

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His blessings and fatherly care in the fruits
of the seasons and in the abundance of the chase, or
as

"Jehovah, love or Lord"

to other children of men.

I earnestly request the people of this
Nation to observe this day by refraining from all
secular pursuits and to assemble in their respective
places of worship and ascribe praise and thanks-
giving to Him who so far has preserved us as a
nation and a people.

(SEAL) Given under my hand and Seal of the Cherokee
Nation, at Tahlequah, on the 18th day of
November, in the year of our Lord One
Thousand Eight Hundred and Ninety-three.

C. J. Harris
Principal Chief.

John L. Adair,
Executive Secretary,

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
November 25, 1893
Volume 18, Number 14
Geo. O. Butler, Editor

REWARD

EXECUTIVE DEPARTMENT,
Cherokee Nation
Tahlequah, I. T.
Dec. 12, 1892

I, C. J. Harris, Principal Chief of the Cherokee Nation, by virtue of the authority in me vested by law, do hereby offer for the arrest and delivery of each of the following described persons, the sum of two hundred dollars in National warrants, drawn on the Treasurer of the Cherokee Nation.

For the arrest and delivery to the Sheriff of Going Snake District, of one Walker Bark, a full blood Cherokee, aged, 30 or 35 years, 5 feet 8 or 9 inches high, heavy black mustache, cropped short in front, charged with murder of Johnson Reese.

For the arrest and delivery to the Sheriff
of Cooweescoowee District, one William T. Hewett,
a white man, aged about 40 years, weight 130 pounds,
hair a little dark, eyes blue--one slightly crossed--/
complexion fair, charged with the murder of Charles
Hendricks, in Cooweescoowee District.

Given from under my hand and the Seal of
(SEAL) the Cherokee Nation the day and year here
in above written.

C. J. Harris,
Principal Chief

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CHEROKEE TELEPHONE

Tahlequah, Indian Territory
Thursday, December 14, 1893
Volume 6, No. 27
AUGUSTUS E. IVEY, Editor

CHARGES FOR IMPEACHMENT.

In the lower house to-day, Saturday, Dec. 16th, charges were preferred against C. J. Harris, Principal Chief, for misdemeanor and malfeasance in office. There were three charges or specifications: 1st. That C. J. Harris, Prin. Chief, has violated his oath of office by willfully refusing to commission the three financial agents as provided by law, and elected by the National Council. 2nd, That he paid the salary of Attorney General for a certain specified time, to W. W. Hastings, instead of R. W. Walker, who was the legal Attorney General of the Cherokee Nation. 3rd. That he withheld from R. W. Walker, Attorney General, the salary for that office, in violation of his oath of office. There is no excitement. The House no doubt will sustain the charges, and the Senate will try him according to the constitution and laws on the subject, next week.

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Just as we go to press the lower house sustained the impeachment charges against Chief Harris by vote of 22 to 10 -- over two-thirds. The Senate on Monday, will proceed to try the Chief.

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THE MUSKOGEE PHOENIX

Muskogee, Ind. Ter.,
Thursday, Dec. 21, 1893
Vol. 6 No. 44, Whole No. 284
I. W. SINGLETON, Manager

EDITORIAL ON IMPEACHMENT OF C. J. HARRIS

Vinita, Ind. Ter.,
Dec. 16.

The news reached here this afternoon that impeachment proceedings against Chief Harris were in progress at Tahlequah. The charges of impeachment were sustained in the lower house by a vote of 22 yeas and 10 nays. Advices from Claremore, Afton, Chelsea and other points in the Cherokee nation, indicate that the action of the council is being generally indorsed, as it is generally understood that the Chief was the principal obstacle in the way of a sale of the Strip bonds and a large per capita payment.

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MUSKOGEE PHOENIX

Muskogee, Ind. Ter.

Feb. 1, 1894

Vol. 6, No. 50 Whole No. 290

Singleton, Manager

NEWS ITEM OF C. J. HARRIS

Tahlequah, Ind. Ter.

January 25

Apropos to the passage of a bill on the last day of the late Cherokee Legislature providing for a commission of five representatives of the Chrekees to meet and negotiate with the Dawes United States Commission appointed by Congress to the Chiefs and governors of the other four civilized nations of the Indian Territory. Chief Harris in his letter suggests that Choctaws, Chickasaws, Creeks and Seminoles appoint representatives to meet in an international council to be held at Checotah, Indian Territory, on February 19, next, for the purpose of laying out some definite line of action in regard to treating with the Dawes commission.

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The bill passed by the late Cherokee council provides that the Chief appoint the commission on the part of the Cherokee nation to treat for statehood, as well as representatives to this international council. It is, therefore, evident that the Dawes commission will have to be retained for many years if it accomplishes the object for which it was created for the Cherokees always lead the other four civilized tribes in all matters affecting their common interests and Chief Harris and a majority of the people are strenuously opposed to statehood. Chief Harris will appoint delegates to this important international council, who will represent himself and people on the statehood question, and his delegates will mould sentiment for their brothers of the other four tribes.

In the face of these facts it is safe to predict that statehood for the Indian Territory is a long way in the future, notwithstanding the efforts of Governor Fishback of Arkansas and the governors of other border states to bring about such an end.

"The Cherokees are not ready for statehood," remarked Chief Harris, in discussing the matter, to a Republic correspondent this morning. "We know what we want, while such gentlemen as Governor Fish-

back are perfectly ignorant, apparently, of our needs; but we have the best of patents to our lands and I believe we can hold them as we choose just so long as the honesty and integrity of the United States Government endure."

Tahlequah, Ind. Ter.

Jan. 28

Chief Harris has appointed and commissioned Hon. L. B. Bell, Johnson S. Pette, John D. Drew, Robin Pann, and Henry Covel as a commission to treat with the Dawes commission now at Muskogee, for statehood for the five tribes. The commission, accompanied by Chief Harris, will go to Muskogee Monday to begin negotiations. Inasmuch as there is an international council of the five tribes called at Checotah, Indian Territory, on February 19, to decide on some line of action in regard to statehood, it is not thought the meeting of the two commissions at Muskogee next week will amount to anything. It is also believed that the commission appointed today by Chief Harris will bitterly oppose any change whatever in the tribal form of government of the Cherokees.

MUSKOGEE PHOENIX

Singleton, Manager
Muskogee, Ind. Ter.
Vol. 7, No. 5, whole No. 297
March 22, 1894

EDITORIAL ON C. J. HARRIS

We learn that the executive mansion of the Cherokee nation at Tahlequah was burned late last Sunday night and that Chief Harris and his family narrowly escaped with their lives. The origin of the fire is not known. Everything is a complete loss. All of the household effects and the papers in the house were destroyed. We have not learned if any public papers of worth were burned.

A Tahlequah special says: The structure was a two-story frame. Nothing was saved. Chief Harris had a narrow escape, barely escaping with his babe, in his night clothes. His hands were badly burned. Loss, \$4000; insurance, \$1000.

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MUSKOGEE PHOENIX

Muskogee, Ind. Ter.
June 7, 1894
Vol. 7, No. 16
(No Editor Given)

ADDRESS BY C. J. HARRIS

I deem it advisable, under existing circumstances, to call your attention to the attendant dangers and the melancholly aspect of the present per capita distribution now going on in your midst, and to the necessary caution, on your part in your intercourse and dealings with the hundreds of adventurers, sharps and tricksters now in the country for dishonorable purposes. Never before in the history of our nation have there been such inducements for the assembling of bad characters, intent upon any manner of gain. I would, therefore, warn you against all such persons on account of the troubles they may get you into and the bad reputation they will give our nation. The good Lord knows that we have to answer for enough bad characters in our country under ordinary circumstances, regardless of the flood that is pouring in from the adjacent states. Not only for their presence with us are we blamed, but for the crimes

they commit, and by reasons of them and their crimes we are threatened with political extinction and subject us to the tender mercies of those who are encompassing our ruin.

I would likewise warn you against the indulgence in any kind of intoxicating drinks. The too free use of these has been the prime cause of all the bloodshed in our country, and of our moral and political unfitness for self-government, as alleged against us.

The sum of money to be distributed among you is the largest at any one time in the history of our nation, and may be the last. Therefore, in all earnestness and desire for your future welfare, permit me to advise you to make the best of it, by putting your means into comfortable homes and good farms. Your own interests and that of your families demand this of you.

It is said that the history of a nation is the history of its wars, but less of war and more of the cession of lands to the United States of ours, until by actual count the number of acres exceed ninety million. The money now being distributed is for the sale of lands, and presents the melancholly fact that they are the last we have to part with, unless it be our homes.

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The limit has been reached at last, as we now have barely enough of land for occupancy or the need of our people.

The past should be no concern of ours now. In the future, whatever may be our present condition, is where lie the duties we owe ourselves and people. Let us begin with the present in their performance, not forgetting at any time that much of our happiness and prosperity depends upon ourselves.

Your fellow citizen,

C. J. HARRIS,

Principal Chief.

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THE INDIAN CITIZEN

Atoka, Indian Territory
Thursday, Sept. 13, 1894
Volume 9 No. 20
B. S. Smiser, (
Nora E. Smiser, (Editors

LETTER OF C. J. HARRIS

Executive Department
Cherokee Nation
Tahlequah, Ind. Ter
August 25,

Messrs. Kidd and McKennon,
U. S. Commissioners,
South McAlester, I. T.

Yours of the 26th ultimo transmitting propositions to the Cherokee people, as to lands in severalty and citizenship of the United States, received in due time.

Coming in the form they have, there is no room for uncertainty or misunderstanding of what they are and how much they are intended to mean -- the entire surrender on our part, of all that is now under the political control of this nation. It must be admitted that the sacrifice asked of the Cherokee people and acceptance of your propositions would be sudden and

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violent in their consequences, rendered so by the shortness of the time for consideration of questions of such serious importance.

A people who have always been what they are--naturally dread the changes your propositions contemplate, as the surrender of all that is sacred and traditional among the people--government, patriotism, political existence and even the control of property are in the issue.

We certainly recognize that we are a helpless and defenseless people, and may not be entitled to a choice at the hands of a nation as powerful as the United States, when as alleged, its policy is obstructed by one as small as this. But the same principles are involved, though at less extent, that promoted your declaration of independence and gave Prestige to the choice of popular liberty, and the pursuits of happiness.

The fact is likewise recognized that it is not for the reason that we are so very offensive that these demands are made of us, but because of the non-citizens' sentiment to break down every barrier that now protects the landed interest of the people. But we are persuaded that there is disposition on the part of the government to forget in the exercises of its power, that forbear-

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ance common to the noble toward the weak and distressed, by legislating us out of existence without giving us ample time for the consideration of the radical and serious changes contemplated in your propositions, and to mature such conditions of acceptance as may be deemed safe and prudent under circumstances.

Not wishing to insinuate that such is the fact, yet the impression prevails that it is the policy of your government to harrass the Nations into a compliance with its wishes by delaying, if nothing more, the performance of its most solemn obligations to them, thereby encouraging and obetting intrusion upon their property by citizens of the United States, until such a condition of affairs has become so serious and difficult of management, that it is now used as a plea of inability to correct without much trouble and damage to offenders, and that demands, as the easiest way out of difficulty, other concessions on part of the Indians.

This policy evidently has a contrary effect to what seems to be intended, as stoical submission to what seems to them an unavoidable wrong is the consequence. History furnishes no instance of a people taking kindly to changes as radical as those offered by your government, where coercion is used to enforce

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terms as serious as the non-performance of obligations and the withholding of promised protection against intrusion.

What the Cherokees want first of all is a settlement of all differences between them and the United States, an adjustment of all obligations and unfinished business and an unobstructed possession of all their lands.

Your opinion that sufficient time has elapsed for the people of this Nation to reach a deliberate conclusion may do on your side of the question, but not on that of those who are to be affected by the changes proposed.

November next our National Council meets in regular session, when your propositions will be submitted for their consideration and action. It was impossible, and is yet to convene them in extra session in time to mature and formulate a decision as to your proposition from the date of your letter to the first of October next. The Council was in session at the time of your arrival and has been since. With great respect, I am yours.

C. J. HARRIS,

Principal Chief.

MUSKOGEE PHOENIX

Muskogee, Ind. Ter.
Oct. 27, 1894
Vol. 7, No. 42, Whole No. 344
Simpson, Manager

CHEROKEE CAPITAL

The project of moving the Cherokee capital from Tahlequah to Fort Gibson is likely to be brought before the coming session of council. Economy and convenience are both on the side in the argument for moving. The greatest hardships would be to those who have investes largely in Tahlequah, where their support is mainly drawn from having the capitel located there.

THE ARROW

Tahlequah, I. T.,
July 5, 1895
Vol. 8, No. 42
Waddie Hudson, Manager

LETTER OF CHOOK-STOO-TRE TO EDITOR

Flint Deesrick,
June 27, 1895

Mr. Eliter --

I not lite you lon tine cause I been go to bed
bout tu weeks cause one man cum mi house en tell me
Blob Loss bling it in heap Texas cow en not pay it hes
tax. I duno what it is tax en I tell you that man hes
heap lie. That man put it on me head, en Aky he hit
it that man with big stix what you beat it homminy.
That man's wife cum haul him back home in wagon.

Hes heap mad, that Aky. He say: "Stootie,
if u don't quit it lone boltix I not help you fight no
more; I don't care beat it death."

Hes cuis womans, that Aky; all tine mad.

Cisro, mi sun-law, hes jist cum back Tahlequer,
en hes heap mad. He say he go see Blob Loss en tell
him if he give him twenty-fi dollar he vote it all

wite mans Flin Deestrix for Nashnul partys. Blob
Loss tell him Cisro hes got it none money buy it votes
wite mans, black mans, Injun, or ennybody. Cisro he
jis git mad en cum back home en lite it letter uther
ones candydate; he say he give fi dollar he vote it
all wite mans uther ones partys.

Aky, he say: "Yes, fi take it bottle ginger
I jis vote it Cisro connyhanney dogs."

I flaid haint got it heap influenzy, that Cisro,
cause he aint like him much that wite mans Flin deestrix.

Mr. Eliter, I want you tell me what it is "Hole
Settle's money. Ev'body cum mi house ax it me ifi "Hole
Settle," en 'fi goin git it "Hole Settle's" money. I
tell em I speck Ize "hole settle" if bling it money.

Aky, he say: "Ah, yes, Stootie, ar speck youse
"hole settle," "hole" anything else fi git little money."

That merchan Evenville tell me Cisro done been
trade on Arnawaka's "hole settle's" money, en fi not
"hole settle" he gwine beat it Cisro put near death.

I heap bother, cause I don't know what tis sich
cuis thin, all time.

CHOONSTOOTEE.

THE CHEROKEE ADVOCATE

Vol. 19, No. 49

Tahlequah, Cherokee Nation, Indian Territory

Wednesday, September 11, 1895

Geo. O. Butler, Editor

MESSAGE OF HON. C. J. HARRIS

To the National Council:

Having convened you in extra session, it becomes my duty to inform you, by message of the reasons for so doing, and to recommend for your consideration and action such measures as the occasion, in my judgment, requires.

As you have undoubtedly apprehended, the purpose of the call is to provide, by legislative enactment, for a way of a sure and satisfactory settlement with that class of intruders in our Nation who are to be paid the appraised value of their improvements. The object is, likewise, to meet any plea or excuse for not removing such intruders from the country at the appointed time, on account of any alleged neglect of duty or obligations on our part.

This opportunity I have endeavored to

secure since last spring or directly after the passage of the late act by Congress, March 2, 1895, making appropriations for the current and contingent expenses of the Indian Department, but not until recently have I received any definite information from the Hon. Secretary of the Interior as to the meaning or intent of a section of said act in relation to intruders and their improvements in our Nation. Only a few months are yet remaining, after all my importunities, to ~~to~~ make settlement with intruders in time for their removal, January 1st, 1896. It therefore becomes your duty to address yourself closely and carefully to the business set before you, in order that everything may be ready by the time designated for their removal.

That you may have the full text and opportunity to acquaint yourselves with its provisions, it is quoted for that purpose:

"The Secretary of the Interior is hereby authorized and directed to suspend action under the provisions of the act of Congress approved March 3, 1893, ratifying the agreement with the Cherokee Nation of December 19, 1891, as to the actual removal from the Cherokee Country of persons designated by authorities as intruders, until the appraisal of

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the value of the improvements of such persons shall have been completed and approved by the Secretary of the Interior and submitted by him to Congress, and the removal of such intruders shall not be made earlier than January 1st, 1896; PROVIDED, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation, he shall pay rent therefor at the rate usual in the country, but this provision shall not be construed to extend the time for the removal of intruders according to the foregoing agreement beyond the first day of January, 1896."

The first part of this section treats of intruders generally and of their removal from the country and delays such action until the appraisal of improvements shall have been completed and approved by the Secretary of the Interior and submitted by him to Congress, and then proceeds to fix the time of their removal on the first day of January, 1896. The completion, approval and submission to Congress of the appraisements by the Secretary appear to determine the removal of all at one and the same time, although one class of intruders is not entitled to

pay for their improvements. But there is evidently a material difference between the two classes, found in the fact of the appraisement or no appraisement of improvements. Why the same condition applies to both alike, as to the time of removal, there is no apparent cause to be applied to both cases, unless to designate a convenient time for the removal of all. Evidently one class has no claim against the Nation for equities and must go at the appointed time according to the requirement of this section, but when we reach the other class, it cannot be deemed a certainty that they will be dispossed of their improvements until they are paid for them or tendered their appraised value. It appears, therefore, that there are no conditions, on our part, to be observed with the first, or requirements to secure their removal from the country. But the very nature of our engagement to pay the other the appraised value of their improvements, implies a character of property rights of which there can be no dispossession without value received, which then becomes the property of the Cherokee Nation. This idea is continued in the amendment by Congress to the agreement and its conditions for the sale of the outlet lands to the United States and reads:

"Before any intruder or unauthorized person occupying houses, land or improvements, which occupancy commenced before the 11th day of August, A. D. 1886, shall be removed therefrom upon the demand of the Principal Chief or otherwise, the value of his improvements" *** "shall be paid to him by the Nation, and upon such payment shall become the property of the Cherokee."

From this it appears that such improvements before paid for, remains the property of the intruder until he is paid for them. This is not all, at the right of occupancy of such property is plainly implied in an ownership to be surrendered only upon being paid or tendered pay for it.

The letter of the Commissioner of Indian affairs to the Secretary of the Interior, May 1st, 1895, herewith submitted, takes the position, by reason of this amendment that intruders occupying houses, lands or improvements prior to August 11, 1886, shall not be removed until they have been paid the appraised value of their improvements. He says:

"When this duty has been performed" (the appraisal of improvements) "there remains nothing

further for the Government to do under the law respecting the particular class of intruders described, but to remove them when the Cherokee Nation has performed its part of the agreement by paying them the value of their improvements * * * "It is therefore my opinion that the tender of payment should be made by such of the Cherokee authorities as may by the laws of the Nation be charged with such duty."

In this we find sufficiently "extraordinary occasion" for convening you in extra session before the regular term so very near at hand. It is very evident that the preparations to be made for the removal of intruders, January 1, 1896, demand active work at your hands.

As to the manner of paying or making tender of pay for improvements, I suggest the plan recommended by the Commissioner of Indian Affairs in his letter of August 23, 1893, be adopted.

The Commissioner in reply to an interrogatory from this Department, says:

"In reply I have to say, that the tender must be in legal money of the United States; it will not be legal otherwise. I would suggest that for the purpose of ready proof, that the officer

of the Nation making the tender secure receipts in duplicate from the intruders therefor, in case the intruder accepts the amount, and in case the award be rejected by the intruder have him sign in duplicate a statement giving the date, the amount tendered, and the form in which it was tendered. These duplicate statements might then be filed by the Cherokee officer, one in such office of the Cherokee Nation as may be required by law of that Nation and the other in the United States Indian Agent's office, in order that the Government can be officially informed as to the matter in case it should be necessary hereafter for any action to be taken with respect thereto."

In addition to what the Commissioner above suggests as to the manner of tendering the value of improvements, I recommend that should the intruder refuse to sign either of the acknowledgments, two disinterested witnesses be provided for to attest that the money was tendered and why refused by the intruder. This should be done in the form of a statement to be used as proof of such refusal and the intruder's reason therefor.

By what authority of the Nation the pay

intruders' improvements should be tendered may be a question. The treasurer, in my opinion, is the proper person, aided by as many assistants as may be deemed necessary to tender, as early as practicable, to each intruder in person the appraised value of his improvement. One assistant or more for districts in which greatest number of intruders are holding improvements may be advisable.

The act of Congress, March 2, 1895, suspends the removal of all intruders until after January 1st, 1896, and in view that their improvements will be left vacant, I recommend that you authorize the sale immediately after tender for appraisement of said improvements to citizens of the Nation, possession to be taken after the date above mentioned for the intruders removal. In my opinion it should be the intruders removal. In my opinion it should be the aim in legislating upon this matter to place these improvements in the possession of such citizens as are without homes. To do this it would be necessary to enact such a law as will give them the exclusive privilege of purchase, guarded and protected by a provision against underhanded or clandestine purchase by those provided with homes. I would fur-

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ther recommend that in case that the citizen purchaser shall retain the intruder upon the premises so bought by him, some severe penalty should be provided. In making disposition of these improvements it is recommended that one purpose be to guard against the possibility of speculation in this character of property, as provided in our Constitution. The conveyance of right or title to these improvements should mean none other than what the same instrument contemplates in other improvements made on the public domain.

As a class our homeless citizens are in the most straightened circumstances. In accomodation to such cases, I would recommend that pay for these improvements to be in three annual installments, and that the places stand good for the purchase money.

The act of Congress, March 2, 1895, says: "But the provision shall not be construed to extend the time for the removal of intruders according to the foregoing agreement beyond the first day of January, 1896."

This with previous agreements certainly obligates the government to remove the intruders at the time mentioned, and upon the Nations performance of its part of the Strip agreement, but

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should it fail to do so, I respectfully recommend that you make an appropriation to assist the citizens, to whom intruder improvements have been sold, to secure possession of the same through the courts of the United States. No action on our part should be left undone to dispossess these unscrupulous squatters now settled upon more than a hundred thousand acres of our best lands. By this means many hundreds of our homeless citizens would become possessed of that which is rightfully theirs.

The act of March 2, 1895, quoted heretofore, provides "That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession to the authorities of the Cherokee Nation, he shall pay rent therefor."

Considering the number of intruders who are to pay rent under this provision of law and the great and expensive difficulty for the Nation to collect it, I would recommend that the said rent go with the improvements to the purchaser. I can but conclude that the collection of this rent, or the endeavor to do so by the Nation, would prove of little, if any, advantage to the Nation.

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In the report of the intruders, furnished this Department by the Indian office, herewith submitted, you will see that no negroes are mentioned.

The letter of the Secretary of the Interior to the Commissioner of Indian Affairs, August, 3, 1895, gives reasons, as follows:

The names of eighty-nine (89) freedmen which appear on list No. 1, and also on the "Wallace Roll," which has been adjudicated as correct by the Court of Claims, in the case herein before referred to, will also be stricken from the intruder list.

In cases of the other "Cherokee Freedmen claimants," whose names are given on list No. 2, it appearing that some of them may subsequently to be found to be entitled to be protected in their rights to remain in the Cherokee Nation and enjoy the privileges of citizens of that Nation, for the reasons set forth in your letter, these names will be suspended from the list of intruders until the status of the families of such persons can be ascertained and determined by proper investigation.

I deem the time for legislation with reference to this class of people in our Nation would be more suitable for the regular term of our National

Council. More than this, it may be questionable if anything of national importance can be done with reference to them at this time.

From this report you will likewise see that the total amount awarded by the Board of Appraisers and approved by the Secretary of the Interior, as compensation to the intruders for their improvements, is \$68,645,36. The amount set apart by the National Council for this purpose is \$250,000 of the strip land proceeds. After taking from the remainder a sufficient sum for the removal of intruders and other exigencies that may arise in this matter, I would recommend that the balance, together with the amount arising from the sale of these intruders' improvements to our own citizens, be set aside to pay our national debt.

Herewith I submit for your information upon the subjects of this message letters of the Commissioner of Indian Affairs to the Secretary of the Interior and to this Department, the schedule of awards of the Board of Appraisers and the review of the Commissioner of all the cases.

In conclusion I wish to impress upon you the importance of the Cherokee people asserting

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their just rights in the matter, and of urging the government of the United States to fulfill the most important part to us of the consideration for which the Cherokee people relinquished to the government more than a half of their domain, on which many of its once homeless citizens are now enjoying the independence and comforts of homes of their own.

C. J. HARRIS

Principal Chief.

CLAREMORE PROGRESS

Claremore, Ind. Ter.,
Saturday, Sept. 28, 1895
Vol. 3 No. 34
A. L. Kates Manager

AN IMPORTANT DECISION

At the regular term of circuit court of Tahlequah district, C. N., Sept. 5th, 1895; in the case of J. H. Johnson, at al, vs. C. J. Harris, principal chief, etc.:

The parties having submitted a statement of facts in the case to which both agree, for a decision by the court: Upon examination of the statement of the facts the court finds that it is alleged and admitted that plaintiffs are of Cherokee blood and at one time owned an improvement and lived on it in Cooweescoowee district this nation, and were citizens thereof, and in 1884, removed out of the limits of this nation into the Osage nation, and it is further admitted that the wife and children are part Osage by blood, and as such that they participate in the per capita payments of money made among the Osage people, and that J. B. Johnson himself, drew money at the "strip" payment among the Cherokee people.

It is evident to the court that the wife being of elective age has preferred being a citizen of the Osage nation to that of being a citizen of the Cherokee nation and the exercise of that

right of choice, she has identified herself with the Osage people, and become a recognized citizen thereof, thereby has forfeited all rights of citizenship in this nation, as the court holds that the wife in this case, being of Cherokee and Osage both cannot hold and exercise the citizenship in the Cherokee and Osage nation both at the same time. She must identify herself with one or the other.

As to the rights of such children as J. B. and Julia M. Johnson might have had born to them prior to their removal to the Osage nation, being natural born citizens of this nation by virtue of their Cherokee blood, remain unimpaired. They being minors, and their right of citizenship in this nation being vested by the constitution and laws of this nation, the mere fact of their mother having taken them with her when she went to the Osage nation, does not and cannot divest them of their rights in the Cherokee nation. There is no power or authority that can divest a minor citizen of this nation by blood, of his rights of citizenship. It is therefore the opinion of the court that such children of J. B. Johnson and wife as they might have taken with them, when they removed to the Osage nation, and are now minors have not forfeited their rights in this case as must be done by a person who is capable of electing as to which of these two nations they prefer to live in. It must be done voluntarily. And when the children in question reach their majority, they will then be competent to elect as to which of these two nations they prefer to live in; then if they elect to live in the Osage nation they will

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forfeit their rights here.

And as to the rights of such children as J. B. and Julia M. Johnson might have had born to them since the mother has been recognized as a citizen of the Osage nation, the court holds are wholly identical with those of the mother. They being of Osage blood and born in the Osage nation are natural born citizens thereof by virtue of their Osage blood, and have no rights in the Cherokee nation whatever, and judgement is hereby ordered accordingly.

H. T. LANDRUM,
Judge Presiding.

THE CHEROKEE ADVOCATE

Vinita, Cherokee Nation, Indian Territory
Wednesday, November 13, 1895
Vol. 20, No. 6
Geo. O. Butler, Editor

FIRST ANNUAL MESSAGE OF

HONORABLE S. H. MAYES

Principal Chief of the Cherokee
Nation.

Delivered at Tahlequah, November 13, 1895.

To the National Council:

Gentlemen:-

You have been convened, by law, in regular session and pursuant to the requirements of the Constitution I submit the following information and recommendations for your careful consideration. You should not underestimate the grave responsibilities and duties entrusted to your care by your constituents, nor forget that the initiative in all legislative enactments must be taken by you, and that your patriotic co-operation is essential to the end that the interests of this entire people may be carefully guarded and their rights protected.

FRIENDLY RELATIONS

The records and the reports show that the most friendly relations exist between the five civilized tribes. In May last an Inter-national Council was held at Ft. Gibson, I. T, which adjourned and met at Eufaula in June. This Council unanimously re-affirmed the statement of facts embodied in a memorial addressed "To the President and Congress of the United States," as to the condition and desires of the citizens of their respective Nations. Our manners, customs and relations to the government of the United States are so similar that united action is most desirable.

DAWES COMMISSION

The representatives of the United States Government, known as the Dawes Commission appointed under an act of Congress have addressed a letter to the Executive Department of the Cherokee Nation, dated October 30th, 1895, briefly stating their commission and indicating a desire to be afforded an opportunity to present their proposition. Courtesy to the government which they represent demands that this reasonable request be granted. I suggest

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that you provide for the appointment of a commission to confer with and give them every opportunity of meeting and ascertaining the condition and wants of our people.

EDUCATION

The educational interests of every country merits at all times the patriotic and devoted attention of the legislative branch of the government. The report of the Board of Education does not sufficiently detail the condition of the primary schools where the poorer classes are instructed in the elementary branches.

The law requires that the members of the Board visit each school in his educational district once each term to ascertain the progress and wants of the people in the various neighborhoods. For each failure the law provides that an amount be retained out of his salary.

In order to enforce this important provision the members should be paid only semi-annually and the teachers required to make sworn reports to the Principal Chief.

In my judgment more efficient teachers would be employed if the duties of the Board of Education

so far as public schools are concerned, were confined to the examination of applicants, and the directors of the various schools, elected by the patrons annually were permitted to select teachers from those passing satisfactory examination. No incompetent teachers, educationally, could then be appointed and they would be responsible to the immediate people whom they served, and subject to suspension for any neglect or immoral conduct. This method would arouse more enthusiasm among the patrons and be attended with beneficial results.

Last year we received as interest on our invested fund for educational purposes the sum of \$46,405.81. This sum was augmented by appropriations at different times and by uncertain revenues collected from various sources.

The salaries of the primary teachers amount to annually about \$31,500.00, add to this the salaries of the members of the Board of Education and the appropriation for books and in round numbers you have \$35,000.00, leaving a balance of \$11,405.81 for the maintenance of our three High schools and other educational expenses, an amount clearly insufficient. The deficiency was supplied this year by an appro-

priation of \$42,00.00 of the unexpended balance set aside for the payment of Intruder improvements. No makeshift policy should be pursued. An appropriation should first be made to run the primary schools and the deficiency after applying the remainder of the annuity on the appropriation for the three High schools should be supplied by the amount paid for board by those who enjoy their advantages. This should be made payable in cash and be made immediately available. If paid in certificates the money cannot be realized on them until they are audited at the close of the year and not then unless preferred. All warrants against this fund are now paid and you should not appropriate a dollar more than you provide means of payment.

The annuity for the Orphan fund amounts to about \$18,200.00. By an act of the National Council approved Nov. 29th, 1871, this is a standing appropriation and warrants against this fund are drawn upon requisition of the Board of Education. It certainly never could have been the intention that requisitions should be honored in excess of the annuity during the year, yet the depreciation of these warrants shows that this has been practiced. This charitable institution

for our parentless children deserves your close inspection and tender consideration, and positive legislation should be enacted preventing the depletion of this fund.

JUDICIARY

The Auditor's report discloses the absolute necessity for a decrease in the expense of the judiciary. For the fiscal year ending September 30th 1894 the expense on this account was \$77,882.00; this year closing September 30th 1895, it amounts to \$73,277.50 although an act was passed during the last regular session of Council providing for the incarceration in our national jail of all persons indicted and unable to give bond. Hopes were entertained that this would materially lessen the expense occasioned by the innumerable appointment of guards, and the consequent payment of their board. Legislation on the reckless appointment of guards is imperative. Standing armies at the expense of the Nation in times of peace should not be tolerated.

In this connection I desire to direct your attention to the necessity of providing for an appeal

in criminal cases. This should be carefully restricted to errors of law and attended with as little delay as possible. Speedy as well as certainty of punishment is necessary to prevent crime.

In the event of prejudice or other satisfactory reason a change of venue should also be permitted.

In nearly all states the defendant in criminal cases is permitted to testify in his own behalf, subject to a searching cross examination and I suggest that you remove the doubt as to his competency in our courts.

Your attention is also invited to the large number of civil cases pending in the several courts. Legislation changing the jurisdiction in both civil and criminal cases so as to more nearly equalize the work, including a mandatory provision requiring the annual clearing of the several dockets, would save thousands of dollars to litigants.

While our laws provide a speedy remedy by ejectment for the unlawful detention or forcible entry upon improvements, we have no replevying law for the recovery of personal property, other than stolen, wrongfully taken or retained.

FINANCE

On account of the absence of the Treasurer during the past month the exact figures showing the indebtedness of the different funds could not be ascertained. This information will be furnished you as soon as it can be obtained. The school and orphan warrants are at par while warrants against the general fund are greatly depreciated. Much of the discount on this class of our commercial paper is occasioned by issuing preferred warrants. Aside from the bad financial policy of preferring one creditor to another, it is of doubtful constitutionality. The uncertainty of the time of payment renders them useless as collateral security with business men because of their inability to calculate the amount of other warrants that will be ordered paid in advance. The injurious result of the insurance of preferred warrants should be apparent to everyone. However large the present indebtedness is, all just obligations should and must be paid. The revenue derived from the sale of the "intruder" improvements is already provided to be paid in six equal annual installments. The revenue from this source will be small and uncertain. There is due

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us according to the accountant's report made to the last regular session of Council then the sum of \$4,300,000 from the United States on account of a settlement with the Cherokee Nation in accordance with an act of Congress should be strongly insisted upon to make an appropriation to liquidate this claim. In case this is done a sufficient amount should be retained to satisfy all demands against the Cherokee Nation. If our warrants are restored to their par value and our finances properly managed there can be no reason for their depreciation.

The reports of the various officers shows a surprising neglect in the collection of the revenues. The fault must be either in the laws or officers or both; the responsibility is with you to revise the laws so as to make them easy of enforcement as well as to give the Executive branch of the government some summary power in the premises. I am constrained to say that, in the opinion of many, much of the revenue collected does not find its way into the Treasury. The requirement of detailed reports quarterly by all revenue officers and provision for their publication and free distribution will in my judgment materially aid in the collection of

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our internal revenues from all sources. Many of our revenue laws need a careful revision and particularly those in reference to timber and hay. Violation of all revenue laws should be made a criminal offense. It is doubtful whether there is any law prohibiting the sale or shipment of timber other than walnut and lumber; while our law provides for the shipment of hay and the collection of the revenue thirty days thereafter. The Auditor's report shows that revenue received by the Treasurer from all sources for the past fiscal year amounts to \$35,027.75. That the Treasury may be better protected against spurious or excessive unliquidated claims, I suggest that you pass an act requiring that all such claims, both legal and equitable, be first submitted to some judicial tribunal for adjudication. Either this should be done or the Principal Chief should be empowered, if it can be constitutionally done, to veto the separate items of any appropriation bill.

PUBLIC DOMAIN

The framers of the Constitution evidently anticipated that as our people became more prosperous and as our population increased that we would become avaricious in the acquirement of larger fields

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and in the speculation in the public domain, hence we find the wise provision in the Constitution that "The National Council shall have power to adopt such laws and regulations as its wisdom may deem expedient and power to prevent citizens from monopolizing improvements with the view of speculation." As to the extent of the monopoly of our common heritage, you, the representatives of the people, who reside in the various districts, are best informed. I am unofficially advised that in some favorite localities that a few citizens are holding to the exclusion of the younger and poorer of our people large areas of land for speculative purposes. I suggest, a remedy for this evil, that you impose a tax on all land, so held, by each citizen in excess of what would be the reasonable share of himself and each of his family sufficient to deprive the abuse of its speculative advantages. This will necessitate the disposition on part of monopolists of the excessive part of their enclosures and equalize the occupancy of the public domain.

A registration law requiring all improvements to be recorded as well as the transfers thereof will be necessary to make such a measure effective.

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Much if not all of the monopolization of the public domain had its initiative in the extensive illegal leasing of land by our own citizens. By referring to Article XXIII., Sections 706 and 707, Compiled Laws, you will appreciate how difficult of enforcement our law is relative to this exceedingly important subject. The wording is ambiguous, the term "lease," is not used or defined, and, to say the least capable of a double construction. To the rigid amendment of this article your attention is particularly invited.

In this connection I desire to direct your attention to the survey of towns and the sale of lots by individuals along the Kansas and Arkansas Valley, and Kansas City Pittsburg and Gulf railroads. While the citizen should receive a fair compensation for his improvements, yet the Nation should demand that the revenue derived from the sale of lots should be turned into the National Treasury for the benefit of the whole people to whom this country belongs.

At previous sessions of the National Council propositions were made by various demoninations to take charge of the public buildings at Fort Gibson and establish a college of high grade. Something

should be done with these buildings, if a proposition of the kind suggested favorable to the Nation cannot be had, I recommend that you include them within the survey of the town of Fort Gibson and sell them as other town lots.

CITIZENSHIP

Section 5 of Article III. of the "Amendments to the Constitution" defines who are citizens of the Cherokee Nation. The Supreme Court of the United States in construing this section in the Delaware case decided that the adopted classes therein enumerated were entitled to the same civil, political and property rights as Cherokee citizens by blood. The Shawnee case has also been finally decided while the Freedman case is pending in the Court of Claims. The adopted whites have repeatedly applied to the National Council for a definition of their status. Whatever might have been the difference of opinion among our people as to their rights previous to the decisions in the Delaware and Shawnee cases, the doubt is removed, and I cannot see any reason why a division should not be entertained. If we would inspire the loyal devotion of all classes to the perpetuation of present institutions so adapted

to the customs of our people, we must discontinue our discriminating legislation and unite all classes in one patriotic body. This class should not be forced to resort to the United States courts to determine their status and incur the expense incident thereto **when** a satisfactory settlement could be made at home. I therefore advise that you pass an act according them the equal rights as defined in the section of the constitution above referred to.

The Supreme Court of the United States gave judgment in favor of the Delawares in the sum of \$205,265.00, the Shawnees \$191,22.58, and the Court of Claims the Freedmen \$903,365.00. The amount reserved by the Cherokee Strip agreement to satisfy these judgments with interest added to \$1,792,800.00.

After paying these judgments there will remain a balance of \$492,947.42 which, augmented by a sufficient sum from the amount found due by the accountants appointed as provided in the Cherokee Strip agreement, should be appropriated as a per capita fund in favor of the adopted whites in the event the above suggestions are observed.

INTRUDERS

Legislation has been enacted providing for

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taking charge and sale of improvements held by intruders "when such improvements shall be voluntarily relinquished, or when the United States shall expell the intruders therefrom in compliance with stipulations" of the Cherokee strip agreement. In my opinion the time has come for this Nation to take more aggressive steps looking to a final settlement of this question. If this land is patented to the Cherokee Nation and as decided by the Supreme Court of the United States, and the Interior Department we have the right to determine our own citizenship then it must follow that we have the power of deciding who shall enjoy the privileges and benefits of using the public domain. I suggest that you take such steps as you may deem necessary or most expedient to urge upon the Interior Department to carry into effect the provisions of the agreement relative to this subject. As you are aware under an act of Congress action on this matter was delayed until after January 1st 1896. While the United States Government is doubtless in earnest about the fulfillment of this obligation, in the event it fails to remove them as specified, this Department should be armed with other means to evict these trespassers. I therefore respectfully advise that you amend

the act passed Oct. 1st, 1895 so as to provide for the sale of all improvements held by intruders whether voluntarily relinquished or retained by them in their possession. The purchaser in his own name can bring suit in ejectment in the United States court. Judicially determine one of these cases by a court of last resort and the entire question is settled. The expense which this litigation would entail would be small and should be paid by the Nation. This amendment should not take effect until after Jan. 1st, 1896 so as not to conflict with an act of Congress extending the time of removal until that date, but in my judgment you will make a serious mistake if you do not take advantage of the opportunity now afforded before Congress passes another act granting further extension. Important, in this connection, is the perfection of a correct census of the citizens of the Cherokee Nation. The last accepted census we have is that of 1880, even the pay rolls of last year were not authenticated although much time was expended and expense incurred in their revision by the several committees. This cannot be satisfactorily done without serious consideration, as the erasure of a name from a roll adopted by an act of the National Council, will subject our author-

ities to a storm of adverse criticism and the prejudice aroused will render it of doubtful advantage. This could be acceptably done, in my opinion, by the appointment of a non-partisan commission composed of one person from each district to sit during the recess of Council, empowered only to revise the last census taken as to who are actually citizens of the Cherokee Nation, not applicants for admission, and report the report the result of their labors to the next regular session of the National Council for amendment and adoption. This report should be published in both languages, alphabetically, and freely distributed among our people for their information at least three months before its adoption. Mistakes of omission could then be ascertained and corrected while names of non-citizens wrongfully added would attract the attention of our patriotic citizens and could be eliminated from the roll before final adoption by the Council. Little testimony would be necessary other than the records of the Executive Office, except as to births, deaths and removals since the last census was taken, as the commission would have access to the authenticated rolls of 1880, the records showing all admissions since then either by

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the various courts or acts of Council, and the several unauthenticated pay rolls subsequently made. By diligent service the work could be done in a short time at a comparatively small expense and better enable us to definitely determine our own citizens.

CONCLUSION

In conclusion I herewith transmit for you information and guidance the following reports: Treasurer, Attorney General, Board of Education, Auditor, High Sheriff, Steward Insane Asylum, Medical Superintendent, International Council and letter from Dawes Commission. You should spare no pains to give the several offices and the institutions in their charge a fair and full investigation. If occasion requires I shall invite your attention to other subjects by special message.

Respectfully submitted,

S. H. MAYES,

Principal Chief.

November 13th, 1895.

INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Nov. 14, 1895
Vol. 14, No. 11
D. M. Harris, Editor

VIEWS OF CHEROKEE CAPITOL

There are few more interesting figures among our retired public men than ex-Chief Bushyhead. Plain and simple in his ways, there are no frills or furbelows either about himself or his conversation, but he is genial and pleasant withal, and there are few Cherokees of the old school who know more of Cherokee history and of tribal love and legend, than does the honored ex-chief. Bushyhead is what might very appropriately be called a handsome man. His figure is straight, though compactly built, with shoulders so square that the arms seem to fall from them at right angles. When he talks, a smile creeps out of the corner of his eyes and spreads over his face, and the lines of his face soften and one gets the impression of a reserve of honest strength and good fellowship. You soon discover that Mr. Bushyhead

has lots of personal magnetism and that with it all he is full of plain, practical, common sense ideas of how the Cherokee government should be administered. Probably no man of our native Cherokees who has been abroad, in Washington and elsewhere, has commanded the respect and attention that Mr. Bushyhead has, and probably no man, unless it was Chief Mayes, ever stood so close to the people at home. There are few Cherokees who have had as remarkable a career as Mr. Bushyhead, and still fewer that would not have been spoiled by it.

One of the oldest and most prominent Cherokees in the nation said the other day, standing on the capitol steps, that along some lines his people had retrograded. He said that with all their national pride and innate patriotism, they had in a measure ceased to guard with the old time jealousy the public offices of the country, and that men of great obliquity of morals, and of bad reputations had been placed in responsible positions by both political parties. He pointed to more than one instance where ex-convicts and men whose records were known to be bad, very bad, had

been favored with good paying positions in payment of some political obligation incurred in the campaign. The man that made these observations is a man who has held some of the highest offices in the gift of the people and a man who stands probably as high at home and abroad as anyone in the whole Cherokee nation. He mentioned several who are now occupying places in the two houses, who according to his statements ought certainly to be in the penitentiary doing time for abrasions of the law, one a self-confessed embezzler, another a noted and unblushing bribe giver, and so on through the category of crime. Can such a nation prosper? Can the Cherokee nation live with these barnacles hanging to it like dogs to a carcass? Nay, verily, and what is more, Sam Hayes will clean out the Augean stables just so far as it is in his power. The people have his pledge and it is guilt edge.

The National party was determined to refuse to count the vote for principal chief. Sam Smith disgusted even his own National friends by his arbitrary rulings and his utter violations of law, and of decency. One day last week Smith set

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aside a motion that was carried practically un-
animously. The following day a member (Gunter of
Cooweescoowee) undertook to appeal from a ruling
of the chair and was ignored. Sam Smith's actions
as president of the senate bring to mind an incident
that occurred twenty years ago, when Porum Davis,
of Sequoyah, was president of the senate, and was
following pretty much the same tactics as Sam Smith
is now, in refusing to have the votes for chief
counted. The senate fooled with him and pleaded
to have the rolls brought down so the chief could
be installed, but all to no purpose. Finally a
committee of three was appointed to wait on Davis
and demanded that he proceed according to law to
count the votes. W. C. Rogers, one of the present
senators from Cooweescoowee, was selected as one
of the committee who went to Porum Davis and took
him out quietly at night and placing the muzzle
of a pistol under his nose demanded that he order
the counting of the votes the first thing on the
following morning. Davis agreed and on the assembl-
ing of the senate next morning said, "Senators, I
have examined the law some more, and have concluded
to order the counting of the votes -- proceed."

"What constitutes a state?
Men who their duties know,
Who know their rights, and knowing dare maintain."

Any one who doubts the superfluity of the above quotation as applied to Cherokee governmental affairs is to say the least of it, not well posted. There probably never was a people of the intelligence of the Cherokees in all modern times, who have been so imposed upon or who know or care so little for their rights as do our own people. A free and a prosperous government, long-continued, is only possible to a people who in the first place know their duties and their rights, and knowing them are willing to maintain them inviolate. A little investigation into the management of the different departments of the Cherokee government develops the fact that there is an awful and an unwarranted leakage somewhere, and that the common funds of the people are squandered and wasted in a profligate and reckless manner. Take for instance the judiciary of the nation for the last fiscal year and we find an expenditure of over \$70,000 for the enforcement, or non-enforcement, of our laws. Of this amount we find the festive little district of Tahlequah expending no less than \$22,000 a sum sufficient to support a pretty good sized standing

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army and keep it in the field continually. The other day a gentleman who stands as close to the present administration as any man in the country and who knows whereof he speaks, told of an incident that illustrates this point perfectly. At the murder trial of Ball Christy a while back, twelve jurors, nearly all from the town and suburbs of Tahlequah, were empanelled and the trial lasted six days, but when the tickets were issued to pay these twelve "good men and true," each juror claimed a dollar a day board for himself at the hotel, and a dollar a day for a horse (they were all afoot) at the livery stable, and so the tickets were issued. Then again, the records show that in Illinois district, one of the smallest in the nation, the court costs amount to \$19,000 for the last year, certainly an enormous sum, and when we consider that it is the public funds that are being thus squandered, and that all the people alike have to stand the loss, it becomes alarming. The greatest leakage, and the most constant and limitless waste of public funds seems to be in the administration of the offices of the clerks and sheriffs of the several districts. Heretofore there has been absolutely no limit to the number of guards or deputies a

sheriff might employ, being left entirely to his discretion, and the district clerks can issue tickets carte blanche. A ticket was exhibited around the capitol the other day that was issued for \$20.00 in payment for medicine for a sick juror and it is said that it represented so many bottles of ginger, and the gentleman for whose benefit it was issued now is enjoying a fat place drawing pay from the government.

It sounds a good deal like mockery for the leaders of the political parties of this nation to declare that the country shall stand forever and our form of government remain intact, when no effort is put forth to remedy the evils that everybody knows do exist. Unless we institute some kind of a reform that will protect the masses against loss, actual willful and unwarranted loss, in every department of the government all the talk about remaining a government at all is idle and worse than a travesty on common sense. Can a nation even dream of long life when its own citizens are bleeding it to death, piece meal? There are by far too many salaries drawn, for labor that was never per-

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formed. The resources of the Cherokee nation are being drawn from it in every conceivable form. It takes too many people to run the government, especially when they have to be paid for their help. A man that certainly ought to know said the other day in answer to a question as to what was the amount of the public debt at present, "I don't know, it is growing so fast and I have not had time to figure it up for some weeks, but it is somewhere between \$400,000 and \$500,000, and it is a good deal bigger today than it was yesterday, and will be bigger tomorrow than it is today. The great mass of rascality, and ignorance, and recklessness that runs rampant and unhindered is going to swamp the Cherokee government and that very soon if it is not checked. The treasury of the Cherokee nation will soon be swept clean, if left at the mercy of the political cormorants who have been permitted to plunder it for some time past. Men who a few years ago could scarcely keep the wolf from the door, much less pay their honest debts, have suddenly become wealthy and plunged into the wildest extravagance at the expense of the people and nation they claim to love. The Cherokees are fond of making their

history begin with the human race and pride themselves on their great antiquity, but the methods of robbery and rascality employed, and of the present political tendencies, are of the latest pattern and are certainly up-to-date in the most approved methods of getting away with the people's money.

We have a number of safe, conservative, conscientious men in each branch of the national council; a man in the executive chair that no one need distrust and he comes fresh from the people and of the people, and is with the people, and his hands should be upheld, for the hope of the country's very existence rests upon Sam Mayes as it never before rested upon the shoulders of any one man. Chief Mayes has the integrity and the courage to stand by his people, but it is to be greatly regretted that the Downings did not elect a majority in both branches of the national council, that his policies and reforms might be carried out promptly. However, it is safe to say that the next fiscal year's report will show economy and reform all along the line.

On the subject of listening to the overtures

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of the Dawes commission a volume could be written. The number of senators and councillors who believe it would be good policy to listen to the Dawes commission is large, and no doubt of that. But a large per cent of members are only anxious that the Dawes commission may fully understand that the Cherokee nation insists on a fulfillment of the conditions of the Strip agreement, and a prompt payment of the \$4,000,000 and upwards, due from the United States according to the Wyly accounting, had last year. The more intelligent members of both houses fully realize that the nation is in the throes of a great crisis, and that the future is full to overflowing with events of great moment to the Cherokee people. But there is one thing as clear as the noonday sun, and that is that the United States government can never frighten the Cherokees into submission to anything they believe is against their interest, as a tribe and a separate people. The light is beginning to break on many that maybe we need protection against each other worse than against outside influence, and that some measure to restrict the occupancy of the public domain is more important than treating with the Dawes com-

mission. It is said that a petition of several hundred names from Cooweescoowee and Delaware is here all ready to be presented to council, demanding restriction of settlement of the public domain. It is understood that the author of this mammoth petition is Dr. J. Ross Trott of Vinita, a Cherokee by blood and a man of influence, and that he means to insist on some action by the national council, and in case of a failure will appeal to the congress of the United States that his measure may be carried into effect. Of course some are praising and some are condemning the Trott petition, but one thing is sure, it contains the names of many prominent and influential people who recognize in it the element of right and justice.

The Cherokees are discussing allotment pro and con among themselves, but if outside influences were not compelling a change of some character in the way of holding land, very few of the rank and file of the real Indians would care to even think of it. It is spoken of as a measure of last resort, and many are in favor of it simply because they do not see any other way out of the present difficulties in regard to the settlement upon the public

domain.

The election returns from Cooweescoowee district were a revelation to the whole nation. The charge of fraud in the Thompson affidavit in the Gunter-Thompson contest caused the more thoughtful of our people to put on their thinking caps. When the two branches of national council in joint session reached Cooweescoowee in the count of the votes cast for principal and assistant chief, excitement was at fever heat. The Nationals had worked themselves up to the point of desperation. They fully expected to find fraud and rascality of the most flagrant character in the returns from every precinct, and there is scarcely a question but what they confidently believed that hundreds and hundreds of votes would be thrown out, and perchance Ross be seated at last. No scene like it ever was witnessed in the senate chamber before, when Senator Rogers moved to next count the vote of Cooweescoowee. It was a scene for a painter; a pin could have been heard to fall, and to add to the excitement, one of the first precincts reached (Rogers precinct) the returns were not signed at

all. Senator Cookson, of Illinois, promptly arose in his place and moved that the vote of Rogers precinct be excluded from the rolls, which motion, after a short but spirited war of words, passed by an overwhelming majority and Rogers precinct was thrown out. Precinct after precinct was reached and the count proceeded; the Downings took courage; everything was regular. At Vinita there was one challenged vote. M. Frazee had challenged the vote of Tom Howie. Probably everybody in the house knew Tom, but the election clerks had not signed the challenged roll as the law directs, and the challenge was ignored and Tom Howie's vote was counted.

Cooweescoowee cast 2028 votes which would indicate a citizen population of over 10,000. The thing so hard to believe was that so many votes could be found in the big district. The people in the lower districts are beginning to realize that the country is rapidly filling up with a citizen population. A result of the last election will be a great change of sentiment, and the idea will be dispelled that there are yet vast stretches of unoccupied land out west.

THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Jan. 30, 1896
Vol. 14, No. 22
D. M. Marrs, Editor

CHEROKEE DELEGATES

To the Senate
And House of representatives
of the United States Congress:

The undersigned are the duly appointed delegates of the Cherokee nation by authority of an act of the national council, dated November 27, 1895. The delegation most earnestly asks your careful consideration of the facts herein set forth.

These are times of imminent danger to those institutions of government and tenure of property that the Cherokees have brought with them from the darkness of time immemorial, modified somewhat by the enlightened influences of your great constitution but distinctive still as Cherokee institutions. The Cherokees are fully alive to the situation, and they know that unless in some way con-

gress shall become acquainted rapidly with their true condition, all that they hold dear of country and people will be swept away by the hands that they have heretofore confidently looked to for protection, and which have in gentleness and friendship been so often extended to them. For some reasons that we cannot explain, the Cherokees have been traduced and grievously misrepresented by persons high in authority, from whom we have had every reason to expect fair statement. It is natural to love the country one lives in, if that country protects life, promotes happiness, and insures equality. When a people are found who are intensely patriotic, it can be taken for granted that their government gives them such assurances. The Cherokees are such a people; there is not upon the face of the earth today a people more thoroughly contented with their condition than the Cherokees. In his humble western home, sequestered from the mad rush one sees in the east, you will find the Cherokee a sober, industrious, religious gentleman, earning his daily bread by honest labor upon the soil, of which he is equal owner with every one else in the nation, irrespective of superior ad-

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vantages such as wealth, opportunity, or education gives.

He believes in common education; such as is natural with his ideas of common property. Therefore, under the constitution adopted in 1639, we find this provision: "Religion, morality, and knowledge being necessary for good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this nation." Faithful to the idea here expressed, the history of the advancement of the educational interests of the Cherokees for the last fifty years cannot but please the mind and heart of him who loves his fellow-man for the good that he promises. Now, notwithstanding the pall that the civil war threw over the land, the progress of the Cherokee schools and facilities for common education has been marked and rapid. Now, with a population of 40,000 Cherokees, we have over one hundred common schools, running nine months a year, with capable, competent teachers, generally comfortable school houses, where all of necessary appliances, books, etc., are supplied by the Cherokee nation; a male and female college, of brick

and stone, at a cost not exceeding each year over \$150,000, afford to the youth of both sexes an opportunity of higher education; an orphan asylum of sufficient size to accommodate every orphan of school age in the nation, which has cost over \$100,000, have now an attendance of over 2,000 orphans. We have also an asylum for the infirm and unfortunate (a home for these poor stricken people). At the male seminary this year there is over one hundred and eighty young men, at the female seminary over two hundred of our girls. The several missionary societies have not less than fifteen or twenty schools in the various parts of our country, encouraged by generous gifts of land upon the part of the Cherokees. To these earnest Christian workers in our midst we also appeal, in our time of extremity for national existence, to assist us in refuting the false charges made with no other motive, we believe, than to induce congress to withdraw its powerful protection from us, that we might become easy prey to unscrupulous avarice and greed, as the hungry beast devoured his milder companion of the forest. These religious denominations among us, who brought to us the beautiful Christian re-

ligion, who witnessed the sowing of its seeds and now behold its plant of vigorous growth in the full bearing of its fruits, can bear us witness of the many false charges of retrogression, immorality, lawlessness, and crime among the Cherokees. We ask, when our enemies traduce us and when grave charges of malfeasance in public offices and trust are hurled at us, that you will require specific proof to accompany the accusation.

Churches are everywhere, organized throughout our land, and their efficient and powerful auxiliaries, the Sabbath schools, are conducted every Sunday in our various churches and school-houses, where the same lesson papers are used that your children study throughout this land and elsewhere. All of this, with the exception of the missionary efforts among us, to which we largely contribute, is done at no expense whatever to the United States, but entirely at the expense of the Cherokees. Is it to be doubted that a people fostering and encouraging such institutions have all the finer sensibilities of education and Christian manhood that will be found among similar communities in the States? Could a nation of irresponsible, corrupt,

criminal people produce such conditions? Are these the results of the evil and corruption that the Dawes Commission assert pervade the very atmosphere down there? We earnestly ask that before laying the axe to the root of the tree you yourselves have planted and carefully attended, that you examine the fruits thereof and take not the word of some persons controlled by envy, and in a moment of irritability against us for not blindly following their suggestion, consent to and advise our destruction. We submit that in the nature of things, it would have been impossible for the Dawes commission to have found no good existing in our country, yet not one redeeming word do we find in their report, if there is any. Did they not see us in the worship of the same God they worship? Did they not hear us while with bowed heads we implored the intercession of the Son of God? Then why have they with the black veil of corrupt charges obscured the good that honor would have compelled them to acknowledge if they found it?

In our governmental affairs we have followed in the footsteps of your people; our form of government is as yours, with its three departments,

executive, legislative and judicial, where the same authorities govern and the same methods and rules obtain, perhaps somewhat modified, as among you. It may be that at our legislature some of your practices have been adopted, and it may be that some of our methods in the struggle for office may partake of the taint we sometimes hear charged against your legislatures. Walking in your footsteps, it could hardly be expected that, in following the good you practice, some of your evils may not have also left their mark. We pursue some short cuts in office down there sometimes that would hardly receive the approbation of a legislative reformer; but that we are one half as corrupt as the Dawes commission represent us we emphatically deny, neither can we admit that we are to any degree as corrupt as the newspapers assert of your average legislatures. We are charged by the commission of allowing our most sensible and educated men to rule, that is the substance of the charge of the Dawes commission.

That a few men in Cherokee nation, of the half-breed or educated class, have assumed the control of the offices, is a statement not true. The

wide world over, the weaker animals depend upon the stronger for defense, and the human animal is no exception to this great rule. In the Cherokee nation the men of superior ability, brain, and education are looked to for advice and support by the more ignorant and less endowed. Is not this rule in your own communities, in your states, in the United States? That the trusted people who control the government affairs in our nation get their power other than by the free and unbanished voice of the whole people we are not ready to admit, and we deny that trusts imposed upon our officers are discharged in any other way than to the best interests of our people. There is no oppression with us or political domineering, notwithstanding the Dawes commission report; the full-bloods have more than their pro-rata representation in all the offices. The second chief of the nation is a full-blooded Cherokee, as also is the president of the senate and the speaker of the house of representatives; one of our supreme judges is a full-blooded Cherokee; many of the offices in our nine districts are filled with full-blooded Cherokees; in our senate of eighteen members, seven are full-bloods; in our house of repre-

sentatives, consisting of forty members, twenty-two are full-bloods. By full-blood we mean those who speak practically only the Cherokee language. This is a complete refutation of the statement made by the Dawes commission, that the half-breeds and white men have assumed all the offices to the exclusion of the Indian or full-blood. Our elections are viva voce, and we have far less allegations of fraud under our system than we find under that adopted in your states. We have adequate laws for the punishment of fraud in sections.

The right of eminent domain vests in the United States as the sovereign of this land to convert private property to public use; this great right came out of the necessity of things, that the greatest good may accrue to the greatest number; but nowhere in the civilized world has this sovereign right of eminent domain been ever yet attempted to be exercised for private purposes; and never yet has the doctrine gone so far that property taken in the exercise of eminent domain can be so taken to be reconverted to private use. If such were done in reference to our lands as proposed in the town-site

propositions now before congress all of our treaties would be violated, and your own legal system thrown out of joint.

The Cherokees wish to call your attention to the size of their present country. Within our country as at present bounded there are less than five million acres of land; our population is thirty thousand; the estimate of the number of acres includes river beds, and portions, and all that would be necessary for public travel and commerce. At a glance it will be seen that we have now less than one hundred and sixty acres to the head. The proportion of the arable land to that unfit for cultivation is, by the most liberal estimate, not exceeding one to four, so it will be seen that today the Cherokees have less than forty acres of tillable land to the individual. We invite your close attention to this fact, for not the least among the influences seeking the destruction of our government and the opening of the country is the hope that homes may thereby be obtained for the white people who would come in. It could not be so in the Cherokee nation; we have not now more than will suffice the immediate necessities of our people; nor could

we consent to part with any more land whatever without gross injustice to our poor, who depend upon agriculture and stock-raising for subsistence. There is no necessity for a town-site law in the Cherokee nation. The statement by the Dawes commission that towns had been erected, costly business houses and residences built in the Cherokee nation by non citizens is absolutely false with not a single exception. We have half a score or more of beautiful towns in the Cherokee nation, beautifully and symmetrically surveyed, containing many substantial and even fine structures; but all has been done by citizens of the nation, and such buildings are not occupied or owned in any manner by aliens, nor have they any money in them. Our towns have good systems of municipal government, the result of liberal legislation on the part of the national council. A municipal government is run by a mayor and a board of aldermen, and called a town council. The quiet and neatness of our towns commend us to all our visitors. There are no white aliens doing business among us, other than those engaged in farming; we do not, as alleged, invite them into our country; we do not invite or use their money in

building our towns; we put every impediment we can in the way of their coming among us; we do not need them in our midst, but we are a hospitable people, our friendship extends beyond the lines of our country, and in our acts of hospitality we sometimes harbor in our midst coming in the guise of friends, who, through motives of envy and covetousness, subsequently advise our undoing. Our country is indeed fair to look upon; to us its lovely valleys, limpid streams, flowing prairies, waving forests, and grand hills are an Eden. There, over fifty years ago, with specious promises of everlasting protection, you planted us, literally driving us from our homes in the mountains of Georgia, Tennessee, and North Carolina. "As long as the grass grows and water runs," wrote General Jackson, "shall the country remain yours." "No state or territorial line shall ever surround you," were the words your minister who induced us to go to that country, and his words are engrafted into the treaty. Now, after the lapse of fifty years, when the bodies of those who made these promises to us have been consigned to the tomb, and their names have taken their places in history, many of them for all time, you, their children, tell us,

the children of those with whom they treated, that your parents did not mean all they said, and were only preparing a temporary solution of the questions they were pretending to settle. You tell us what we cannot believe, that Webster, Calhoun, Clay, Jackson, and their many great contemporaries were anything but earnest in their solemn assurances to us of a permanent country and a sure protection. The names of those great men are enshrined in our hearts; they are our heroes of liberty and truth, as well as yours.

In your monument here in Washington, that reaches high towards heaven to mark the greatness of your greatest hero, a fitting tribute to his memory will be found at 310 feet from its base, in the west wall, a plain white marble slab about two by three feet, inscribed, "The Cherokee Nation." From a quarry of native marble in our western home in 1850 this stone was hewn by Indian hands, carted in the rude manner of those days over several hundred miles, and finally placed where it is -- our tribute to that champion of liberty of the world. Recently one of us in visiting the monument walked up to where that stone is placed, and there, between

emotions he does not care to parade, tried to conclude how in the nature of things the United States could refuse to hear and protect us in our humble pleas as a father does the child who loves him, and who is wholly dependent upon him. We cannot believe the time has come when our treaties, upon which we have so implicitly relied, must be broken. With the protection of our treaties gone, that barrier swept away, we shall be overwhelmed, engulfed, and destroyed in the madness of the rush upon us. We are earnestly appealing for the very existence of our people. We are begging for the privilege of showing by careful examination into our condition that we should be allowed to live. We believe that our tenure of land, if we can hold it another decade as we do, and be freed by your government of the barnacles of intrusion upon it, as you have promised so solemnly to do, will attract the thinking world and commend itself to the advanced minds as the only solution of many vexed problems already upon you. In our little country contentment is found -- an estimable condition; the entire people are happy, life and property safe, education and religion are nourished and practised and every day, notwithstanding the uncertainty surrounding them, makes our rapid progress. The common tenure

of land makes every man independent -- no paupers, no beggars, no patient worth forced by circumstances to bow the head to insolent success. Every man is the peer of his fellow-man, an equal participant of God's great gift of liberty.

Where else can you find such conditions? Let your people speak for themselves and express their desires. In their present happiness and security they are over-whelmingly opposed to any change that could but lessen their blessings. What can you give us, when land is degraded to speculation and monopoly, but precipitate us into the midst of this land struggle for gain, so evidently the ruling passion of your civilization? Will you not allow us, at our own expense, upon land to which we hold your strongest title, a patent in fee vested in us and our descendants, to live as we see fit, and yet a little while longer to know within our hearts the sweet feeling that comes of love and care for your fellow man?

Very respectfully,

S. H. MAYES,

Principal Chief.

C. J. HARRIS,

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G. W. RENCE,

ROACH YOUNG,

JOSEPH SMALLWOOD,

Delegates of Cherokee nation.

THE VINITA LEADER.

Vinita, Indian Territory
Thursday, Feb. 27, 1896
Vol. 1, No. 49

Editor ?

AN ABLE MAN GONE.

E. C. BOUDINOT IS DEAD. ✓

Such were the words given out at his residence early Thursday in reponse to questions asked concerning the patient's condition. No one seemed able to realize that Cornelius Boudinot was dead. Although it was known that he was suffering from Bright's disease in the last stage, everyone seemed to think he would rally; that his massive frame and mind would stay the grim specter for awhile.

Elias Cornelius Boudinot was the son of Col. and Mr.^s W. P. Boudinot, and a nephew of the late E. C Boudinot, Sr. He was born in Flint District on the 2nd day of January 1854. Later his parents moved to Illinois district, with whom he lived and attended a public school for awhile. From the Illinois log cabin school his uncle, E. C. Boudinot Sr., took him to Washington, Conn., and put him to school in the

Gunnery. Financial reverses suffered by the uncle forced the boy from school after he had spent about two years in study at the academy. This was the extent of the education of the future leader of the Cherokee Nation.

He came home changed in his ideas of life. The east made a deep impression on his youthful mind and he believed his people were capable of adopting the life which he had seen. He had faith in the possibilities of Indian culture.

In 1870, or twenty-six years ago he came to Tahlequah, having his destiny in his own hands and a determination to be a factor in the history of the nation. The first step made toward satisfying his ambition was to become a printer's devil in the Advocate office. Here he successfully and rapidly rose in the art of printing until he became foreman, which position he held until 1880 when he went to the top, having been elected editor of the Advocate by the National Council. This position he filled with that rare ability that has characterized his life.

About this time he took up the study and practice of law which he continued to make his chief vocation. He and Geo. O. Butler comprised the law

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THE VINITA LEADER

Vinita, Ind. Ter.,
Thursday, Aug. 13, 1896.
Vol. 2., No. 22.
S. R. Crockett, Editor

MESSAGE OF S. H. MAYES

The Honorable National Council,

Gentlemen:-

This is the first time in the history of our people, after unknown centuries of existence, have their councillors been convened to consider such subjects as are now brought to our attention. The purposes for which you are convened and upon which you are to take legislative action are, in themselves, not of a serious nature; but the fact need not be disguised that unpleasant consequences lie beyond to which we cannot willingly subscribe.

The right heretofore conceded to and exercised by our nation to determine, without interference and without appeal to any other authority, to say who are citizens and who are not, is not entirely taken away from us, but is so modified that any act-

ion we may take in the settlement of citizenship questions are to be reviewed by an authority higher than ours. It appears, therefore, that this nation stands in the attitude of an inferior court in the determination of claims for Cherokee citizenship and the common property of the nation. The fact cannot be disguised that the revision of claims, after this nation has passed upon them, amounts to original jurisdiction, and what our authorities may do in the premises amounts to nothing more than gratuitous action on their part in all adverse judgments, as conclusions must naturally be the same either way.

To what remote generation of descendants, from some particular Cherokee ancestor, will Cherokee citizenship be accorded by the honorable commission? There may or may not be a limitation. There is certainly a chance, considering the fact that it is a half century since the Cherokees were removed west, and over a century and a half since the whites came among them and took wives, that the rights of a "native Cherokee" may be awarded to some one of little less than Adamic ancestry.

The character of the testimony which is to be used as being sufficient in law to determine ques-

tions of ownership to thousands of acres of Indian lands, is positively something we cannot accept. The rules of judicature or the power of distributing justice by legal or equitable means, or methods which will secure equal justice to all concerned, are not considered in this instance. Affidavits, taken at their best, and under circumstances when the least motive may exist for misrepresentation, are seldom accepted as being sufficient in law to determine important cases, without something more reliable to confirm such statements.

There is something very deservable in the character of a majority of claimants and the witnesses they employ to sustain their pretensions. That they are generally of the uneducated and poor class of people, it is very evident. The prospect of securing homes in the Indian territory by the very easy and accommodation means of "his x mark," or "her x mark," is certainly a great windfall for people in their circumstances.

To such testimony we cannot consent, and if forced upon us, which seems to be the intention, let it be under protest. This course may prove of little avail, but it will prove to those who are, or may

become our sympathizers, how we have been imposed upon and our property rights disregarded.

One of the principal reasons for calling you together is to effect a correct census of the Cherokee people. The only census considered correct and reliable is that of 1880, it having been revised and authenticated by an act of the council. This has become necessary again in view of the final settlement of all claims for citizen rights in this nation, by the United States commission appointed for that and other purposes. Such enumeration of our people will prove as a guide to the commission in the determination of questions of citizenship by reason of family relationship to those who are acknowledged citizens of the country.

How and in what manner this should be done is a question of time or convenience, or of expense. One way, to which I invite your attention, is according to your act of May 15, 1894, providing for the authentication of the pay rolls of 1893, which, as you know, is of Cherokees by Cherokee blood. So far as it may answer the desired purpose, but there is a class of our people -- the white -- who should appear on such a roll and who do not on the one pro-

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posed to be authenticated. To be consistent with facts, you could not declare all to be citizens of the nation whose names appear on the roll, except upon memorials of the parties themselves for "re-admission." It would be a gratuitous act on your part to make citizens of those who are citizens elsewhere and do not want to be of this nation. That there are hundreds of such cases it may not have appeared thereon.

Another plan is to go directly to the people and take a census of them, to be revised and accepted by yourselves, as being a correct list of Cherokee citizens. This necessarily should be done within a specified or limited time, so as to meet requirements.

This census may not extend to the Delawares, Shawnees, and Freedmen of our nation, who are otherwise provided for.

In an interview with the United States Commission, I have been requested that all papers of applicants for Cherokee citizenship, consisting of petitions, affidavits, depositions and other evidence, submitted to the National council, or any commission on citizenship, be returned to the claim-

ants when called for. Perhaps a great number of these claims have already been acted upon, but it seems that old cases are to be renewed, and for this purpose the papers will be needed.

Not having any authority, expressed or implied, to surrender these cases on any account whatever, I respectfully recommend that you specify by act how and in what manner they shall be. It will be necessary in complying with the request of the commission that the nation remain in possession of sufficient proof how and upon what adverse decrees have been based.

We have arrived at a point in our national history never heretofore attained. It is indeed a melancholy reflection to find ourselves, at last, so near to what seems to be the inevitable conclusion of unknown centuries of national existence. The future, for want of experience in the management of affairs save by ourselves, promises nothing cheerful or encouraging, only a struggle to accommodate ourselves to a new order of things and to become accustomed to new relations. We are in the midst of a crises where it becomes in all to act wisely, deliberately and for the best interest of our people.

S. H. MAYES,

Principal Chief.

THE INDIAN CHIEFTAIN

Vinita, Indian Territory
Thursday July 29, 1897
Vol. 15, ----- No. 48
D. H. Marrs, --- Editor

S. H. Mayes

THE CHIEF'S MESSAGE

To the National Council in Special Session.

Gentlemen:- Believing that the interest and welfare of the Cherokee people demanded the convening of your honorable body in extra or special session, I so ordered it by proclamation and it now becomes my duty to set forth, in special message to you, the subject-matter upon which I deem legislation necessary.

It is a matter of fact that there has not been a roll of Cherokee citizens made, either by the nation itself or the government of the United States, since the one authenticated by the national council in the year 1880, that is satisfactory to our people, for the reason that many names fraudulently appear thereon and others the national council have not taken time to ^{thoroughly} investigate as to whether their names should be enrolled as citizens or not; hence, congress, being aware of this bad condition of our roll of citizenship

enacted a law, which was approved June 7, 1897, directing the United States commissioners to the five civilized tribes to make a roll of all people who are entitled to the rights of Cherokee citizenship, taking the roll of 1880, and their descendants and those who have been admitted to citizenship since by the proper authorities and their descendants, as a basis of action.

For your better information and an opportunity to acquaint yourselves with its provisions, the full text of the law is quoted:

"That the words rolls of citizenship, as used in the act of June 10th, 1896, making appropriations for current and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30th, 1897, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the act of June 18th, 1896."

And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June 10th, 1896, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: provided, also, that any one whose name shall be stricken from such ^{the} roll by such commission shall have the right of appeal, as provided in the act of June 10th, 1896."

It is of very great importance to this nation that a correct roll of its citizens be made as provided for in the foregoing cited law, and with this in view, it becomes your duty to make the necessary arrangements for placing within the reach of the commission all the information obtainable that will in any manner be helpful to them in making such rolls. To this end, I respectfully recommend that you give authority and make the necessary appropriation

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for the employment of such legal assistance as this department may need in properly presenting the rights and interests of the Cherokee nation to the said commission.

Already persons have made applications to the commission for enrollment at Fort Gibson, Indian Territory, and copies served on me as chief of the nation. By a ruling of the commission, within thirty days of such service the nation must file its answer and evidence in support of same; thus, it will be seen that the employment of legal service is necessary and should be provided for at once, with proper instructions in the premises by your honorable body.

This department is in receipt of a communication, dated June 28th, 1897, from the Hon. Frank C. Armstrong, acting chairman of the commission to five civilized tribes, requesting that the commission be furnished with the last authenticated roll of citizens of this nation made prior to June 10th, 1896, and all other rolls made since that date; likewise copies of all acts of the national council passed, and of all judgments of duly authorized courts rendered since the date of such authenticated roll, admitting persons to Cherokee citizenship, that

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they may be used in assisting the said commission in making the rolls under the acts of congress approved June 10, 1896, and June 7, 1897.

To comply with this request, it will necessitate a great deal of clerical work to prepare the documents wanted; therefore, I recommend that a sufficient sum be appropriated for the purpose of employing copyists to complete the work as early as practicable.

In the making of this roll as little expense and trouble as possible should be given our citizens whose citizenship is confirmed by the acts of congress before referred to, and the furnishing of the documents requested by the commission will very materially aid in this direction. Also, care should be exercised to drop the names of all deceased persons from the rolls.

Herewith I hand you, for your information on the subject submitted to you for legislation, the acts of congress dated June 10, 1896, and June 7, 1897, a letter from the United States commission to this department, and a circular letter from said commission. I have the honor to be

Your obedient servant,

S. H. Mayes.

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THE INDIAN CHIEFTAIN

Vinita, Indian Territory,
Thursday, November 11, 1897
Volume 16, No. 11
D. H. Marrs ----- Editor

MESSAGE OF S. H. MAYES

A RATHER GLOOMY VIEW TAKEN BY THE EXECUTIVE

Termination of Tribal Jurisdiction Discussed
Agreement of Some Kind With the Dawes Commission
Little General Legislation Recommended

To The National Council.

Gentlemen;

You, the representatives of the Cherokee people, have again assembled in regular session, and it becomes my constitutional duty to submit to you such suggestions with reference to our government and such recommendations as, in my judgment, will best subserve the welfare of our people. Since last you met in regular session, death has invaded the ranks of our public servants and esteemed citizens. From your midst we miss Hon. Samuel Smith, ex-president of the senate, a man of lofty ambition and undoubted integrity; ex-Councillors John R. Gourd, of Cooweescoowee district, William Batt, of Saline district, and Charles Bark, of Illinois district. Among others of our reputable patriotic officers and citizens who have been called

to peaceful rest, we note ex-Senators S. E. Gray and Charles Starr, Jesse Sunday and Dave Ridge. All of these were faithful public servants and many of them filled offices of honor and trust in various capacities for a number of years.

We should all feel gratified and render thanks to the ruler of the universe for the bountiful crops which have blessed the country and the peace and happiness which have prevailed among our people.

You have recently been elected fresh from our people and should better understand their needs and wants than I do, and it is your privilege to enact into law such legislation as in your judgment will best subserve their interests. Hence I kindly invite your friendly co-operation and advice as to the needs of the various sections of our country.

EDUCATION

Our educational institutions have always, since the foundation of our government, been a source of great pride to our people and annually they have appropriated liberal sums of money for

the maintenance of our public and high schools. Last year I took occasion to carefully investigate the amount of money that came into the treasury for the benefit of the school fund, showing the sources from which it was derived and manner expended, and amount on hand, and made some recommendations, which I thought were necessary for its protection. The report of the treasurer herewith submitted, shows that there was on hand last year, belonging to the school fund, the sum of \$6,253.25; that there was on hand September 30th, 1897, the time of making his report, the sum of \$105.76; that for the school purposes there was received from all sources the total amount of \$69,283.59, less \$6,253.25 which was on hand. During the last regular session of the national council twenty-four new primary schools were authorized established and the number of school months diminished from nine to seven. This will not materially change the expenses of running the schools. I recommend, therefore, that you carefully consider the report of the treasurer of the Cherokee nation, together with the detailed report of the board of education, and make your appropriations for the educational interests of the country so that they will not exceed the annuities and income for scholastic purposes, so that

the warrants drawn against that fund will not be depreciated. Special attention in the report of the board of education is called to that part in reference to the colored high school, which shows that it is in a much better condition than heretofore. The prosperity of the school is not only due to the superior management but also partially to the fact that a number of students are permitted to attend that institution free. My attention has been called to the fact that there is no institution for the homeless orphan colored children of our country and I recommend that the primary students of this institution be taken from that class of the colored children.

ORPHAN ASYLUM

The report of the treasurer shows that there was received on account of the orphan fund the sum of \$19,043.93 from the secretary of the interior, added to this was a balance on hand of \$7,909.25, making the total received into the orphan fund \$26,753.18. There was disbursed \$24,467.47 during the past year, the amount of \$5,423.54 in excess of the annuity. The report of the board of education called attention to the isolated position of this insti-

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tution and to the fact that the requisite close superintendence cannot be given it as this charitable institution deserves. I think that the institution could be more economically managed if a special board were created and competent men appointed who live in the immediate neighborhood who would then be able to give the institution their immediate superintendence. I also take occasion to renew my recommendation of last year that the board of education be not authorized to draw requisitions in excess of the annuity. This is a standing appropriation made on November 29, 1871, and it is left at the discretion of the Board of education to draw any amount at any time.

REVENUE

No general legislation was enacted during the past year with reference to the better collections of our revenue. The happiness, you might say, the life of a nation, like that of a family, depends upon its finances. Hence your particular attention is called to the annual report of the auditor, submitted herewith. It shows that during the past fiscal year there were issued \$65,582.65 in national certificates

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by the clerks of the several districts. That there was recieved as revenue from the clerks of the several districts the sum of \$5,823.65 and that the total amount of all revenue received from all sources, including that reported to the treasurer by the board of education, was \$26,660.85. The small amount of revenue reported must either be from the want of proper revenue laws, or the lax enforcement of those already in force. But I am very sincere in the opinion that if you had one revenue collector, whose duty it was to see to the collection and enforcement of our revenue laws, a much larger sum of money would find its way into our treasury.

CENSUS.

The national council had, under an act approved July 28, 1897, provided for the appointment of two attorneys to represent the Cherokee nation in a revision of the census to be made by the United States commission. The act of congress, of date June 7, 1897, provided for the confirmation of certain rolls of citizens of the Cherokee nation and for the Cherokee nation to contest the right to citizenship of all persons found on any roll sub-

sequent to that made in 1880 for a period of six months from the passage of the act. The attorneys appointed under that act are busily engaged in this work and the time for the completion of their labor will not be until December 7th; hence no report of the work has as yet been made.

MILITARY RESERVATION.

Several days ago a telegram was received from the commissioner of Indian affairs at Washington, D. C., requesting to know upon what terms the military reservation at Fort Gibson could be had for the use of the War department, and suggested a period of one year. In reply he was informed that I had no authority to make any terms with refernece to the military reservation without the consent of the national council, but that if the proposition was made in writing, that upon your convening in regular session, it would be submitted to you for your consideration and action. Nothing further has been received, but in case it is, I will transmit it by special message.

DAWES COMMISSION.

By an act approved December 4, 1896, the commission appointed by virtue of an act approved August 22, 1896. to confer with the United States

commission was continued in authority and two additional commissioners were added thereto. The final reply of the Cherokee commission to the United States commission is herewith handed to you and the reasons given in detail why an agreement was not reached.

TRIBAL GOVERNMENT

Your particular attention is invited to the miscellaneous provisions of the last Indian appropriations bill passed by the congress of the United States, approved June 7, 1897, which among other things, provides:

"That on and after January 1, 1898, the United States courts in said territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted and all criminal causes for the punishment of any offence committed after January 1, 1898, by any person in said territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said territory; and the laws of the United States and state of Arkansas in force in the territory shall apply to all persons

therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts."

On the following page of said act it is provided:

"That on and after January 1, 1898, all acts, ordinances and resolutions of the council of either of the aforesaid five tribes passed shall be certified immediately upon their passage to the president of the United States, and shall not take effect if disapproved by him, or until thirty days after their passage; Provided, that this act shall not apply to resolutions for adjournment, or any acts or resolutions or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes."

No comments from me are necessary to advise you the clear intents of the congress of the United States, and while I have heretofore believed that it was necessary that our people, in order to better protect their interests to make some concessions and enter into negotiations with the United States commission, I have always opposed any arbitrary action taken by congress without the consent

of our people. If this act of congress goes into effect, and it is constitutional, you will clearly see that our judiciary is completely destroyed; one of the cornerstones of our constitution is gone, and without this there would be no use or necessity for either of the other branches of our government in as much as it would be unnecessary to enact legislation without the machinery for its enforcement. Article 5 of the treaty of 1835 provides:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any state or territory. They shall secure to the Cherokee nation the right by their national councils to make and carry into effect all such laws as they deem necessary for all the government and protection of the persons and property within their own country belonging to their people, or such persons as have connected themselves with them."

Our ancestors anticipated such legislation from their experience east of the Mississippi and they they

thought that in securing the above solemn guarantee to themselves and their posterity they would be forever protected. Later on they provided in the thirteenth article of the treaty of 1866 as follows:

"The Cherokees also agree that a court or courts may be established by the United States in said territory with such jurisdiction and organized in such manner as may be prescribed by law; provided, that the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation, by nativity or adoption, shall be the only parties or where the cause of action arise in the Cherokee nation, except as otherwise provided in this treaty."

For the above guarantee, agreement or contract valuable considerations were exchanged, and I am not one of those who believe the Supreme Court of the United States will permit these solemn agreements to be violated by the government of the United States against a defenseless nation, with impunity. I therefore recommend that you make such provision as is necessary for testing the constitutionality of these

provisions under the late act of congress above quoted. No exorbitant amount need be appropriated, in as much as all the questions involved might be taken up in one case and a test case made of it. heretofore the Cherokee nation has not had an opportunity to test its rights in the courts, and if our treaties are to avail us anything we should settle it as speedily as possible. Because of the embarrassing legislation on part of congress by ordering a survey of our lands several years ago, by taking away the jurisdiction of the nation in citizenship cases - a right to which we had tenaciously clung for so many years - and by the refusal on part of the United States to carry out its treaty provisions with our people and afford them the protection in the way of the removal of the intruders from our country, as guaranteed, and by the advice of the leading representative men of the five civilized tribes, assembled at South McAlester, I. T., I thought that our people could be better protected, and I want to say to you that I honestly think so today, that by entering into some negotiations with the United States commission to the five civilized tribes. I am not in favor of the Delaware claim; it should be rejected.

I am not in favor of the railroad grant; reject that. But I believe that the interests of our people would be better subserved, that the intruder question would be more speedily settled, and that the monopoly question would be adjusted by an equitable individualization of the title to all our lands to all the citizens of the Cherokee nation. Other matters pending between our government and that of the United States could be settled at the same time; all just claims paid. Provisions could be made for the continuance of our government so long as we might think best. But as above observed, no one of you is more strongly opposed than I to the United States violating its solemn obligations with our people without our consent and I am ready to unite with you in every legitimate way to protect them.

DELEGATION

The report of the delegation in herewith submitted to you for your consideration. It shows that the arbitrary action of congress and it shows the numerous protests the late delegation made against the adverse legislation which was pending against the Cherokee nation. By the invitation of the national council I accompanied the delegation, and remained in Washington

until the close of the regular session of congress,
and can assure you of the evident desire of congress
to have some change effected in our form of govern-
ment. In order that our people might have their in-
terest more fully guarded and for the purpose of
acquainting all classes of our people with the exact
condition of affairs at Washington, I should be glad
to have you provide for a strong delegation at as
early a date as possible.

There are many questions of importance affecting
our people that I should be glad to submit were it
not for the uncertainty of the continuance of our
courts and our government, and I have not thought it
best to advise much general legislation for that
reason.

In conclusion, I have the honor to herewith sub-
mit the report of the treasurer of the Cherokee nation,
Cherokee commission, board of education, editor of
Advocate, attorney general, high sheriff, medical
superintendent, delegation.

Respectfully submitted,
S. H. MAYES,
Principal Chief
Cherokee nation.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
February 12, 1898
Vol. 22, No. 14
J. R. Sequichie, Editor

OBITUARY ON D. W. BUSHYHEAD ✓

Hon. Dennis W. Bushyhead, aged 73, ex-chief and one of the most prominent citizens of the Cherokee Nation, died at his residence in this city last Friday from Bright's disease. Bushyhead's public life was characterized by progress and intelligence. He was one of the advanced Cherokees who favored allotment of the lands, and on this account he was appointed by Chief Mayes a member of the commission to negotiate with the Dawes commission. The negotiations were a failure on account of the fullblood members. He leaves a widow, three sons and three daughters.

Bushyhead was educated in the missionary schools of Tennessee, before the Cherokees moved to Indian Territory, and in New Jersey. He was clerk of the Senate of the Cherokee Nation until the gold excitement of 1849, when he went to the Pacific slope; remaining there nineteen years. He was in the service of Judge Terry when the latter killed Broderick in a

duel. He returned to Indian Territory, and was elected Treasurer of the Cherokee Nation in 1871, serving two terms of four years each. He was then elected chief of the Cherokee Nation for two terms.

In 1882 Mr. Bushyhead was married to Miss Eloise Butler, a niece of Senator M. C. Butler, of South Carolina. Bushyhead has served his people at Washington City; and has successfully fought many measures calculated to destroy the Cherokee Nation. For a number of years he has foreseen the end of holding land in common, now in vogue among the five tribes, and advised the fullbloods to make terms with the Dawes commission.

When the Cherokee strip was opened up for settlement Congress allowed Mr. Bushyhead a reservation, including a valuable stone quarry. This was done to show in what esteem he was held by Senators and Congressmen with whom he had been associated for a number of years.

THE VINITA LEADER

Vinita, Indian Territory
Thursday, March 10, 1898
Volume 3, No. 52
F. S. E. Amos, Editor

MESSAGE OF S. H. MAYES.

Clerks of the Several Districts Should Make Monthly Reports

Executive Office,

Tahlequah, I. T.

Gentlemen:

Since January 1, 1898, complaint from various sources has been made to the effect that our revenue laws have not been complied with, but that they have been except in very few cases disregarded. It is contended by many of our best citizens that the act of congress approved June 7, 1887, transformed all the jurisdiction after January 1, 1898, formerly exercised by our tribal courts to the United States courts and repealed all our laws including those with reference to the collection of revenue. Provided this act of congress is constitutional, it gave the United States courts exclusive jurisdiction of "any offense committed after January 1, 1898," but "offense as used in this act must mean the violation of federal laws as extended over this country and in

force otherwise the courts could not arrest, try or punish any one for the commission. Our courts were not abolished, neither were our laws repealed, but they were expressively recognized to be in force for certain purposes and the act is constitutional. The crime of larceny, for example, is punished in the United States courts, as they have original and exclusive jurisdiction, it being an offense against the United States laws as extended over this country. But our revenue laws were not adopted or recognized by congress, therefore the violation of them is not an offense against the United States punishable in the United States courts.

If our revenue laws were not repealed by this act of congress and they were in force prior to January 1, 1898. They are in force in my judgment today, and if the United States has no power to enforce them our tribal courts have. Our courts have all the power they ever had, except that which was transferred by this act to the United States courts, and if jurisdiction to punish the violation of our revenue laws were not given them our courts retained it, and it is your duty to see that they are strictly enforced.

Section 10, article 4, of the constitution of the Cherokee nation enjoins upon me the responsibility of taking "care that the laws be faithfully executed." In obedience to the letter and the spirit of this provision I take occasion to strongly urge upon you the necessity of indicting and punishing every citizen of the Cherokee nation who fails to comply with our revenue laws. Use

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economy; very few witnesses in addition to the records, are necessary to indict and convict. You will pardon me for suggesting the advisability of your using your best efforts to clear the dockets of all pending criminal cases for offenses committed prior to January 1, 1898. Frivolous continuances are the occasion of enormous expenses, and the reports for the past few months show that the expense of our criminal courts has not decreased. A fair trial should be given every citizen, yet he, as well as the prosecution, should be able to show that he has used due diligence as the law contemplates, before a continuance is granted.

The clerks of the several districts are advised that they are required to make monthly as well as quarterly reports, and that in the future this requirement will be strictly enforced.

Resp't,

S. H. MAYES,

Prin. Chief C. N.

Feb. 28, '98.

THE INDIAN CHIEFTAIN

Vinita, Indian Territory
Thursday, May 26, 1898
Vol. 16 No. 39
D. M. Marrs, Editor

MESSAGE OF S. H. MAYES

To the National Council:

Gentlemen:

Section 25 of an act of congress of the United States, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, provides:

That before any allotment shall be made of the lands of the Cherokee nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the 157,600 acres purchased by the Delaware tribe of Indians under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee nation under said agreement. That the Delaware Indians residing in the Cherokee nation are hereby authorized and empowered to bring suit in the court

of claims of the United States within sixty days after the passage of this act against the Cherokee nation for the purpose of determining the rights of the said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee nation, dated April 1, 1867, or the Cherokee nation may bring a like suit against said Delaware Indians, and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the supreme court of the United States.

The language of this section is most ambiguous while it should have been clear and explicit and capable of but one construction. It segregates 157,600 acres of land and legislatively determines that the Delaware Indians purchased this amount from the Cherokee nation and concluded the first sentence of this section by declaring that the land set apart "in separate allotment or otherwise" shall be subject to judicial determination of the rights of said descendants and the Cherokee nation under all agreements, Why use the word "descendants?" Is the part set apart from the "registered" Delawares subject to any judicial determination? The inference could be legitimately

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drawn from the first part of this section that the "registered" Delawares were entitled to have their 160 acres allotted to them, while the allotments of dead registered Delawarws were subject to the judicial determination of the rights of said descendants and the Cherokees.

The last part of the section authorizes the Delaware Indians, or the Cherokee nation to institute suit in the court of claims within sixty days from the passage of the act, with the right of appeal to the supreme court of the United States, to determine the rights of the Delaware Indians to the lands and moneys of the Cherokee nation. Immediately on receipt of the approved bill, on July 7th, I addressed the following letter to the secretary of the interior, asking his construction of this section:

July 7, 1898

To the Honorable Secretary
of the Interior, Washington D. C.

Sir:

Section 28 of an act of congress, entitled, "An act for the protection of the people of the Indian Territory and for other purposes, "provides for the segregation of 157,600 acres of land purchased by the Delaware tribe of Indians under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee nation under said agreement.

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The Delaware Indians are given sixty days in which to institute suit in the court of claims after the approval of the above act of congress against the Cherokee nation to determine their rights to the lands and moneys of said nation. In case the Delawares decline to bring the suit, what will become of the land authorized to be segregated? Will it be necessary for the Cherokee nation to bring the suit in order to throw it back in their public domain, as it was prior to the passage of the aforesaid act of congress? What will be the status of their segregated land in case neither the Delawares or the Cherokee nation brings the suit? Our people are very desirous of knowing what construction will be placed on this section by your department.

Yours very truly,

S. H. MAYES

Principal Chief
Cherokee Nation

As yet no reply has been received. Your attention is also called in this connection to section 11 of said act, which provides that after the roll of citizenship is made and the survey completed, the United States commission shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment "among the citizens thereof." Taking these two sections together, can they be construed so as to give the living registered Delawares each 160 acres, the descendants the part of the dead registered

Delawares, and then also give them an equal division of the remainder after the ... with any other "citizen?" Certainly, section 11 does not exclude this sonstruction.

The Delaware Indians were incorporated under the Cherokee nation through an agreement entered into April 8, 1867, authorized by the fifteenth article of the treaty of 1866. This agreement was construed by the supreme court of the United States in the case of Charles Journeycake, the principal chief of the Delaware Indians, vs. the Cherokee nation, November 19, 1894, (155 U. S., 120.) The court in this case decided that in the event an allotment was made, the registered or purchasing Delawares should obtain at least 160 acres, but as to the descendants the court said: "Whatever rights the Charokees and the registered Delawares were to have, and it was an equity not limited to the living Delawares, but to guard against any misconception there was the express declaration that the children of the registered Delawares should, in all respects be regarded as native born Cherokees. This last clause was inserted with the view of giving additional rights to such children, but to prevent any question as

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to their inheritance of all the rights which their fathers received under the agreement. This decision makes it clear that the descendants are not entitled to inherit the shares of any registered Delawares. Since it was rendered in March, 1896, the Delaware Indians, through their duly authorized agents, petitioned the national council, then in special session, to equalize their per capita shares with Cherokees by blood, representing to the members of the national council and other officers of the Cherokee government that they were desirous of obliterating all differences and becoming equal citizens in every respect with Cherokees by blood. In compliance with this request of the Cherokee nation, being equally desirous of knitting her people more friendly together, an act was passed by the national council and approved March 30, 1896, entitled: "An act to equalize the per capita shares of the Delaware citizens of the Cherokee nation, with the shares paid the Cherokees by blood," appropriating the sum of \$53,461.60. The act expressly provided that it was the intention to pay the said Delawares no more than if they were Cherokees by blood. This money was paid out to all

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the Delaware Indian citizens, and by their acceptance ratified the representations of their agents, and should be stopped from setting up claim to a greater share than that which a Cherokee by blood is entitled to.

When the Delawares in 1867 were incorporated into the Cherokee nation, the Cherokees owned more than twice the amount of land they now have. The Delawares have participated equally in the proceeds derived from every sale. By each sale the pro rata share of each Cherokee was lessened, while the share of the Delaware, according to his constitution, remains the same.

Pursuing this argument, if the Cherokee nation had sold all but 157,600 acres, the Delawares would have participated in the proceeds of the sale and then have been left comfortable homes of 160 acres each, while the Cherokees would have been left homeless. In my judgment, the Delaware Indian citizen is entitled to the same interest in your lands and moneys as a Cherokee by blood and no more, legally and equitably.

If you are of the opinion that the land is segregated and that it requires a suit by the Cherokee nation to restore it to the public domain, if you

desire the suit defended in case one is brought by the Delawares in accordance with the section above quoted, I recommend that you make some provisions therefor by authorizing the employment of counsel, making an appropriation therefor, as well as the costs and incidental expenses, at once, as the time allowed by the act expires August 27, 1898.

Your patriotic co-operation in this most important matter is very much desired, and I cannot impress upon you too earnestly the necessity for speedy action. Trusting that you will not hesitate to share with me the responsibilities which devolve upon us, and that you will thoughtfully consider the suggestions submitted.

I am yours very truly,

S. H. MAYES

Principal Chief C. N.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, July 30, 1898
Vol. 6 No. 25.
A. L. Kates, Manager

EDITORIAL ON R. B. ROSS & S. H. MAYES

There is said to be a movement on foot to have R. B. Ross appointed paymaster for the Cherokee Nation. It seems to us the movement is a little premature. Under the Curtis bill there is no provision for a pay master only when there is a per capita payment, and we see nothing at present that looks like a payment of that kind. The Curtis bill only removes from office the court officials of the nation -- no other officers are removed -- because no other branch of the government is interfered with further, than the provision for the approval of all acts passed by council by the President. The first clause of the Curtis bill says that all criminal prosecutions in the Indian Territory against officials for embezzlement, bribery and embracery the word "officer," when the same appears in the criminal laws heretofore extended over and put in force in said Territory, shall

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include all officers of the several tribes or nations of Indians in the Territory. The law plainly means that the Chief, Council, school board, Treasurer and all other officials not officers of the court shall continue to exercise their functions. The acts of council being subject to the approval of the President, and when such acts provides for the disbursement of funds and is approved by the President, it is the duty of the Chief and Treasurer to disburse the money in the usual manner in accordance with the law making the appropriation, and if they should misappropriate or pay out such money for any other purpose than provided by such appropriation they would then be subject to indictment under the first clause of the Curtis bill. There is not a shadow of doubt in our mind that the national school board and other remaining officers of the nation should proceed with their work and that when council appropriates money for the work that the President will approve the act. We do not believe it was the intention of the government to stop any branch of the government except the courts, or the law would have said so.

The Tahlequah Arrow published an interview held by Chief Mayes, R. B. Ross, J. S. Stapler and W. W. Hastings with Chief White of the Indian Bureau of the Interior Department. If Mr. White is correctly reported

he shows the usual ignorance of Washington officials pertaining to matters in the Territory. The following clause is taken from the interview:

"Regarding revenues Inspector White said that would be entirely under the supervision of the Indian Agent, and that it was his opinion the government would force the collection of all revenue provided for under the Cherokee laws. That the delinquents would be notified of their indebtedness to the tribe and upon failure to pay they would be arrested and fined for contempt of court."

This is a surprising statement in view of the fact that the Curtis law specifically provides for revenues on coal, oil and other minerals and as each citizen is prohibited from using only his or her pro rata share of the land, there would be no grounds for levying a cattle tax. But the most surprising part of the statement is that the revenue laws of the Cherokee Nation would be enforced, in view of Sec. 29, of the Curtis bill, which reads as follows:

"That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory."

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Mr. White seems to be as bad off in his bearing
as the United States Judge who threatened to have
arrested every white man who did not pay a permit in
the Cherokee Nation.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Aug. 6, 1898
Vol. 6 No. 26
A. L. Kates, Manager

EDITORIAL ON CHEROKEE COUNCIL

Tahlequah, I. T., Aug. 4, '98.

There was no quorum in either branch of the National Council yesterday, but a quorum was mustered in this a. m.

Little interest seems to be taken by the members in the matter. Many of the members are still absent and it is probable they will not come.

Chief's message will be read to a joint session of the two houses tomorrow morning at 9 o'clock.

Many visitors in attendance, just to see what will be done or attempted.

None seem to know just what work will be mapped out for the extra session by the Chief, but it will undoubtedly be in regard to the conditions confronting the Cherokees under the Curtis law.

The three questions that are likely to take

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precedent are the Delaware claim of 157,600 acres, which they will try to successfully combat, and the townsite question. They all recognize the unjust provisions of the Curtis bill in regard to this matter in the towns where the nation has said lots and received pay for the same from their citizens. There is much talk of asking Congress to confirm the present deeds with a small additional consideration. The proposition meets with general favor, the only opposition being from those who believe in living off of the thrift and industry of others.

The Dawes Commission has been down here for five years chasing after the Cherokees, offering them most any old thing in the way of a treaty if they would do business, but they were blocked by the Too-qua-stees of the tribe, but the scene is shifting and it is probable this year that a commission will be appointed to hunt up the Dawes Commission, offering to do business on the best terms possible.

According to an accounting between the United States and Cherokees it was found that there was a balance due the Cherokees of \$4,300,000 growing out of transactions since 1785. No provision is made in the Curtis bill for the payment of this claim, and the securing of this amount may lead to the opening of negotiations.

One thing seems pretty certain and that is this council will not make any extravagant appropriations, as all bills passed will have to have the approval of Big Chief Bill McKinley.

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THE TAHLEQUAH ARROW

Tahlequah, Indian Territory
Saturday, August 6, 1898
Eleventh year, No. 48
Waddie Hudson, Editor and Owner

MESSAGE OF S. H. MAYES

Executive Department,
Tahlequah, Choc. Nat.,
August 4, 1898

TO THE NATIONAL COUNCIL:

Gentlemen:

Section 25 of an act of Congress of the United States, entitled, "An Act for the protection of the People of the Indian Territory, and for Other Purposes," approved June 28, 1898, provides:

"That before any allotment shall be made of the lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments, or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians under agreement of April eight, eighteen hundred sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement. That

the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the court of claims of the United States within sixty days after the passage of this act against the Cherokee nation for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation, dated April 1, 1867, or the Cherokee Nation may bring a like suit against said Delaware Indians and jurisdiction is conferred on said court to adjusticate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States."

The language in this section is most ambiguous while it should have been clear and explicit and capable of but one construction. It segregates 157, 600 acres of land and legislatively determines that the Delaware Indians purchased this amount of the Cherokee Nation and concluded the first sentence of section by declaring that the land set apart "in separate allotments or otherwise." shall be subject to the judicial determination of the rights of said descendants and the Cherokee Nation under all agreements.

Why use the word "descendants?" Is the part set apart from the "registered" Delewares subject to any judicial determination? The inference could be legitimately drawn from the first part of this section that the "registered" Delewares were entitled to have their 160 acres allotted to them, while the allotments of deed registered Delewares were "subject to the judicial determination of the rights of said descendants and the Cherokee."

The last part of the section authorizes the Delaware Indians or the Cherokee nation to institute suit in the court of claims within 60 days from the passage of the act, with the right of appeal to the supreme court of the United States, to determine the rights of the Delaware Indians to the lands and moneys of the Cherokee nation, immediately on receipt of the approved bill, on July 7th, I addressed the following letter to the secretary of the interior, asking his construction of this section:

July 7, 1898

"To the Honorable Secretary of the Interior,

Washington, D. C.:

Sir -- Section 28 of an act of congress, entitled,

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'An act for the protection of the people of the Indian Territory and for other purposes,' provides for the segregation of one hundred and fifty seven thousand six hundred acres of land purchased by the Deleware tribe of Indians under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee nation under said agreement. The Deleware Indians are given sixty days in which to institute suit in the court of claims after the approval of the above act of congress against the Cherokee Nation to determine their rights to the lands and moneys of said Nation. In case the Delewares declines to bring the suit, what will become of the land authorized to be segregated? Will it be necessary for the Cherokee nation to bring the suit in order to throw it back in their public domain as it was prior to the passage of the aforesaid act of congress? What will be the status of their segregated land in case neither the Delewares or the Cherokee nation brings the suit? Our people are very desirous of knowing what construction will be placed on this section by your department.

Yours very truly,

"S. H. MAYES,

Principal Chief, C. N.

As yet no reply has been received. Your attention is also called in this connection to section 11 of said act, which provides that after the roll of citizenship is made and the survey completed, the United States commission shall proceed to allot the exclusive use and occupancy of the surface of all lands of said nation or tribe susceptible of allotment "among the citizens thereof." Taking these two sections together, can they be construed so as to give the living registered Delewares each 160 acres, the descendants the part of the dead registered Delewares, and then also give them an equal division of the remainder after the segregation of the 157,600 acres with any other "citizen?" Certainly, section 11 does not exclude this construction.

The Delaware Indians were incorporated under the Cherokee Nation through an agreement entered into April 8, 1867, authorized by the fifteenth article of the treaty of 1866. This agreement was construed by the Supreme court of the United States in the case of Charles Journeycake, the principal chief of the Delaware Indians, vs. the Cherokee

Nation, November 19, 1894 (155 U. S., 120) The court in this case decided that in the event an allotment was made, the registered or purchasing Delewares should obtain at least 160 acres, but as to the descendants the court said: "Whatever rights the Cherokees and the registered Delewares were to have, and it was an equity not limited to the living Delewares, but to guard against any misconception there was the express declaration that the children of the registered Delewares should, in all respects be regarded as native born Cherokees. This last clause was inserted with the view of giving additional rights to such children, but to prevent any question as to their inheritance of all the rights which their fathers received under the agreement." This decision makes it clear that the descendants are not entitled to inherit the shares of any registered Delewares. Since it was rendered in March, 1896, the Delaware Indians, through their duly authorized agents, petitioned the National Council, then in special session, to equalize their per capita shares with Cherokees by blood, representing to the members of the National Council and other officers of the Cherokee government

that they were desirous of obliterating all differences and becoming equal citizens in every respect with Cherokees by blood. In compliance with this request of the Cherokee nation, being equally desirous of knitting her people more friendly together, an act was passed by the National Council and approved March 30, 1896, entitled: "An act to equalize the per capita shares of the Deleware citizens of the Cherokee Nation, with the shares paid the Cherokees by blood," appropriating the sum of \$53,461.60. The act expressly provided that it was the intention to pay the said Delewares no more than if they were Cherokees by blood. This money was paid out to all the Deleware Indian citizens, and by their acceptance ratified the representations of their agents, and should be estopped from setting up claim to a greater share than that which a Cherokee by blood is entitled to.

When the Delewares in 1867 were incorporated into the Cherokee nation, the Cherokees owned more than twice the amount of land they now have. The Delewares have participated equally in the proceeds derived from every sale. By each sale the pro rata share of each Cherokee was lessened, while the share of the Deleware,

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according to his constitution, remains the same.

Pursuing this argument, if the Cherokee nation had sold all but 157,600 acres, the Delewares would have participated in the proceeds of the sale and then have been left with comfortable homes of 160 acres each, while the Cherokees would have been left homeless. In my judgment, the Delaware Indian citizen is entitled to the same interest in your lands and moneys as a Cherokee by blood and no more, legally and equitable.

If you are of the opinion that the land is segregated and that it requires a suit by the Cherokee nation to restore it to the public domain, if you desire the case defended in case one is brought by the Delewares in accordance with the section above quoted, I recommend that you make some provisions therefore by authorizing the employment of counsel, making an appropriation therefor, as well as the costs and incidental expenses, at once, as the time allowed by the act expires August 27, 1898.

Your patriotic co-operation in this most important matter is very much desired, and I cannot impress upon you too earnestly the necessity for speedy action.

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Trusting that you will not hesitate to share with me
the responsibilities which devolve upon us, and that
you will thoughtfully consider the suggestions sub-
mitted. I am, yours very truly,

S. H. MAYES

Principal Chief.

Choctaw Nation.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Sept. 3, 1898
Vol. 6 No. 30
A. L. Kates, Manager

EDITORIAL ON SAM HOUSTON ✓

A dispatch from Tahlequah to the daily paper says:

A remarkable suit at law is about to be brought for a large tract of land in Texas, that was given to the Cherokees by President Sam Houston. When the Cherokee Indians were removed from their homes east of the Mississippi a colony of them settled in Texas, President Sam Houston granted the colony a tract of land and gave a deed written on parchment for it. This parchment it still in existence in this nation. This colony of Cherokees continued to live in Texas until the close of the Civil war, when most of them came to the Cherokee nation and remained. Most of them have long been dead, and their heirs now claim the land covered by the patent issued them by Sam Houston. The suit will be long and hotly contested, as the land is now covered with cities and farms and is worth millions of dollars. The heirs, however, have

increased. So in case of success the amount to each would be comparatively small.

THE DAILY CHIEFTAIN

Vinita, Cher. Nat., I. T.
Monday, November 14, 1898
Vol. 1, No. 37
D. M. Marrs, Editor

MESSAGE OF S. H. MAYES

To the National Council

Gentlemen:

For the fourth time since I have been honored with the office of principal chief, you have assembled in obedience to our law and it becomes my constitutional privilege of submitting to you such information of our government in my possession and to make such suggestions as occur to me for its future direction as will best subserve the interests of our people. The past year has yielded abundant returns to our farmers, and our people individually are prosperous, but as a nation no such crisis has confronted us since our removal west of the Mississippi, and I most earnestly entreat that your deliberations devoid of partisan or class prejudices and that you meet the conditions which confront us with patriotic devotion to our people. You should remember that the

interests of one class of our people are the same as the other. What is best for the fullbloods is likewise best for the other classes, and I warn you now against those who would engender ill feeling between any classes of our people. They are enemies to us all. Meet them quietly and calmly talk the situation over and confront it with your best judgment, invoking the wisdom of the Divine Ruler, who shapes the destinies of all nations.

SCHOOLS.

We have now 124 primary schools and three high schools running at the expense of the government and for detailed information concerning them you are referred to the annual report of the board of education herewith submitted. I desire to call your attention particularly to the deficiency in our school fund. Our annuity for this fund in round numbers, amounts to about \$50,000. To this should be added the amount received for board at the high schools and the total heretofore received makes an amount insufficient to meet the expenditures made under annual appropriations which usually amount to about \$70,000. Now that there will be no more

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national certificates with which to pay board I am confident that if you can find the means of paying off the present deficiency and the money paid on account of board be made immediately available there will, with rigid economy, be sufficient means to continue our school system, as it exists at present, in successful operation. We also receive a small amount from the Kansas City, Pittsburg & Gulf railroad and the Kansas and Arkansas Valley railroad, part of which is placed to the credit of the school fund.

ORPHAN ASYLUM.

I have no special recommendation with reference to this charitable institution to make except to urge the suggestion made last year to the effect that the standing appropriation of November 29, 1871, be repealed and the board of education be prohibited from drawing requisitions against this fund in excess of the annuity in each year. A number of requisitions were drawn by the board of education on this fund during the past year which I declined to honor for reasons that I will more fully explain in a special message when I will

submit them to you for your consideration and action.

JUDICIARY.

For more than one hundred years, since 1785, the government of the United States has continually recognized as binding the solemn treaty obligations entered into by and between the United States and the Cherokee nation. For many years past bills violative of our treaty rights have been introduced in congress, but were never enacted into law. Many congressional committees have visited our country and without exception in their reports, strenuously urged congress to take some action to the end that our tribal autonomy should cease and that our lands should be individualized. The act of congress of March 3rd, 1893, provided for a commission to the five civilized tribes composed of three persons which afterwards was increased to five, but now reduced to four in number with authority to enter into agreements with the several tribes of the Indian Territory, looking to a change in their method of land tenure and governments. Each subsequent year congress has clothed this commission, headed by Hon. Henry L. Dawes, with additional

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authority and their insistence for a change become more urgent. Their work and reports is a matter of common information to you all, and have been considered at length in former messages. While the spirit of our treaties were evaded and broken in letter by acts of omission from the time of their promulgation the first act of congress in open violation of those sacred pledges was enacted June 7th, 1897, transferring the jurisdiction from the tribal courts to the United States courts after January 1st, 1898, all cases criminal or civil, in which citizens of the Cherokee nation were the only parties. This was in violation of Article 13, of the treaty of 1866, which reads as follows:

"The Cherokees also agree that a court or courts may be established by the United States in said Territory with such jurisdiction and in such manner as may be prescribed by law: Provided, that the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their territory in which members of the nation by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee nation except as

radical step in furtherance of the known policy of the United States. It absolutely abolished our courts, provided that no further compensation of the officers of our courts be allowed, and that all cases pending in the tribal courts on July 1st, 1898, should be transferred to the United States court. Since that time the Cherokee courts have not tried any cases, and I understand under a recent order of the United States all cases pending have been transferred. At our last regular session of council you authorized the employment of attorneys for the purpose of contesting right of congress to annul our treaty provisions, and authorized me to contract not in excess of five thousand dollars in general fund warrants for such services. I employed the firms of Hutchings and West, of Muskogee, I. T., and Stuart, Lewis, Gordon & Rutherford, of South McAlester, I. T. The report of Hutchings & West, herewith submitted for your consideration, shows that they have cases now pending in the Circuit Court of Appeals at St. Louis, Mo., Court of Appeals at South McAlister, I. T., and in the Supreme Court of the United States at Washington, D. C., and that a decision is expected soon. My contract with them is also submitted herewith.

JUDICIAL RECORDS.

Inasmuch as the offices of our courts are abolished I suggest that you provide for the taking care of the records found in their custody. Some of them are valuable and may be of great benefit to our citizens in the future. They might be made a part of the records of the Executive department from which certificates could there be given. I did not feel authorized under existing law to take charge of them, and not being a legal custodian no certified copies of them could have been given from the Executive office.

FINANCE.

There are other and more serious infractions of our treaties in the last act of congress. Section 19 provides: "That no payment of any monies on any account whatever shall hereafter be made by the government of the United States to any of the tribal governments, or to any officer thereof, for disbursement, but payment of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and our semi-annual annuities due July 1st, 1898, have

not as yet been disbursed although certified lists of outstanding warrants against the several funds were furnished the Secretary of the Interior on August 20th, 1898. What right the United States government has to so arbitrarily withhold our funds, and embarrass our educational institutions other than the power, is not apparent, it certainly has neither legal nor moral right. Another provision of this act to which I desire to invite your attention is Section 26, which provides:

"That on and after the passage of this act, the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory."

Since our courts were abolished by this same act and the United States courts prohibited from enforcing our laws, we have had no means at hand of collecting our revenues, and as a consequence little, if any revenue has been collected since this provision of the act of congress has become known. The revenue report of the Treasurer shows that including \$11,238.83 collected for board at our High Schools for the benefit of our school fund, \$30,238.87 was collected during the past year. In this connection

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I desire to call your attention to making some provision for the collection of the remaining installments due from the sale of intruder improvements. These improvements were sold under the law and were to be paid for in six annual installments to the sheriffs of the several districts. On some only one, and on none have more than two payments been made. The offices of Sheriff have been abolished, and it will be necessary for you to provide means for the collection of the remainder due, as well for the sale of any other improvements now in the illegal possession of intruders. I recommend that the office of Revenue Collector be created with the same duties as respects the collection of this special revenue as were heretofore exercised by the several sheriffs. If the President approves it, in my judgment it can be enforced.

PUBLIC DEBT.

Our public debt has been carefully calculated and October 20th, 1898, the outstanding warrants against the several funds were: General fund \$593,805.58; School fund \$46,334.31; Orphan fund \$10,491.52; and Insane Asylum fund \$6,500.73. It should be remembered that our last semi-annual annuities have

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not yet been paid and of course the above amounts will soon be lessened to the amount of the annuities. Our total invested fund drawing five per cent interest in the possession of the United States government amounts to \$2,716,979.98 and of this amount \$1,271,904.65 belongs to the General fund. Some steps should be at once taken to liquidate this indebtedness. With our judicial system and other unnecessary offices abolished our expenses are greatly lessened. The outstanding warrants which represent this indebtedness draw six per cent interest while we receive from the government only five per cent, or a clear loss of one per cent on \$600,000.00, the amount in round numbers of our indebtedness; this amounts to an annual loss of \$6,000.00. I suggest therefore, the propriety of requesting the withdrawal of a sufficient amount of our invested funds to pay all outstanding warrants. The interest on the remainder left to our credit for the benefit of the general fund will then amount to \$33,595.23, quite enough to run our government and pay the officials in cash.

DELAWARE CASE.

During the special session of council in August last you passed an act which I approved August

8th, 1898, authorising me and directing me to employ attorneys to defend the interests of the Cherokee nation against the claims of the Delaware Indians, citizens of the Cherokee nation, authorized to be adjudicated by the court of claims with the right of appeal to the supreme court of the United States.

In compliance with the act of congress above referred to I certified this act immediately to the president of the United States for his approval which he declined to do as shown by the correspondence with the secretary of the Interior herewith submitted to you for your information. Taking this action of yours expressive of your desires and in order that the interest of the Cherokee nation might be fully protected against the suit instituted by the Delawares under the above authority for an equal pro rata share of the lands of the Cherokee nation in addition to the 157,600 acres authorized to be segregated by the act of congress and the withdrawal of their part of our investment, I employed W. T. Hutchings, of Muskogee, I. T., and John J. Hemphill, of Washington, D. C., agreeing to recommend that they be compensated to the amount you indicated in the act of council. Inasmuch as the

Delawares had already instituted suit, no action was brought by the Cherokee nation. The suit is pending in the court of claims and in order that you may be fully apprised of the nature of their claim, I herewith transmit you one of their petitions.

CENSUS.

Your attention is invited to section 21 of the act of congress above referred to which gives the United States commission additional latitude and authority in making the final roll of citizens of the Cherokee nation and confirms only the roll of 1890, exclusive of freedmen who are to be enrolled in compliance with the decree of the court of claims of date February 3rd, 1896.

Only such citizens as have permanently located in the Cherokee nation are to be enrolled. In view of the fact that this roll may be made before the council again convenes in regular session, I advise that you make provision for the Cherokee nation rendering all necessary assistance to the commission to the end that our rolls be purged of all names unlawfully or wrongfully placed thereon. All residents of the States should be stricken from

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the rolls and the elimination of a very few names will pay the expense entailed.

I am advised that there remain thirty citizenship cases pending in the United States court in the Indian Territory on appeal from the United States commission and, under the recent authority granted by congress found in the Indian appropriation bill the claimants have appealed fifty-five cases to the Supreme court of the United States and the Cherokee nation two. The time for taking appeals in all decided cases has expired.

ELECTION.

Inasmuch as the offices of clerk and sheriff of the several districts have been abolished, our regular quadrenial election can not be held next August without some provision being made therefor, I suggest that some one be authorized to appoint the officers of election, as in the past, from political parties with the compensation heretofore given and a custodian of the returns. Our old law reenacted with some amendments as to who shall appoint the officers of election will be sufficient.

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DELEGATION.

A

It has been customary to annually send a delegation to Washington, D. C., to represent the Cherokee nation during session of congress before the committees and departments. Last year a large delegation was sent in order that the Cherokee speaking people particularly should be informed as to the policy of the government of the United States with reference to our country. The report of this delegation was transmitted to you at the special session of council in August last. In order that the president and the interior department might be advised concerning legislation enacted and the protection of the interests of the Cherokee nation against more radical legislation. I suggest the advisability of providing for a small delegation of not more than two. I feel justified in saying that I am confident that the president of the United States would not approve of a bill for a large and expensive delegation. Your bill providing for a delegation should contain the appropriation therefor in order that it might all be submitted to the president at once for his approval and much

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time saved.

TRIBAL GOVERNMENT.

On August 8th, last, by special message I communicated my views to you with particular reference to the allotment provision of this act of congress and as urgently as I could insisted that the Cherokee people should decide this grave question by a popular vote. None of the other four nations refused this reasonable request. The Seminole nation made and ratified an agreement with the United States commission which congress ratified and by the terms of the agreement almost exclusive governmental control is retained by the Seminole nation, in fact, with the exception of jurisdiction being transferred in a number of higher offenses to the United States court, some supervising control over the revenues, and the individualization of the land, little change is made. The agreement with the Choctaws and Chickasaws, ratified by congress in this bill, was submitted to the Choctaw and Chickasaw people for a vote and ratified by a large majority. This agreement provides for individualization of land, with certain restrictions, and transfers part

of the jurisdiction of the tribal courts to the United States courts, but the tribal authorities are permitted to make appropriations for regular and necessary expenses of their government.

The agreement made with the Muskogee commission, so far as what is retained of the Muskogee government is concerned, is similar to the Choctaw and Chickasaw agreement. The Creeks voted on their agreement November 1st, 1898 and it was ratified by a majority vote. The Creek chief and, I am informed, a majority of the Creek council were opposed to this agreement, but were willing to submit the question to their people for a vote. I am still forced to conclude that the interests of our people could be better protected by an agreement than by an act of congress. We are powerless to protect our property rights. We are permitted to be sued and are not permitted to use our own funds in our defense. Mineral leases without our consent are granted in large numbers covering the public domain and perhaps the homes of our people. Town-sites are set apart and lots authorized to be sold to non-citizens as well as citizens, in open violation of our constitutional and treaty rights.

Regulations are promulgated to the effect that each citizen after March 28th, 1899, next, who retains enclosed more than 80 acres of land is a criminal and liable to prosecution, although his pro rata share may be greater, and by his own toil and energy he has made the improvements himself. Our regular annuities in the hands of the United States due since last July still remain unpaid and our schools and public institutions remain embarrassed. Our revenue laws repealed and no substitute offered. You can't hold an election unless by permission of the president. Our treaties- those sacred obligations written with the very heart's blood of our ancestors, are no longer allowed to be referred to in arguments before committees of congress and our delegates are accorded scant courtesy. The time certainly has come when personal and party strife and prejudice must be set aside and inspired by the truly noble and great of our race you should reflect carefully over the conditions which confront us as a nation. This is a great responsibility and one which I am anxious that the people should share. That we, as a nation, have been wronged and coerced and robbed by the government of the United States there can be little doubt,

and it is therefore incumbent on us to protect our property rights and secure them as best we may as speedily as possible. No harm should necessarily come to our people by designating by definite boundries the equitable share of each citizen of the public domain. He can then protect it against trespass or confiscation. He can sue while the nation cannot. He knows then where to erect improvements, with the certainty that he and his family or his heirs will enjoy the benefit of his money and labor expended. I have quoted from the agreements made with the other four tribes, not for the purpose of endorsing them, but to show that they have retained to themselves much more governmental functions than the Cherokees have left. I renew the suggestions made in my special message of August 8th, last, that you provide for a commission to negotiate an agreement with the United States commission with a provision that it shall before becoming binding, be submitted to the Cherokee people for a vote on its ratification or rejection. In case an agreement is made it should be as complete as possible. A complete division of our lands should be made at some time to be specified; some disposition made

of our invested funds; what powers in detail shall be retained to the Cherokee government in the meantime; what shall become of our public buildings; what school system shall be adopted; and, in fact, the details so arranged that there can be no misunderstanding.

With your assistance I feel sure that conscientious and able men can be secured who will carefully guard the interests of our people to the end that an equitable division of our common property can be made and much better protection secured us in our property rights. If an agreement is not made such as we anxiously anticipate, the majority can be trusted to vote it down, and we will then be in no worse fix than now.

OBITUARY.

Since our last regular session I have the sad intelligence to communicate to you of the death of Hon. D. W. Bushyhead, who occupied so many positions of honor and trust in the Cherokee nation, including the Principal Chief and treasurer, and last year chairman of the Cherokee commission, and

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discharged them with conspicuous ability and fidelity; also the death of Hon. John Sevier, member of council from Canadian district, and Hon. James McLaughlin, also a member of council, from Delaware district. Thus one by one as our national existence seems to be nearing the evening of its career, our tried and trusted public servants are relieved by the hand of death of further responsibility.

CONCLUSION.

In conclusion I have the honor to herewith submit for your consideration and information the reports of Treasurer, Board of Education, Auditor, Editor Advocate, High Sheriff and Medical Superintendent, and the act of congress approved June 28th, 1898.

Respectfully submitted,

S. H. Mayes,

Principal Chief, C. N.

November 8, 1898.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Nov. 19, 1898
Vol. 6 No. 41
A. L. Kates, Manager

TREATIES OF S. H. MAYES

Chief Mayes in his message to council has the following to say on making a treaty: "I am still forced to conclude that the interests of our people could be better protected by an agreement than by an act of Congress. We are powerless to protect our property rights. We are permitted to be sued and are not permitted to use our own funds in our defense. Mineral leases without our consent are granted in large numbers covering the public domain and perhaps the homes of our people. Town sites are set apart and lots authorized to be sold to non-citizens as well as citizens, in open violation of our constitutional and treaty rights. Regulations are promulgated to the effect that each citizen after March 28th, 1899, next, who retains enclosed more than 80 acres of land is a criminal and liable to prosecution, although his pro rata share may be greater, and by his own toil and energy he

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has made the improvements himself. Our regular annuities in the hands of the United States due since last July still remain unpaid and our school and public institutions remain embarrassed. Our revenue laws are repealed and no substitute offered. You can't hold an election unless by permission of the President. Our treaties -- those sacred obligations written with the very heart's blood of our ancestors -- are no longer allowed to be referred to in arguments before committees of Congress and our delegates are accorded scant courtesy. The time certainly has come when personal and party strife and prejudice must be set aside and inspired by the truly noble and great of our race you should reflect carefully over the conditions which confront us as a nation. This is a great responsibility and one which I am anxious that the people should share. That we, as a nation, have been wronged and coerced and robbed by the government of the United States there can be little doubt, and it is therefore incumbent upon us to protect our property rights and secure them as best we may as speedily as possible. No harm should necessarily come to our people by designating by definite boundaries the equitable share of each citizen of the public domain. He can then protect it against trespass or confiscation. He can sue while the nation cannot. He knows then where

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to erect improvements, with the certainty that he and his family or heirs will enjoy the benefit of his labor and money expended. I have quoted from the agreements made with the other four tribes, not for the purpose of endorsing them, but to show that they had retained to themselves much more governmental functions than the Cherokees have left. I renew the suggestions made in my special message of August 8th, last, that you provide for a commission to negotiate an agreement with the United States commission with a provision that it shall before becoming binding, be submitted to the Cherokee people for a vote on its ratification or rejection. In case an agreement is made it should be as complete as possible. A complete division of our lands should be made at some time to be specified; some disposition made of our invested funds; what powers in detail shall be retained to the Cherokee government in the meantime; what shall be done with our public buildings; what school system shall be adopted, and in fact, the details so arranged that there can be no misunderstanding.

ADDITIONAL RULES

The Secretary of the Interior has announced the rules and regulations to govern the leasing of lands for mineral purposes, the collection of royalties and rents and other revenues, and the disbursement of moneys for the nations of the Indian Territory, which have not ratified specific agreements with the United States. The rules and regulations are as follows:

"Leases shall be entered into with the Secretary of the Interior, on blank forms prescribed by him, and no lease otherwise made shall be valid. All such leases shall be quadruplicate, and contain a clear and full description of the tract or tracts of land covered, not to exceed 640 acres, which subdivision must be contiguous.

"Minimum royalties shall be required of all leesees, the right being reserved by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal, asphalt or other minerals. The royalties prescribed are as follows: On coal, 15¢ per ton; on asphalt, 60¢ per ton; on gilsonite, alaterite and other like material substances, the royalty shall be fixed according to the comparative market value of same to the value of asphalt. On oil, 10 per centum of the

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value of all that produced, the royalty to be ascertained on the value of the oil in its crude state. On all other materials, such as gold, silver, iron and the like, sampling charges to be first deducted. On all net smelter return of ore, of \$50 per ton and under, a royalty of 10 per cent; on all net smelter returns of ore, over \$50 per ton and less than \$150 per ton, a royalty of 15 per cent; on all net smelter returns of ore over \$150 per ton and less than \$300 per ton, a royalty of 20 per cent, and on all net smelter returns of ore over \$300 per ton, a royalty of 25 per cent.

"All lessee shall be required to pay advanced royalties on all mines or claims. Lessees of sand or gravel deposits shall pay a royalty of not less than 2¢ per cubic yard for all such material removed. Lessees of stone quarries shall pay a royalty on granite of not less than 10¢ per cubic yard for all stone quarried. On all other stone quarried than granite the royalty shall be proportionate to the comparative value of such stone with the value of granite as may be agreed upon.

MINERALS AND TIMBER

"Lessees of oil, coal, asphalt or other minerals on land allotted, sold or reserved shall be required,

before the commencement of operations, to pay to the individual owner the value of the use of the necessary surface for prospecting and mining, including right of way for necessary railways and the damage done to the lands and improvements; and, in case of disagreement, for the purpose of ascertaining the fair value of the use of the land and the actual damage done, the owner of the land and the lessee shall each select an arbitrator, who together with such person as shall be appointed or designated by the Secretary of the Interior, shall constitute a board to consider and determine the amount that shall be paid by the lessee on account of the use of the land and damage done, and the award of such board shall be final and conclusive, unless the award be impeached for fraud.

"All timber and other materials taken by the lessee from land allotted, sold or reserved for use in the erection of buildings upon the leased tract, and in mine or mines operated thereon, shall be paid for by the lessee according to the usual rates.

"Owners or holders of leases which have been assented to by act of Congress shall be required within six months from the date of these rules and regulation to enter into leases with the Secretary of the Interior.

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Corporations, persons or companies who have made leases of different groups or parcels of oil, coal, asphalt or other mineral deposits, and have taken possession thereunder, and, by themselves or their assigns, have made improvements for the development of the same, which have resulted in the production of oil, coal, asphalt or other minerals in commercial quantities, shall, if in possession, be given preference in the making of leases. All persons in possession of oil, coal, asphalt or other mineral deposits, who have made improvements thereon shall be given preference in the making of leases or the renewal of leases for such deposits. In the event of a controversy arising between two or more applicants, no lease will be given until the question of possession shall have been investigated by the Interior Department.

"Every application should be accompanied by a duly certified check upon the United States depository at St. Louis, Mo., or upon some solvent national bank in the United States, for \$100, payable to the order of the United States Indian agent at the Union Agency, I. T., in payment of advanced royalty on lease for one year, and in addition, if the application be allowed, the applicant will be required to pay the cost of executing the lease, including the war revenue stamps required by

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law.

"All royalties accruing under leases entered into for farming purposes under these regulations, including advanced royalties, shall be payable in lawful money of the United States or exchange issued by a national bank in the United States to the United States Indian agent at the Union Agency, in the Indian Territory, who shall be at all times under the direction and supervision of the United States Indian Inspector for the Indian Territory. Said advanced royalty shall be payable, \$100 on the making of the lease, \$1000 in one year thereafter, \$200 in two years there after, \$100 in three years thereafter, and \$500 on the fourth and each succeeding year until the end of the term.

"All other royalties in accordance with the schedule provided in these regulations (unless modified in any particular case by the Secretary of the Interior, as hereinbefore provided) shall be payable to said United States Indian agent monthly, and shall be paid on or before the 25th day of the month succeeding the date when such monthly royalty shall have accrued.

SCHOOL SUPERVISION

"The salaries of all officers of any tribe or

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nation, and teachers in the Indian Territory to which these regulations are applicable, provided for by the laws of such tribe or nation, shall be paid by the United States Indian agent, under the supervision and direction of the United States Inspector for the Indian Territory.

"For the purpose of the proper supervision of the schools of any tribe or nation to which these regulation apply there shall be appointed by the Secretary of the Interior a capable, competent and discreet person, who shall have had experience in aducational work, to be designated as 'supervisor of schools in the Indian Territory,' whose duty it shall be, subject to the direction and supervision of the Indian inspector, to visit from time to time, examine into and supervise the conduct of the schools of such tribe or nation, and to report fully and in detail, as often as may be desirable (at least once in every month,) to the Commissioner of Indian Affairs, through the Indian inspector, the condition of each school in the territory, the methods of instruction employed, the efficiency of the teachers engaged, and shall make such recommendations concerning the same as he shall deem best.

"The compensation of such supervisor of Indian schools for the Indian Territory shall be \$1500 per

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annum, with commutation of subsistence at the rate of \$3 per diem, when absent from home in the discharge of his official duties, and all actual and necessary expenses for transportation, payable out of the general appropriation for Indian schools.

"Should it appear from the report of the supervisor of Indian schools for the Indian Territory, at any time, that any teacher of any school is incompetent to properly instruct the pupils of such school, or is of immoral character, or that for any reason the continuance of such teacher in the service would be to the detriment thereof, then it shall be the duty of the Commissioner of Indian Affairs to bring the matter to the attention of the Secretary of the Interior for his consideration and action, the purpose of this regulation being to provide efficient, competent and moral instructors for the youth of the Indian Territory, in order to fit them to become good, useful members of society."

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Jan. 7, 1899.
Vol. 6 No. 48
A. L. Kates, Manager

THE LIPE-FOREMAN MARRIAGE

A number of friends and relatives assembled at the home of Mrs. Ada Foreman, Wednesday afternoon, Jan. 4th, to witness the marriage of her daughter, Lulu to Mr. John G. Lipe. The impressive marriage ceremony was pronounced by Rev. Edwin Hubert Broyles. The bride was gowned in a handsome white organdie and carried a beautiful bouquet of bride's roses and ferns; while the groom was attired in the conventional black. The home was tastefully decorated with evergreens and mistletoe. After a short trip to the city Mr. & Mrs. Lipe will be at home in Talala to their many friends.

The following is a list of the many beautiful and useful presents received:

Major D. W. Lipe, \$100 check; Mr. & Mrs. C. V. Rogers, toilet set; Mr. W. C. Rogers, silver butter dish, butter knife, teaspoons, tablespoons, set of knives and forks; Mr. & Mrs. W. R. Bass, set of silver knives and

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forks; Rev. & Mrs. I A. Gaither, silver fruit knives, sugar spoon and butter knife; Mr. & Mrs. C. F. Godbey, salad bowl; Mr. & Mrs. W. E. Sanders, water and berry set; Dr. & Mrs. J. C. Bushyhead, cake plate; Mrs. Hill Ross, celery tray; Mr. & Mrs. R. Lee Comer, lamp; Mr. & Mrs. T. D. Bard, bible; Mr. & Mrs. W. P. McClellan, set silver teaspoons; Misses Mary and Pearl McCellan, silver butter knife and sugar shell; Mr. W. R. Campbell, tea set; Mr. John M. Adair, China mustache cup; Master Gunter Sanders, picture; Mr. & Mrs. Tom Cline, silver butter knife; Miss Lena Chambers, picture; the Misses Nicholson, silver-mounted tooth brush; Mr. & Mrs. W. H. Sanson, Eiderdown comfort; Dr. C. P. Linn, toilet set; Mr. T. C. Smith, linen napkins; Mr. Tom Bard and sisters, silver cake basket; Mr. & Mrs. J. A. Foreman, silver butter dish; Miss Fannie Hunt, silver berry spoon; Mr. Ernest Schrimsher, silver tea pot; Mr. & Mrs. A. W. Linn, fruit dish; Mr. W. A. Ramsey, picture; the Misses Schrimsher and John M. Adair, gold lined fern dish; Mr. Thomas Lane, mother and sisters, cut glass water bottle; Mr. & Mrs. C. Graves, towels; Mrs. C. M. McClellan and Foreman McClellan, rocker; Mrs. C. E. Musgrove and Wm. Musgrove, rocker; Mr. & Mrs. J. L. Comer, silver sugar shell; Miss Jennie Foreman, center table; Mrs. D. W. Lipe

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and Miss Lipe, table linen; Miss Lola Lipe, picture;
Mr. & Mrs. J. C. Barrett, couch; Mr. & Mrs. J. Herndon,
berry set; Dr. & Mrs. A. W. Foreman, silver colery
stand and silver tablespoons; Mr. & Mrs. W. C. Frowell,
silver tea set; Miss A. F. Wilson, coffee spoons; Miss
Sammie Gunter, china cake plate; Mr. & Mrs. C. E. Lane
and Mr. & Mrs. Tom McSpadden, table linen.

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THE DAILY CHIEFTAIN

Vinita, Cherokee Nation, I. T.
Saturday, January 21, 1899
Vol. 1, No. 96
? Editor

PROCLAMATION OF S. H. MAYES

Whereas, The act of the National council approved December 2, 1898, entitled "An act providing for the appointment of a commission to negotiate with the United States commission, "provides that in the event an agreement is entered into by and between the two commissions, the Principal Chief shall, after the same is reported to him, issue his proclamation addressed to the clerks of the several districts, elected for the two years beginning the third monday in November, 1897, calling a special election to be held at the various precincts in the several districts of the Cherokee nation for the purpose of voting on the ratification or rejection of said agreement and said election shall be held and returns made as provided in article 1, chapter 8, of the

compiled laws of the Cherokee nation, and where the same are not applicable, under such rules and regulations as may be prescribed by the principal chief.

Therefore, I, S. H. Mayes, principal chief of the Cherokee nation, do hereby issue this, my proclamation, addressed to the clerks of the several districts ordering a special election held on the 31st day of January, 1899, at the various voting precincts of the Cherokee nation, for the purpose of voting on the ratifications or rejection of the agreement entered into on the 14th day of January, 1899, by and between the government of the United States, represented by the commission to the Five Civilized Tribes, and the Cherokee nation represented by a commission duly appointed and authorized thereunto.

It is by law, made the duty of the several clerks aforementioned, to promptly promulgate this writ of election for the information of the qualified voters of their respective districts, and cause to be posted at every voting precinct in their respective districts, the published authenticated copies of the aforesaid agreement herewith furnished. It is their duty also to appoint and notify in writing two clerks and two superintendents of election for each precinct

in their respective districts, one of whom shall be able to speak both Cherokee and English.

On receipt of the precinct election returns, the clerk of the district shall, in the presence of the superintendants of election, place the same, unopened, in a single sealed envelope, which by the clerk shall be placed in the hands of the sheriff or his deputy for delivery to the principal chief as directed by law in the holding of elections.

Attest my hand and seal of the Cherokee nation at Tahlequah, Indian Territory, on this the 17th day of January, 1899.

S. H. Mayes,

Principal Chief, Cherokee Nation.

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THE PURCELL REGISTER

Purcell, Chickasaw Nation, I. T.
Friday, January 27, 1899
Vol. 12 No. 9
W. H. Walker, Editor

EDITORIAL ON ELECTION CALLED BY ^{S. H.} J. -B. MAYES

Chief Mayes, of the Cherokee Nation, has called an election for January 31, next, to vote on the ratification of the new treaty, consummated last week at Muskogee by the commissioners on the part of the Cherokees and the United States. It should be borne in mind, however, that the approval of the treaty by the Cherokees is not the final step in perfecting the agreement. The measure, before it becomes a law, must go before the Congress of United States and be duly ratified. It seems to be pretty generally conceded that the Cherokees will ratify the agreement. Whether or not congress will approve of the measure is a more serious question. To accede to the demands of the Cherokees in every particular, as expressed in the treaty, would be, it seems, a marked condescension on the part of the United States and result in a woeful bungling of existing laws that apply to the Indian

Territory at present.

From the Cherokee standpoint the treaty is all that could be desired, and were it not for a few tri-fling provisos that touch upon matters without the scope of the treaty making emissaries, perhaps for the sake of having the matter settled congress would humor the Cherokees by acceding to rather over-reaching expectations. There are certain incongruities in the agreement, however, that will render its acceptance in its present shape scarcely possible. For instance, there is a provision in the treaty requiring the location of six United States commissioners in the Cherokee Nation. The law provides only for six commissioners in the northern district, embracing the Cherokee. Creek and Seminole countries. If the six were located in the Cherokee Nation there would be none, under the law as it now exists, in the remainder of the northern judicial district. Then, again, the little provisos that require the United States to purchase certain buildings for use of court houses and jails and the erection of penitentiaries and establishment of courts and the restrictions as to where Cherokees shall be tried and confined, all of which conflict not alone with the present

established custom and with universal convenience, but with the fundamental laws of the land, will cause the average legislator to wonder what manner of men these Indians are whose sole good is contemplated in the plan of reorganizing the beautiful Indian Territory.

It is right and just that the Cherokees should have all that is due them and leave nothing undone to protect the property and rights of their people. Their treaty has covered these points quite completely and it is too bad they have spoiled a good work by tacking on presumptuous demands. It's a big thing to get the aid of the general government in the marvelous transformation from the obsolete communistic form of government to the modern, up to-date, independent style of existence. We are disappointed to know that the Cherokee Nation must have a few bon bons before they will take the only medicine that can cure them. We are equally positive that they will not get them.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Jan. 28, 1899
Vol. 6 No. 51
A. L. Kates, Manager

EDITORIAL ON R. B. ROSS

At the signing of the treaty at Muskogee, Wolfe Coon addressed the commissions as follows; giving the reasons why he and his colleague, George Sanders, refused to sign the treaty. Mr. Coon said;

"Representatives of the Cherokee government, as well as those of the government of the United States, have met and have formulated treaties, and these treaties have been respected and honored so long as they served the purpose of the government of the United States, but, on the other hand, the Cherokees have held all treaties as supreme and respected them. My understanding is that the treaty of 1866 was planted in the very sod that brings up this very condition and this change now. It is in that agreement that the freedmen of the Cherokees were first mentioned, and it is within that treaty that it has subsequently been considered that they had equal rights with us in the division of our property. Subsequent to

the ratification of that treaty the constitution of government was changed, and the laws modified, conferring civil rights to that class of people so that they could be protected in their property. We feel confident that there was no intention on the part of the Cherokees when these changes were made in the constitution that by these very acts they were parting with a part of their property. At this meeting it is considered that the freedmen, as well as the white adopted citizens of our country, have the same rights that we have in the soil of our country. Now, it has been explained that the mistake was made back in 1866 and now we have it explained that our people have lost that portion of the assets of our government to which they were entitled. A provision of law was made for the citizens of the United States whereby they might marry citizens of the Cherokee Nation. Little did the law-makers believe when they were making those laws that these people would share in the patrimony of the Cherokee people. Little did we believe it until this meeting here. On account of the enactment of these laws, which have been so construed, they are beneficiaries and equal in property rights with the original owners of the soil. We do not know of any one of that class of people who

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anticipated any participation whatever in soil; The white adopted citizens and freedmen have come into this country and are to share in an equal division of the total assets of the real owners of the soil without having paid anything for it. Any such people who agreed to anything like that might be termed benevolent.

"We feel quiet confident that our class of people, the owners of the soil of the Cherokee Nation, will not approve of this provision in any manner whatever, for the reason that this treaty is wresting the property from the Cherokees, which is justly theirs, and dividing it with a class of people who do not own any property; hence we do not sign our names to this treaty with our associates here; it is well that this matter is going to the people for them to choose for themselves, and whatever the result will be, we will take it cheerfully."

After the signing of the treaty, Hon. R. B. Ross addressed the Commissions as follows:

"Mr. Chairman and gentleman of the Commission: The action this evening is a sad one for the Cherokee people; it is trying in the extreme; we have been a nation of people that has been granted the privilege of conducting our affairs for more than a century; we have

been possessed of a large scope of country and to-day we have but little, as it has been remarked in the presence of your commission in our negotiations, here; that the Cherokee people were once possessed of more than eight million acres of land and to-day we are reduced to less than five million acres. The advance of civilization requires these changes; this reminds me of what Col. Bays said to me, while standing on the Ozark Mountains and seeing a train coming around the corner of the mountain. He said, 'There are the footprints of civilization.' To-day we realize that this is one of the footprints of civilization. The railroads and the telegraph wires have carried civilization to the innermost inhabitants of the globe. Wherever the Anglo-Saxon race penetrates there they will carry the onward march of civilization. We have, using the ancient phrase, 'Laid down the bars to the Anglo-Saxon race and they have entered our country.' They have come among us; they have married our daughters and our sons have married their daughters, and this has necessarily brought about civilization, and it seems to have been understood by us that we are changing to-day into a higher step in civilization. We are told to-day that our treaties are made for a certain purpose and they were no longer necessary to be continued. We have

actually sent delegations to the city of Washington to ward off all threatening dangers, as to a change of our form of government at an annual expense largely against our treasury. While we have been successful in warding off action by the government of the United States, until recent years, if I am correctly informed, not until the question was sprung in congress as to the authority of congress to abrogate our treaties. This matter was referred to the attorney general of the United States and he decided that congress had authority to abrogate our treaties whenever necessity warranted it. The bulwarks that had been thrown around our country as we thought, were there and then broken down. If the congress of the United States can abrogate our treaties without our consent why should we longer contend that we should oppose the legislation that is had by the congress of the United States? The Cherokee people have been, you might say, a benevolent people. You will notice that from the treaty of 1866; while it may be considered that it was arbitrary and unjust and all that, we as the Cherokee people are a party to that contract; we have not only adopted the freedmen to full and complete citizenship with all the privileges of native born citizenship but we invited friendly Indians

to settle among us; and in signing up this treaty to-
night if we have erred it is in head and not here. I
believe that I can speak for those who have signed the
treaty thus to night and that we recognize the treaty
as being full and complete. We went so far as to amend
our constitution to conform to the treaty of 1866, and
gentlemen, I can say that I feel that while we would have
been a little better satisfied if we could have got a
little more in this transaction, I can say that I feel
that I can go back and tell my people that we have been
benefitted in this transaction. I just want to make a
common illustration of our condition as I looked at it
then so that everybody here can understand it. Here is
a family upon a large barge drifting out at sea or out
in a river and nearing a great cataract, without a rudder,
a pole or an oar or anything to stop the boat from
dashing to its destruction over that great cataract; but
everybody in that boat seems to be blind to their con-
dition and a party of volunteers came along and saw that
boat and landed it. We are just brought ashore and it is
for our people to say whether we have landed safely or
not. Now the question is, with the Cherokee commission,
are we going home and say to our people, we have bettered
our condition from the present laws that are passed by

congress and ratify this treaty and ask congress of the United States to do likewise, or not. I would like to see every member of this commission to go home and consider and read this matter fully and complete before they say one word against it.

Now in conclusion, Mr. Chairman, I wish to say we feel we are under many obligations for courtesies extended to us while we were here and while we may have had some heated discussion, nothing was intended personal or anything wrong, but done in a good spirit; but we were contending for what we believed to be right, and we think you will lend your influence in the city of Washington for the ratification of this agreement, providing it is ratified by our people."

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Feb. 4, 1899
Vol. 6 No. 52
A. L. Kates, Manager

THE TREATY OF CHEROKEE DISTRICT

The treaty has been ratified by an overwhelming majority, and an unexpectedly large vote was polled considering the cold weather and the long distances to be traveled in going to the polls in many instances. Coowesscoowee is the banner district for the treaty, giving it one thousand, five hundred and forty-six majority, and only casting fifty-eight votes against it. Seven precincts out of seventeen in the district did not cast a vote against the treaty.

Out of eight of the nine districts heard from, all but two give a majority for the treaty -- Illinois giving sixteen majority against it, and Saline sixty-five.

Below we give the majorities in the eight districts from which we have received full returns:

	For	Against
Cooweescoowee.....	1,546	....
Delaware.....	526	....
Tahlequah.....	170	....
Canadian.....	180	....
Sequoyah.....	100	....
Goingsnake.....	31	....
Illinois.....	....	16
Saline.....	....	65
Flint.....	....	....

Nothing yet has been heard from Flint district, except the courthouse, which gives a majority of 102 against the treaty.

Below we give Cooweescoowee in full:

Name of Precinct.	Votes for Treaty	Votes Against Treaty
Catoosa.....	95	2
Job Parker.....	24	0
Coody's Bluff.....	30	0
Adair.....	41	4
Claremore.....	183	12
Oolagah.....	74	2
Lenapah.....	97	0

Bartlesville.....	53	0
Chouteau.....	122	0
Vinita.....	261	11
Pryor Creek.....	110	3
Chelsea.....	180	8
Skiatook.....	46	0
Riverside.....	28	0
Cooseneck.....	143	6
Rogers.....	44	4
Nowata.....	73	6

Total.....	<u>1504</u>	<u>58</u>
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Majority for treaty..... 1546

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Feb. 11, 1899
Vol. 7 No. 1
A. L. Kates, Manager

EDITORIAL ON S. S. STEPHENS

We had the pleasure of examining a booklet Tuesday in the possession of Prof. S. S. Stephens. It was published by S. A. Worcester, grandfather of Rev. A. C. Williams, of this city, in 1837, from the Mission Press at Park Hill, Indian Territory. The title of the booklet is "Confession of Faith and Covenant of the Church of Park Hill," and the language is very harmonious and beautiful. The printing was done in both English and Cherokee. Rev. Worcester was a noted missionary among the Cherokees and first cousin to the celebrated, lexicographer of the same name.

THE PURCELL REGISTER

Purcell, Chickasaw Nation, I. T.,
June 2, 1899
Vol. 12 No. 27
W. H. Walker, Editor

EDITORIAL ON T. M. BUFFINGTON

Tahlequah, I. T., 25

The old political regime which has ruled and almost ruined the nation was routed today in great shape by the nomination of Judge T. M. Buffington of Vinita for principal chief by a convention of the people from all parts of the Cherokee nation. The convention has been in session since Monday, three days, and was the most interesting in the history of this country. Ex-Chief C. J. Harris, John C. Gunter and T. M. Buffington were the names presented. Balloting took up two days and a half, standing at first, Buffington 25, Gunter 16 and Harris 13, until the eighteenth ballot today, when Buffington went in with a whoop and hurrah, much to the delight of the Cherokee people all over the nation, regardless of former political affiliations.

Buffington is one of the largest men in head,

heart and avoirdupois in this Indian country. He stands 6 feet 6 inches and weighs 242 pounds, and is in the prime of manhood, 46 years old. He is a progressive man and has a clean record. Vinita, the home of Judge Buffington, is in ecstasy over his nomination, and the people are firing cannons and anvils. Other towns and communities are equally jubilant. The election is on the first Monday in August next.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, July 1, 1899
Vol. 7 No. 21
A. L. Kates, Manager

EDITORIAL ON CONVENTION

The Downing district convention met in the opera house Monday. It was a warm number and it was nearly four o'clock before the convention got down to the business of naming a ticket. The filling up of delegations was the hitch, and three chairmen were elected before they could get one to stick.

D. W. Vann was the chairman and T. A. Chandler, secretary.

Eleven precincts were represented out of the seventeen.

The following is the ticket named:

For Senate -- Clem V. Rogers and El. Wright.

For Council -- J. S. Davenport, Ed. Adair, B. W. Starr, Cyrus Codatzer, Fred McDaniel, John Ingram, W. H. Vann, (col.)

The following resolution was unanimously adopted:

"That we heartily endorse the nomination of F. M. Buffington and Wash Swimmer for chief and assistant chief, and fully endorse the platform adopted at the national convention of the Downing party of the Cherokee Nation.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, July 1, 1899
Vol. 7 No. 21
A. L. Kates, Manager

EDITORIAL ON CONVENTION ✓

The Cooweescoowee district convention of the National party met at Yellow Springs Friday and Saturday, and the following ticket was nominated:

For Senate -- Wm. V. Carey and John Franklin.

For Council -- Ben Hilderbrand, Wm. Wright, Ellis Eaton, George Glass, Joe Vann, Oce Benge and Tuck Sanders, (col.)

THE PLATFORM

The National party, in convention at Yellow Springs on the 23rd, adopted the following platform:

Whereas, the Cherokee nation has recently undergone and is continuing to undergo some radical changes under legislation of the United States, which had been enacted over protest and is in derogation of treaty rights, and

Whereas, under such changes we have no judiciary

and the executive and legislative departments are almost powerless under our laws and constitution, our revenues having been cut off, and

Whereas, under said legislation changes in land tenure are being imposed which are destructive of individual rights and interests. Therefore, be it.

Resolved, that the National party of Coowees-coowee district, in convention assembled, adopt and endorse the treaty recently entered into between the United States and Cherokee nation, known as the Dawes-Cherokee treaty, together with the following amendments: "That the land be divided equally according to actual value, and that the National party of said district further favor a speedy allotment of all the lands of the Cherokee nation, amongst its recognized citizens and a full adjustment of the relations between the Cherokees and the United States, as early as possible."

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Sept. 2, 1899
Vol. 7 No. 30
A. L. Kates, Manager

EDITORIAL ON S. H. MAYES

It has come at last. The Creeks have their public school troubles and now the Cherokees are to have theirs. It has been discovered that Mr. McCullough, secretary of the Cherokee board of education, is not old enough to be a legal member of the board. Some years ago the Cherokees had a superintendent of schools but no school board. In the course of events so many scandals were connected with the administration of this office and the people were so dissatisfied that a law was passed by council abolishing the superintendent's office and substituting therefor the present system which vests the appointment of all the teachers of the nation in three men who compose the board of education. At the time the bill was passed, Sargie Sanders, who was a power then, insisted that a clause be incorporated into the bill which would shut out from appointment on that board all citizens who were not yet 30 years of age. He had his way about it. It was done

at the time to deal W. W. Hastings and other ambitious Cherokees a blow, but the law has come down to the present time, and now Mr. McCullough is to be the victim of its provisions. According to the 1880 roll it is said that Mr. McCullough is now only 26 years of age. Mr. Coppock, superintendent for the Cherokees, has made the point and Mr. Secretary will have to step out. Nor is this all of it. When he steps out all the common and high school appointments which have been made for the Cherokee nation will be invalidated. It will reach all the districts as well as those over which the secretary has had absolute control. Messrs. McCullough and Parks were appointed and they proceeded to organize the board without waiting for the presence of the third member. Parks is president and McCullough is secretary of the board. Shelton protested against this and has refused to act jointly with the other members. Therefore such appointments as have been made are the acts of McCullough and Parks alone, and since McCullough was not a legal member of the board by even the most favorable construction of the law, all appointments made, including the high school appointments, are void. The best thing now to do is for Chief Mayes to receive the resignation of McCullough, appoint a legal successor, have the board

to reorganize and appoint a new set of teachers at once, so that the schools can start on time. It is probable that many of the former appointments can stand. It is vexatious, but the right way is always the best way, and the business should be attended to at once.

THE SALLISAW STAR

Sallisaw, Ind. Ter.
Jan. 30, 1903
Vol. 8, No. 18
J. W. Anderson, Editor

EDITORIAL ON S. H. MAYES ✓

Ex-Chief S. H. Mayes promises an interview for next week's STAR which will be interesting to all the people of the Cherokee country, as it will fully explain his connection with the "\$400,000 nigger deal and steal," and throw some light on that awful crime committed against the Cherokee people.

THE INDIAN CHIEFTAIN

Vinita, Indian Territory
Thursday, Nov. 9, 1899
Vol. 18, No. 11
D. M. HARRIS, Editor

EDITORIAL ON T. M. BUFFINGTON ✓

Frank J. Boudinot has prepared the contest papers against Chief-elect T. M. Buffington, which will be filed at the proper time with the senate. The general opinion is that nothing whatever will come of the contest as when the votes are counted Buffington will be found to have a majority of over 300 and will be qualified without further delay.

THE TAHLEQUAH ARROW

Tahlequah, Indian Territory
November 18, 1899
Thirteenth Year, No. 11
Editor's name not given

MESSAGE OF CHIEF BUFFINGTON

In compliance with the provisions of the constitution and laws of the Cherokee nation and the time-honored custom of my illustrious predecessors who have occupied this position, it becomes my duty to submit to you, the representatives of the Cherokee people, in regular session assembled, such information and suggestions concerning our governmental affairs as will best subserve the public welfare.

Since the last convening of the national council many questions of grave import have been submitted to our people for their consideration and action and they have at all times met those questions in an intelligent, orderly and business-like way. On account of base and unfounded rumors and false reports, grave fears have been expressed by the outside world, the public press and government officials as to how these questions would be met. And our people, and you, gentlemen of the national council, are to be commended for the quiet and orderly way in the business in hand was disposed of. Never before in the

history of our government have the opening scenes of our national council been attended with more quiet and orderly conduct on the part of the members and those in attendance upon our council ground. This speaks well for the high point of intelligence and civilization attained by our people, and will give us standing and character abroad and will show to the world that this people can be relied upon to dispose of all questions pertaining to our governmental affairs with justice and fairness to all. Thanks to the Divine power that guards and guides the destinies of nations as well as individuals, We are once more a united people, and from the expressions of all parties concerned, I know that we stand here today to work hand in hand, as brothers, for the welfare and the future prosperity of our common country. I advise you one and all to lay aside past party and personal differences and in our deliberations here let nothing enter to mar a wise and peaceable adjustment of all affairs that come before us for solution. Never before in our history as a nation has there been more crying need than at this hour, to devote our best thought and most patriotic endeavor to our people's welfare. Ours is a common interest, the interest of the full blood is the interest of the half breed and I take the occasion to warn you all that the man or set of men, that attempts to stir up strife among the different classes of our people is our common enemy and should not receive any consideration from any of us.

CHEROKEE AGREEMENT.

Since the last meeting of our national council the commission provided for by an act of the national council, duly elected and authorized to enter into negotiations with the Dawes commission on part of the United States, entered into an agreement, in compliance with the law creating said commission, was submitted to a vote of the Cherokee people on the 31st day of January, 1899. The result of the vote on the agreement was largely in favor of its adoption. After its ratification by a vote of the Cherokee people it was submitted through the interior department of the United States to congress. The time for its ratification as limited by the law creating said commission expired before any action was taken by the congress of the United States, and it now becomes necessary for this council to take some action in regard to the same. I submit this treaty to you with the recommendation that you extend the time for its ratification by the congress of the United States or take such other action as in your judgment you may deem most expeditent for the interests of our people.

SCHOOLS.

Common school education in the Cherokee nation has received due attention. Growth in its schools is keeping pace

with the progress of the age. We have now in successful operation, at the expense of the Cherokee nation, three high schools, one hundred and twenty-four primary schools and an orphan asylum. The educational interest of the nation are under the general supervision of the board of education, whose report is herewith submitted, which contains a detailed statement of the condition of all the schools. The expencitures for school purposes for the past year amounts to sixty-six dollars and sixty- seven cents. Our annuities received from our school invested funds amounts to forty-four thousand, seven hundred and thirty-two dollars and eighty-four cents. To this sum should be added the amount of board received at the high schools, and a part of the moneys paid to us annually by the Kansas & Arkansas Valley and Pittsburg & Gulf railroads, and the revenues and royalties Collected by the United States revenue collectors, which will probably increase this fund to more than fifty thousand dollars. This should be augmented from our other revenues or in some way so as to equal the disbursements, and to meet the deficiency already made. Our school system should be continued, under rigid economy, as it at present exists, and ample means should be made immediately available for its support. It is no inducement to teachers to perform valuable services, to be compelled at the end of the school term to discount his or her warrant on account of a lack of funds.

The finances of the orphan asylum are in better condition. The last appropriation made for current and contingent expenses, teachers', superintendent's and doctor's salaries of this institution amount to fourteen thousand, one hundred and twenty-five dollars. We derive annually seventeen thousand, four hundred and twenty-two dollars and thirty-eight cents from our orphan invested funds, which is sufficient to meet all necessary expenses in maintaining that institution.

It is the purpose of our high schools to furnish our young men and young women instruction of a high order. This conception should be carried into effect more completely.

The past school year has been one of quiet but marked progress.

FINANCE

Congress of the United States by an act entitled "An act for the protection of the people of the Indian Territory and for other purposes" approved June 26, 1899, commonly styled the Curtis bill, provided in section nineteen "That no payment of any moneys on any account whatever shall be hereafter made by the United States to any tribal government, or any officer thereof, for disbursement, but payment of all sums to members of tribes shall be made under the direction of the Secretary of the Interior by an officer appointed by him." **Since said date**

the United States Indian Agent at Muskogee has received and disbursed the funds belonging to the Cherokee Nation. I have no report at hand from which to furnish you the information as to receipts and disbursements made although I have requested the Indian Agent to furnish me with a full report of the same but up to this date it has not been received. As soon as it is obtained I will submit the same to you for your information and guidance. The collection of the revenues due the Cherokee nation has also been turned over to the interior department and the department has had revenue inspectors since July 1st, 1899, looking after the collection of the revenues due the Cherokee nation. The total amount of revenue collected by them up to and including the sixth day of November 1899 amounts to nine thousand five hundred and thirty-two dollars and sixty five cents. The total expenses of the revenue inspectors up to and including October 31st, 1899, is nineteen hundred and seventy-three dollars and seventy-six cents as shown by a statement accompanied by a letter of Honorable J. Geroge Wright, United States Indian inspector for the Indian Territory. This revenue was derived from merchandise tax, coal royalty and school revenue. This tax was collected within three months and Honorable Frank C. Churchill, revenue inspector for the Cherokee nation informs me that all taxes due the Cherokee nation from all other sources will be promptly attended to and collections rigidly enforced.

It seems from this information that the Cherokee nation will be enabled to speedily place to its credit a considerable amount derived from these different sources. There is a large amount of money due the Cherokee nation from parties who have bought intruder improvements at the different sales made by the sheriffs of the several districts and some provision should be made to insure the collection of the same either by some officer duly authorized by an act of the National council or urge upon the United States authorities the necessity of proceeding at once to make such collection.

CENSUS.

From the best information obtainable, the Dawes commission, duly empowered under act of congress above referred to, approved June 28, 1898, is given additional power to make a final roll of the citizens of the Cherokee nation, and confirms only the roll of 1880, exclusive of freedmen, who are to be enrolled in compliance with the decree of the court of claims of date February 3rd, 1896. And only such citizens as have permanently located in the Cherokee nation are to be enrolled. This roll will perhaps be made before Council again convenes in regular session and I urge upon you the necessity of providing the necessary assistance to the commission to the end that our rolls be purged of all names unlawfully or wrongfully placed thereon

and that only bona fide citizens of the Cherokee nation are enrolled. It is highly important that this roll should be absolutely correct as it will be the basis upon which the distribution of all our common funds and lands will be made. Since the last convening of the National council the Supreme court of the United States has decided and set at rest the question of the intruders' citizenship in this country to the entire satisfaction of the Cherokee nation. The case of the Delaware Indians, Versus the United States and the Cherokee nation is still pending in the United States court of claims.

DELEGATION.

As has been our custom since our nation was first organized, I deem it necessary to urge upon you the necessity of sending a delegation to represent the Cherokee nation at Washington, D. C., during the coming session of congress, before the committees and departments of the United States government. It is of the utmost importance that we send our best talent and most patriotic citizens in order to protect the Cherokee nation against unfavorable legislation and secure for us the pursuance of a more liberal policy on part of the government of the United States in its legislation concerning our dearest interests. I suggest the advisability of providing for a small delegation of not more than two. I deem it necessary that in same act providing for a delegation that a reasonable appropriation should be made for defraying the expenses and per diem of the delegation.

I deem it necessary that prompt action should be taken by you in this matter as it will be necessary to forward the act to the President of the United States for his approval before the same can be made operative and it will require some time for its transmission.

OBITUARY.

I have the sad intelligence to communicate to you the death of Hon. Lacy Hawkins, of Tahlequah district, who during his career occupied many positions of honor and trust in our government: having been a member of the lower house of the national council and of the senate branch of the national council, president of that body and delegate to Washington, D. C. Also the death of Hon. Oosqualuke Nakedhead, member of council-elect from Flint district, who also occupied many positions of honor and trust in our government. The death of these gentlemen is a reminder to us that our own careers must soon draw to a close and that while we are here that we should so live that when our summons comes that our lives and actions, as public servants, can justify that highest encomium from those who follow us, that can be said of any man, "Well done thou good and faithful servant."

CONCLUSION.

In conclusion I have the honor to herewith submit for

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your information and guidance the reports of the treasurer,
board of education editor of the Cherokee Advocate, medical
superintendents, steward of the insane asylum, Cherokee
delegation, United States revenue collectors for the Cherokee
nation, United States Indian inspector and the Cherokee
agreement.

Respectfully submitted,

T. M. BUFFINGTON

Principal Chief, C. N.

THE DAILY CHIEFTAIN

Vinita, Ind. Ter.,
Tuesday, Nov. 8, 1900
Vol. 3 No. 30
D. M. Marrs, Editor

PORTION OF SECOND ANNUAL MESSAGE OF
T. M. BUFFINGTON

Chief T. M. Buffington delivered his second annual message to the Cherokee national council at Tahlequah Wednesday afternoon. A large portion of the message is devoted to the Cherokee school system. With reference to the school funds, he says:

The revenues have in the past been relied upon and have been the means of liquidating a considerable portion of our school indebtedness; I would suggest that an act be passed providing for the collection of our revenues and royalties thereby providing means to pay the school debt and creating funds whereby each will be immediately available to pay teachers and give more liberal support to our schools. If the public schools have not been attended with all the success desired or expected, no candid mind will deny the great good they have accomplished and the great necessity of their continuance under competent and

closer supervision, I am deeply impressed with the conviction that the paramount need of our schools is more thoroughly qualified and trained teachers, so that the blessings of a wise, practical virtuous English education may be possessed by every child in the land.

Our school funds held in trust by the government amounts to eight hundred and fifty thousand one hundred and eleven dollars and fourteen cents; annual interest on the same forty-three thousand and twenty-four dollars and ten cents, which is all the income that can with absolute certainty be relied on for the support of our schools. By treaty thirty five per cent of all funds due the nation or that should hereafter accrue to the nation from all sources should be applied for the support of our schools, but the recent acts of congress has made us powerless to collect coal, hay and other taxes and royalties and the annual income from railroads. I am not informed whether or not the thirty-five per cent of the amounts collected by the United States Indian Agent from these sources have been added to this fund.

Before the act of congress, approved June 28, 1898 was passed, we controlled our own business under a government established in pursuance to treaty stipulations with the United States. It was composed of departments and institutions with functions similar to those of the states, but the act of congress above referred to, completely revolutionized the condition of affairs of our country by providing for: Abolishing our courts and all of its machinery. Division of lands. Leasing our mineral lands under regulation of the secretary of the interior. Laying out townsites and the sale of lots. Taking from our control all of our funds. Collecting our revenues. Appointment of an inspector with powers of general supervision over what remains of our government. Under rules of the interior department a superintendent and supervisor have assumed supervision over the schools, and every warrant issued by the executive of the nation must be, under the secretary's ruling, approved by the Indian agent at Muskogee or other United States official. The Cherokees can but feel the effect of this law. It impaired the integrity of

the nation with all its rights and immunities; that we have seen with our own eyes and felt with our own sensibilities we cannot deny. The results anticipated by such a change in our relations are the general blending of Indians under the same form of government whose officers shall be appointed by the president. The extinction of all civil distinction between us and citizens of the United States have already been accomplished, but the ultimate end is the absorption of our people as a portion of their population. Such is regarded as the final solution of the Indian problem and is cherished by many persons who are sincerely and honestly our friends.

They deplore the indignity and injustice that has been often heaped upon us, and regret our rapid decline and unquestionably desire our protection and preservation, but are disposed or inclined to look with favor upon these changes in this country from motives of humanity and a spirit of justice which regards the greatest good to the greatest number. The investment of our sovereignty, willingly or unwillingly, into the United States,

appears to be the destiny of fate, brought on by the evolution of modern civilization. This change of status will build up morally, intellectually, and economically. It will stimulate in industry and trade by the security and confidence, inspired by the protection of a great nation and will raise the people to a higher standard of manhood, is past peradventure. It is fitting then that we should receive these blessings with gladness and should look forward to the future with optimistic hopes of the individual benefits that will accrue. But in rejoicing we can but pause a moment and reflect sadly that this impetus to prosperity carries in its wake blighted hopes and outraged sentiments of the sons of the Cherokee nation over the burial of their national autonomy, but beneficent blessings climb higher on dead aspirations.

The autonomy of the Cherokee nation will never be a thing of yesterday to be lightly cast aside; its origin dates back to its tradition and it has held its own more than one hundred years in the march of civilization and in spite of all opposition, we are entering on a new era. This condition of

affairs presents topics of most solemn character for your consideration and should be dealt with in the utmost candor and the wisest forecasts. The period of transition is fraught with hardships and stagnation of enterprise. Let us emerge from this stage as quickly as possible and those blessings and attainments that go to make up a civilized and prosperous people will be ours.

THE DAILY CHIEFTAIN

Vinita, Ind. Ter.,
Friday, Nov. 9, 1900
Vol. 3, No. 31
D. M. Marrs, Editor

PORTION OF MESSAGE OF T. M. BUFFINGTON

Chief Buffington's message has the following with reference to the collection of tribal revenues by the agents of the interior department, and of the landed interests of the Cherokee Nation:

Under the respective heads of schools, orphan asylum and insane asylums are given the sources of income for their support. The appropriation from the general fund for support of our government for the past year was \$46,444.90. The general fund invested and held by the treasurer of the United States is one million, four hundred and twenty-eight thousand five hundred and forty-three dollars and twenty-one cents including Union Pacific bonds, from which we derive an annual interest of \$72,696.97. Against these different funds we have issued warrants unpaid October 10, 1900., General fund \$651,355.70. Unexpended balance in the United States subtreasury, at present, subject to payment on this amount, twenty-

one thousand nine hundred and six dollars and nine cents. School fund, ninety-eight thousand two hundred and twenty seven dollars and fifty cents. Unexpended balance in the United States sub-treasury at present, subject to the payment of this amount, two thousand, seven hundred and thirty-four dollars and fifty eight cents.

- Orphan fund, seven thousand three dollars and fifty cents. Unexpended balance in United States sub-treasury at present, subject to the payment on this, \$7,846.71, which if paid would leave a credit to this fund \$9,043.18. Insane fund, \$6,196.44. Unexpended balance in the United States subtreasury at present, subject to payment on this indebtedness, \$1,079.38. Total indebtedness all funds, \$702,783.18. At the present income, of the various funds, except the school fund, is in excess of the expenses, but the outstanding warrants against these funds must be paid in the order of their issuance, and the payment of the interest also requires a large amount of the annuities, so years will elapse at present rate of payment before our indebtedness can be liquidated, unless other means are provided.

Our obligations must be met sooner or later, and in my opinion the sooner the better. Either a sufficient amount of our invested funds must be withdrawn, a tax levied or revenue collected for such purpose. The collection of internal revenues and moneys derived annually from railroads should be placed under special control of some one. All of these matters will receive attention in the event an agreement is concluded, but if no agreement is made some person should be designated to see the collection of revenues and the enforcement of laws pertaining thereto.

The report of the United States Indian Agent Shoenfelt shows that the revenues collected by him for the Cherokee nation during the year ending June 30th, 1900, were \$19,455.05. Expenses incurred in collecting this amount \$5,833.01. Under this system you will observe that about thirty per cent, is taken for collecting. In the past two years, or since the right to collect our own revenues was taken from us, United States authorities have collected only \$23,705.92, a wonderful decrease in revenues compared with moneys which found their way into our treasury, when

collections were made by Cherokee officers. His report shows no money received from railroads running through our nation. This showing urges upon us the necessity of providing a way to collect all these royalties which are so justly due us. It may be that the agent is unable, under existing laws to make the collections and if such be the case I suggest that you pass a law removing this obstacle and granting full and complete authority to enforce collections. Special attention should be given to the per cent, to be allowed for collecting, for the nation receives no benefits if the money is consumed by expenses incurred in its collection.

Mr. Shoenfelt's report also shows that his predecessor, Mr. Wisdom, received annuities belonging to the Cherokee nation to the amount of \$139,092.62. Disbursed on account of warrants issued against different funds, \$113,441.55. That he has received \$160,314.19 and disbursed \$152,198.50 in the payment of principal and interest of Cherokee warrants.

OUR LAND

In 1866 the Cherokees held letter patent executed

by the president of the United States in 1838, to a domain embracing fourteen million three hundred and seventy four thousand one hundred thirty five and fourteen hundredths acres of land. They have parted with tracts at different times, leaving now four million four hundred and twenty thousand eighty four and sixty hundredths acres actual land surface, still owned by the Cherokees. These figures are obtained from the actual survey executed under supervision of the director of the United States geological survey made under the Curtis act. Land is the underlying principle necessary for the existence of any people. Holding it as we do, makes it absolutely secure to us; but the experience of the past two years should powerfully convince us that we are not secure in other respects. By the act of congress of June 28, 1898, especially, our political rights were so abridged as to affect to an alarming degree our property and land interests. Our system of land tenure is different to that adopted by the United States and other civilized countries. In all the domain in America except ours, the people have secured the right to acquire individual ownership to land. The growth of all countries that have

adopted this system of individualization of its territory is inevitable. As land is the basis of all governments, so is the manner in which it is held influences the economic developments of a country. The management and settlement of our landed interests, under the present conditions, has become the most important problem in all Cherokee history. The tendency is decidedly toward a popular individual system of land tenure; as a result of this method of holding land; millions of people have found homes, the resources of the country surrounding us have been developed and forty-eight states and territories organized into the most powerful and wonderful government on the face of the earth.

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THE INDIAN CHIEFTAIN

Vol. 19, No. 12

Vinita, Cherokee Nation, I. T.

Thursday, November 15, 1900

D. M. Marrs, Editor

PORTION OF SECOND ANNUAL MESSAGE OF

T. M. BUFFINGTON

Chief T. M. Buffington delivered his second annual message to the Cherokee council at Tahlequah Wednesday afternoon. A large portion of the message is devoted to the Cherokee school system. With reference to the school funds, he says:

The revenues have in the past been relied upon and have been the means of liquidating a considerable portion of our school indebtedness; I would suggest that an act be passed providing for the collection of our revenues and royalties thereby providing means to pay the school debt and creating funds whereby each will be immediately available to pay teachers and give more liberal support to our schools. If the public schools have not been attended with all the success desired or expected, no candid mind will deny the great good they have

accomplished and the great necessity of their continuance under competent and closer supervision, I am deeply impressed with the conviction that the paramount need of our schools is more thoroughly qualified and trained teachers, so that the blessings of a wise, practical virtuous English education may be possessed by every child in the land.

Our school funds held in trust by the government amounts to eight hundred and fifty thousand one hundred and eleven dollars and fourteen cents; annual interest on the same forty- three thousand twenty-four dollars and ten cents, which is all the income that can with absolute certainty be relied on for the support of our schools. By treaty thirty-five per cent of all funds due the nation or that should hereafter accrue to the nation from all sources, should be applied for the support of our schools, but the recent acts of congress has made us powerless to collect coal, hay and other taxes and royalties and the annual income from railroads. I am not informed whether or not the the thirty-five per cent of the amounts collected by the United States Indian Agent from these sources have been added to this fund.

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and confidence, inspired by the protection of a great nation and will raise the people to a higher standard of manhood, is past per adventure. It is fitting then that we should receive these blessings with gladness and should look forward to the future with optimistic hopes of the individual benefits that will accrue. But in rejoicing we can but pause a moment and reflect sadly that this impetus to prosperity carries in its wake blighted hopes and outraged sentiments of the sons of the Cherokee nation over the burial of their national autonomy, but beneficent blessings climb higher on dead asperations.

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LAND AND REVENUE.

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survey made under the Curtis act. Land is the underlying principle necessary for the existence of any people. Holding it as we do, makes it absolutely secure to us; but the experience of the past two years should powerfully convince us that we are not secure in other respects. By the act of congress of June 28, 1898, especially, our political rights were so abridged as to affect to an alarming degree our property and land interests. Our system of land tenure is different to that adopted by the United States and other civilized countries. In all the domain in America except ours, the people have secured the right to acquire individual ownership to land. The growth of all countries that have adopted this system of individualization of its territory is inevitable. As land is the basis of all governments, so is the manner in which it is held influences the economic developments of a country. The management and settlement of our landed interests, under the present conditions, has become the most important problem in all Cherokee history. The tendency is decidedly toward a popular individual system of land tenure; as a result of this method of holding land; millions of people have found homes, the resources of

the country surrounding us have been developed and
forty-eight states and territories organized into
the most powerful and wonderful government on the
face of the earth.

FOUR MILLION CLAIM.

Between David Muskrat of Flint district,
Daniel Gritts of Tahlequah district, and Frank J.
Boudinot of Illinois district, the executive
committee of the eastern or emigrant Cherokees and
John Vaile of Fort Smith, Arkansas, for the collection
of certain moneys due the eastern or emigrant Cherokees.

Know all men by these presents, that this
contract made in writing and in duplicate, a copy
whereof is hereby delivered to each of the contracting
parties witnesses that we, David Muskrat, attorney
of Flint district, Daniel Gritts, attorney of Tahle-
quah district, and Frank J. Boudinot of Fort Gibson,
Illinois district, attorney at law, all being residents
of the Cherokee nation and constituting the "executive
committee of the eastern or emigrant Cherokees" under
the authority of the convention and council of the
eastern Cherokees by resolution duly passed at
Bug Tuckers Springs, Cherokee nation, on the 16th day

of February, A. D. 1900, a copy of which is hereto attached and made a part hereof, parties of the first part, and John Vaile, counsellor, of Fort Smith, state of Arkansas, party of the second part, contract and agree as follows, to-wit:

First. This contract is made at Fort Smith, in the state of Arkansas, on the 24th day of February, 1900, for the purpose of collecting the money due to the eastern or emigrant Cherokees under the treaties between the Cherokee nation and the United States and particularly under the fifteenth article of the treaty of 1835 and the ninth article of the treaty of 1846 said money being due by the United States and being particularly set forth in the so-called Slade-Bender report as rendered by them of the 28th of April, 1894, and found on page 32, Ex. Doc. No. 188, 53rd congress, 3rd session, in the second item of their said finding to-wit: "Under the treaty of 1835, amount paid for removal of eastern Cherokees to the Indian territory, improperly charged to treaty fund, \$1,111,284.70 with interest from June 12th, 1838, to date of payment."

Said money when collected is to be disposed of when collected in the manner set forth in the ninth article of the treaty of 1846 and paid out per capita

to the eastern or emigrant Cherokees of their legal representatives except the fees hereby set apart and contracted by the parties of the first part to the party of the second part for his services and the services of his associates or assigns to-wit: the sum of 15 per centum off all sums appropriated to the use or benefit of the said eastern or emigrant Cherokees, by the congress of the United States, on account of such cash claim.

Said party of the second part hereby agrees to immediately proceed to the collection of the said money and to pay all of the expenses which may be incurred by him or by his associates in the prosecution of the said collection without any expense to the parties of the first part and the parties of the first part do, for valuable consideration hereby acknowledged to have been received, hereby set apart, contract and assign to the said party of the second part and his associates or assigns the sum of 15 per centum of any recoveries to the eastern or emigrant Cherokees as we are authorized to do under the resolutions of the council of the said eastern or emigrant Cherokees as above referred to, and the said party of the second part is hereby authorized to

execute a receipt for the said fee of 15 per centum when the same shall have been appropriated, or execute any other proper releases required by the officers of the United States in the name and on behalf of the eastern or emigrant Cherokees. The party of the second part further expressly agrees that the payment of the said fee of 15 per centum shall cover and include all expenses of any kind and character whatever.

The above contract shall be limited in time and shall continue in force until July 1, 1903, and no longer, except in case the question of said indebtedness shall have been referred to the courts, or other tribunal for settlement, then and in that event such contract and assignments, or agreements thereunder, shall be and remain in full force and effect.

It is further agreed that the party of the second part shall at intervals of six months make a detailed report of the status of the said claim to be transmitted to the president of the council of the eastern or emigrant Cherokees for the information of the people.

In witness whereof we do hereto attach our hands and seals on this the 24th day of February, 1900, at Fort Smith, Arkansas.

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Signed in Cherokee by David Muskrat.

(Signed) Daniel Gritts,

(Signed) Frank J. Boudinet.

Parties of the first part. The executive committee
of the eastern or emigrant Cherokees.

John Vale,

Party of the second part.

INTERPRETER'S CERTIFICATE.

We, J. Henry Dick, of Tahlequah, and Joseph
R. Sequichie, of Chelsea, both of Indian territory,
hereby certify that we have carefully interpreted
the above contract to David Muskrat and Daniel
Gritts and that they fully endorse it as drawn in
accordance with their direction and that they sign
it of their own free will and accord and for the
purposes therein set forth.

Witness our hands this 24th day of February,
1900.

J. Henry Dick,

Joseph R. Sequichie.

Acknowledged before Judge John H. Rogers of
the western district of Arkansas at Fort Smith,
Arkansas, Feb. 24, 1900.

THE VINITA LEADER

Vinita, Indian Territory
Thursday, November 15, 1900
Vol. 6 No. 36
Editor

MESSAGE OF T. M. BUFFINGTON

OUR LAND

In 1866 the Cherokees held letters patent executed by the president of the United States in 1838, to a domain embracing 14,374,135.14 acres of land. They have parted with tracts at different times, leaving now 4,420,084.60 acres actual surface, still owned by the Cherokees. These figures are obtained from the actual survey executed under supervision of the director of the United States geological survey made under the Curtis act. Land is the underlying principle necessary for the existence of any people. Holding it as we do makes it absolutely secure to us; but the experience of the past two years should powerfully convince us that we are not secure in other respects. By the act of congress of June 28, 1898, especially our political rights were so abridged as

to effect, to an alarming degree our property and land interests. Our system of land tenure is different to that adopted by the United States and other civilized countries. In all the domain in America except ours, the people have secured the right to acquire individual ownership to land. The growth of all countries that have adopted this system of the individualization of its territory is inevitable. As land is the basis of all governments so the manner in which it is held influences economic developments of a country. The managements and settlement of our landed interests, under present conditions has become the most important problem in all Cherokee history. The tendency and overwhelmingly, is very decidedly toward a popular individual system of land tenure as a result of this method of holding land millions of people have found homes, the resources of the country surrounding us have been developed and forty-eight states and territories organized into the most powerful and wonderful government on the face of the earth.

TOWN LOTS

A considerable amount of money is due the nation from the sale of town lots. Many of our citizens

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hold the receipts for the first and second payments on lots sold under the Cherokee law and are enjoying the benefits of the property while the nation is without power to collect what is due from the sale of such lots. A law should be enacted to cover the conditions so this income could find its way into the Cherokee funds. I do not believe the United States officials would willfully and maliciously prevent us from getting revenue that is justly due, by disproving a law making such provisions. What I have said in this relation, may also be applied to the collections of unpaid installments by the sale of intruder improvements, sold by the sheriffs of the different districts. These improvements were paid for on payment tendered in compliance with an agreement by and between the Cherokee nation and the United States, dated December 19, and sold under an act of the national council approved October 1, 1895 and amendments thereto.

ELECTION

Next August is the time for our regular bi-ennial election and some provision should be made for the appointment of officers and compensation of same.

INVESTIGATION OF AUDITORS OFFICE

In compliance with an Act of Council, passed at your last Session, a Commission was appointed to investigate the alleged irregularities in the conduct of the National Auditor's office. The result of the research of this commission is set forth in their report, herewith submitted for your examination and action.

SMALL-POX

Early in the year I was informed by the Board of Medical Examiners of the Cherokee Nation and the Honorable Inspector for the Indian Territory, that small-pox existed in different parts of our country. I immediately addressed letters to the physicians composing the Board instructing them to use all proper means to suppress the epidemic. The disease was practically stamped out by the middle of the summer but I am again informed that it is re-appearing, and there is eminent danger of it spreading over the nation upon the approach of cold weather. Means should be provided, for you, for its control.

CONCLUSION

I hope you will not forget or overlook the importance of passing among your first acts, a bill

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creating a commission to attend to our affairs at Washington City. In the loss of part of our government, the instability of the other two branches consequent upon the enactment of congress of specific laws and construction of them in reference to our affairs, and the pending of negotiations for closer political and economic relationship with the United States. I fully appreciate the difficulties of legislation. Those anomalous and perplexing conditions should be the very reason and greater incentive for us, now to lay aside animosity and tribal political differences and work together as a brotherhood in the interest of a common cause and for the benefit of a common interest. Every citizen's share in this estate being equal, the expenses incurred fall on all alike, and as our indebtedness already amounts to one-half of our invested funds, I very much desire that your labors as the people's councilmen be finished within the regular constitutional session of thirty days. Other matters deserving your attention will be submitted by a special message.

Respectfully,

Executive Department
Cherokee Nation, Tahlequah, I. T.
November 7th, 1900

T. M. BUFFINGTON
Principal Chief

THE VINITA LEADER

Vinita, Indian Territory
Thursday, November 22, 1900
Vol. 6 No. 37
 Editor

PROCLAMATION OF T. M. BUFFINGTON

Notwithstanding the existence of perplexing and disadvantageous civil and political right, the people of this nation have cause to be thankful and rejoice that there yet remains to them the lands of their country, from which have been reaped rich and bountiful harvests this year, and that patriotism and Christianity fire the souls of the sons and daughters of the Cherokee nation to press forward in education, religion and the comforts of life, which go to make up a righteous and benevolent nation, and

Whereas, It has long been an established custom of civilized countries to acknowledge a Divine Providence in guiding the affairs of men: Now, therefore, I, T. M. Buffington, principal chief of the Cherokee nation, do hereby issue this my proclamation setting apart and appointing, Thursday, the 29 of

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November 1900, as a day of general thanksgiving and praise. I recommend that all the people of this nation desist from the pursuit of their usual avocations and that the day be devoted to such exercises and services becoming to a nation of good people. And that you exercise such kindness and charity that this thanksgiving will be one long and gratefully remembered.

In testimony whereof, I hereunto set my hand and cause the seal of the Cherokee nation to be affixed at Tahlequah Indian Territory on this 13th day of November A. D. 1900.

T. M. BUFFINGTON

Principal Chief

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THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, Jan. 25, 1901
Vol. 1 No. 44
A. M. Havermale, Editor

NEWS ITEM OF T. M. BUFFINGTON

One night last week some fellow broke the lock off Chief Buffington's smoke house and took therefrom several fine hams. This was bad enough, but the worst was to follow. The thief carried away the lock also. Chief Buffington has bought another lock and has loaded his shotgun. He hopes to be awake the next time his visitor calls.

-- Vinita Leader.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
 Friday, Jan. 25, 1901
 Vol. 1 No. 44
 A. M. Havermale, Editor

NEWS ITEM OF T. M. BUFFINGTON

Judge Gill says that the Cherokee law can be made operative in opening new roads and that he will assist in every way in his power. Chief Buffington has the authority to appoint overseers and open new roads to improve those now in use, in case these roads have been regularly laid out by the Cherokee law.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, Feb. 1, 1901
Vol. 1 No. 45
A. M. Havermale, Editor

EDITORIAL ON KEE-TO-WAH

Kee-to-wah is not a new order of the Cherokees. There was a time when this order was dreaded by all the tribes on the American continent. The Cherokees were at one time all members of the Kee-to-wah society and were sworn enemies of all other tribes. In those days there were no half-white-bloods nor other mixtures. The Kee-to-wah warriors went in bunches of from six to twelve and would kill a hunting party of any other tribe they chanced to meet. On one occasion the Creeks bunched up and went out on a hunt -- enough of them to withstand a large bunch of enemies -- as they expected to be attacked by their friends, or enemies, as the case might be. A portion of the Creek warriors kept in the back ground and did not show themselves in the daytime. They would lay around the camp during

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the day and go on guard at night while the regular hunters took their rest. Early one morning a band of Kee-to-wahs made a raid on the Creek hunting camp, but the Creeks were ready for them. The arrows fell like hail into the camp. The Creeks apparently were greatly scared and made a dash for liberty but it was a make-out as they had reserved their arrows and hid them near the camp. When the Kee-to-wah warriors rushed madly into the camps of the Creeks showered their arrows directly into their midst and each Kee-to-wah warrior got a deadly arrow says one who was slightly wounded and captured. All of the others, some eighteen or twenty were riddled with Creek arrows. The live Kee-to-wah warrior was kept closely watched until a couple of days passed then he was taken to his dead comrades and shown what a Creek could do with Kee-to-wah when he would set his mind to do so. This live Kee-to-wah was told that hereafter the Creeks would treat them all the same way every chance raid. The captured Kee-to-wah was an old man. The Creeks told the old man that if he would go home and warn the other Kee-to-wahs they would spare his life and call him brother -- an elder brother. He promised to do that

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and true to his promise he went back to his own camp and sure enough he cautioned the young Kee-to-wahs to be careful about a Creek camp, and ever since that time the Creeks and Cherokees, or Kee-towahs, have been friends. The Cherokees is or has been termed the elder brother of the Muskogees ever since that raid on the Creek hunters camp. The Cherokees were known by all other tribes as Kee-to-wahs. The name Cherokee was not known until a later date. Tradition tells us that the Choctaws were also dealt with exactly the same way by the Creeks. The friendship of the Choctaws after many years wore out and in Jackson's war with the Creeks a large party of the Choctaws joined Jackson in fighting the Creeks -- Chas. Gibson in Eufaula Journal.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

February 9, 1901

Vol. 25

No. 7

Wm. T. Leoser

Editor

Executive Department

Tahlequah, I. T.

January 28, 1901

Hon. James K. Jones

United States Senator,

Washington, D. C.

My dear Sir:

On November 24, 1899. I was advised by the Honorable United States Inspector for the Indian Territory, that the United States Indian Agent at Muskogee, I. T., had disbursed Cherokee funds up to and including October 31, 1899, in the payment of the Cherokee Nation's proportion of expenses of the United States Superintendent of Schools in the Indian Territory, to the amount of \$1,272.05, and the expenses of the United States Supervisor of Schools for the Cherokee Nation including the same date, were \$1,219.57, and that these

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amounts were paid out of Cherokee school funds in the Hands of the United States government, and that the Secretary of the Interior ordered such payment under the general provisions of Section 19 of the act of Congress approved June 28, 1898, which says that "No payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof, for disbursement, but payments, of all sums to members of said tribes shall be made under the direction of the Secretary of the Interior by an officer appointed by him." On January 8, 1900, I addressed a letter to the Honorable Secretary of the Interior, transmitted it through the Honorable J. George Wright, U. S. Inspector for the Indian Territory, protesting against the disbursement of Cherokee moneys by him, without specific appropriation made in the customary manner, and asserting that the language in that payment of "all sums shall be made under the direction of the Secretary," was intended to mean and should be so construed as to place the disbursement of our funds under the direction of the Secretary in accordance with tribal law. We contend that section 19 of said act was only intended to take the disbursement of our moneys from the Cherokee Treas-

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urer and place it under the direction of or supervision of the Secretary of the Interior, but the Secretary has no more authority over our funds now, than our treasurer formally had. In other words, the Secretary under the Curtis law, is the nation's banker. What the Cherokee Treasurer could have done, the Secretary can now do. In making disbursements, the Secretary, by the United States Indian Agent at Muscogee, I. T., follows tribal law, in paying Cherokee warrants in the order of their issuance, the interest thereon, and out of the funds upon which they are drawn. Even if the Secretary has the right to thus use our money under the section of the Curtis law as he construes it, he is wrong in paying ready cash, as all our funds are in arrears, and all valid obligations against this nation are paid by warrant, which are taken up in the order of their issuance. But I contend, the Secretary has no such powers, and I so stated to the Honorable Secretary in a communication of date January 8, 1900 mentioned elsewhere in this letter, but he spurned my letter by not making reply or acknowledging its receipt, but goes on, in my opinion, misapplying our funds. Now if this is the law, of course we will be compelled to accept it. If it is not law, I want this way of using our money stopped,

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and what has been thus used replaced to the credit of the proper fund.

In short, the situation is this. The Secretary has appointed under section 19 of the Curtis act, a Superintendent of Schools for the Indian Territory, and a Supervisor of Schools for the Cherokee Nation and just takes our money in the possession of the government, and pays their expenses and salaries. In this Nation, this Superintendent and Supervisor exercise no powers or authority, but under the provision of Cherokee law there is a Board of Education, which prescribes the duties of the members thereof, provides in detail for the examination and appointment of teachers, the compensation of each, in what way reports shall be, which are upon certificates of local directors of primary schools, and upon such requisitions are drawn, and on these warrants are issued, and in no other way, under existing laws, should our moneys be paid out. Again, we have three other funds besides the school fund; General, Orphan and Insane. I am drawing warrants monthly upon these funds to pay officers and employees for services rendered under election or appointment made by Cherokee authorities according to Cherokee law. If the language of the Curtis act, that payment of all sums, "shall be made under the direction of the Secretary of

the Interior applied to our school funds in such a manner as to mean that he has authority to appoint school officers down here, then necessarily, as applied to our other funds it means by the same implication, that, "under the Secretary's direction," he has the right to appoint, or "direct" the appointment of every officer of the Cherokee government, from the Chief, down. Does this section, as the Hon. Secretary construes it, mean he can appoint, or "direct" the appointment of all the members of the Cherokee Council? If Congress intended that the Hon. Secretary should have the management of our schools or the right to make these appointments of Superintendent and Supervisor and pay them as he does, why did not the act say so in specific language? When Congress abolished our judiciary it did so in plain language, when it established U. S. Courts in this Country it said so in the act, when it provided that all laws passed by tribal council should be sent up to the President of the United States, and approved by him before becoming effective, no one could be mistaken in the meaning of the language. The Curtis act has been in force since the 26th of June 1898 and the Cherokee Board of Education has made all the appointment of teachers since that time, as provided by Cherokee law.

Warrants have been drawn to compensate such teachers which have been held valid by the Comptroller of the Treasurer of the United States and have been paid "under the direction of the Secretary of the Interior. In his letter of October 8, 1898, the Comptroller says:

Section 19 of the act of June 28, 1898 (20 Stat. 502) deals solely with the channel through which payment of moneys due the Five Civilized tribes are to be made, and it is manifest that there was no intention on the part of Congress that those moneys due the Cherokees should be diverted or disposed of otherwise than authorized by existing treaties and law; therefore, I am clearly of the opinion that it is within the power of the Secretary of the Interior to have said moneys disbursed by some disbursing officer of the United States for the purpose authorized by said treaties and laws.

The Comptroller then proceeds:

"The laws of the Cherokee Nation provide for the issuance of warrants, (Sec. 27, 56, 49, 51 laws of the Cherokee Nation, Ed. 1892.)"

Then follows by the Comptroller, an example to show clearly through what channel, only Cherokee moneys can be disbursed, which example is an Act of the Chero-

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kee Council appropriating funds, duly approved by the President of the United States. To more definitely settle as to what "treaties and laws," are meant in the use made of them in the Comptroller's decision, I quote from a letter dated March 25, 1899 to my predecessor from the Honorable Thomas Ryan, Acting Secretary, relating to this subject; Referring to the Comptroller's decision) he says:

"The warrants referred to in said decision should be drawn by you on the Treasurer of the said Nation with reference to the particular fund of the appropriation act approved by the President, and the Secretary of the Interior, in disbursing the interest moneys due said Nation under the provisions of Section 19 of said Act of June 28, 1898, will be governed by the provisions of the "existing treaties and laws" of the Cherokee Nation in accordance with the decision of the Comptroller of the Treasury on October, 8, 1898."

In reply to my inquiry, I was advised on the 24th, instant, that the United States Indian Agent at Muscogee, Indian Territory, has also disbursed a considerable sum of Cherokee General Funds in the payment of alleged smallpox claims against the Cherokee Nation, without an appropriation in the usual manner by the

Cherokee Council with the approval of the President. Is this law? If the Secretary can thus use our money, how much can or will be thus disburse annually? Is he going to pay all the claims of physicians, which they present to him against the Cherokee Nation for doctoring her citizens? Where are such expenditures going to end? In making such disbursements is the Secretary governed by the provisions of the "existing treaties and laws of the Cherokee Nation," and is he "disbursing the interest moneys due said Nation, under the provisions of section 19 of said act of June 28, 1898?"

The continuance of the Honorable Secretary to disburse our money without let or hindrance, apparently, by this Nation, but in opposition to the artless language of the law, and in direct contravention of the only compatable, consistent, just and fair construction of this law, when in reality it needs no construction, for it is so evident, clear manifest and intelligable, has constrained me to appeal to the Congress of the United States, through you, for relief. In doing this, let me assure you in the most cordial terms, that I do not desire to antagonize the Department of the Interior or the Government of the United States, but it is only from a firm conviction, after mature consideration,

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that by position in this regard is the only tenable one, and is done in the interest of the Cherokee people. Believe me, I am in complete sympathy with any movement for the betterment of the condition of my people. I want a change of status in this Nation, that will build up morally, intellectually and economically; that will stimulate industry and trade, and inspire confidence, that the protection of a great country like yours can give, and that will raise this people to a higher plain of civilization and imbue them with a manly self reliance, but I can not give my consent to what is, manifestly, to me, an open, unrestricted violation of law:

With sentiments of the highest regard, I am
yours most sincerely,

T. M. BUFFINGTON

Principal Chief, Cherokee Nation.

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THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, Feb. 15, 1901
Vol. 1 No. 47
A. M. Havermale, Editor

NEWS ITEM OF T. M. BUFFINGTON

A Republic special from Washington, dated the 10th, says, No action has yet been taken by the senate and house congress on the Creek and Cherokee treaties. None of the amendments proposed to the latter instrument have been adopted, and they will not be acted upon until further evidence has been received. There will be no further hearings on the Cherokee treaty before it is reported to either house. The committee is advised that Chief Buffington is on his way here with others who desire to be heard. As soon as action is taken on the Cherokee treaty it will be reported with the Creek treaty. The objection to the first named applies to the latter, and the settlement of the points in controversy on the Cherokee will at once dispose of the Creek treaty. A member of the committee said yesterday that both treaties will be ratified before adjournment. The

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Secretary of the Interior yesterday forwarded to the house adverse report on the bill authorizing the Paris, Choctaw and Little Rock railroad company to construct a line of railway with telegraph and telephone lines across the Indian Territory. No objection is offered to that section of the bill authorizing the construction of a bridge across the Red river. Special legislation for railroad right of way is necessary as a general law governing such matters is now on the statute books. The department is opposed to special legislation.

A decision regarding allotments in the Indian Territory which is of much importance to citizens of the Five Tribes has just been rendered by the Dawes commission. One of the rules of the department requires contests for the right to select a certain piece of land as an allotment to be filed within ninety days from the date of the original application for the tract in controversy. Many of the citizens of the Creek nation have filed on lands belonging to others without their knowledge and if the party in possession of the land did not learn of the filing until after the ninety days had expired it was presumed that he was barred from instituting

a contest because of the ninety days rule. The commission, however, has decided that the Curtis bill guarantees to a citizen in possession of no more than his proportionate share of the lands of his tribe the right to select such lands as allotments for himself and family and that the ninety day rule does not and cannot apply to such cases unless the citizen in possession has voluntarily transferred his right to select such lands as allotments. The decision will cause many people to receive lands as allotments which they thought they had lost because of their failure to file contests within the ninety days and in many instances enable them to recover their homes.

Mrs. Melinda Heard, of Muskogee, mother of Judge S. Heard, has the record of being the only surviving pensioner of the Seminole war of 1836. Her certificate is No. 3112, dated April 18, 1894. She is the widow of John A. Heard sergeant of Captain Jones' company, who went from Georgia. She is now 73 years old and her certificate is signed by Hoke Smith, Secretary of the Interior, who, by chance happened to be from her native state, and wrote her a personal letter upon signing her certifi-

cate that she was the only surviving pensioner of the Seminole war. She has recently come from Mississippi to live with her son, Judge Heard, at Muskogee.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, March 8, 1901
Vol. 1 No. 49
Editor's name not given -

SYNOPSIS OF TREATY

The house agreed to the senate amendments and the measures were sent to the president for his signature. To perfect the agreements and make them binding upon all parties the council of the Creeks must ratify the Creek treaty within sixty days from official notification of its adoption of the measure by congress. The Cherokees are given ninety days in which to accept or reject the treaty by popular vote. It is understood that Chief Buffington will call a special election twenty days after he receives official notice of the passage of the agreement. A brief sketch of the most important features is as follows:

Section 2 provides that all lands of the Cherokee tribe, except those especially reserved for churches, schools, etc., shall be appraised at true value, excluding improvements. When a citizen holds more than his rightful share and has failed to sell

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or remove improvements before Jan. 1, 1902, the value of the improvements will be added to the value of land. There shall be allotted to each citizen 80 acres of land (boundaries to conform as nearly as may be to government survey) which may be selected by him, so as to include improvements made by him. Eighty acres at \$6.50 per acre shall constitute standard of allotment, and any allottee selecting lands of less value may select other lands, not lawfully occupied by another citizen, to make his allotment equal to in value to the standard allotment. If any citizen selects 80 acres exceeding in value the standard allotment, the excess value shall be charged against him and operate as a lien on rents and profits. Any citizen having in actual cultivation more than 80 acres for each member of his family shall by Jan. 1, 1902, select 80 acres for each member of his family and no more, and make a written statement of same to the Dawes commission. If he has lawful improvements on excess holdings he may sell the same to any citizen, holding lien on rents and profits for payments of improvements. All allotments shall be equalized in value either by surplus lands or from tribal funds. If allottee takes allotment in excess of standard

value he may pay excess of value to Indian agent and shall receive title to such allotment. The United States shall put allottee in unrestricted possession of allotments. Lands allotted to citizens shall not be alienable for five years without approval by the Secretary of the Interior; 40 acres to be inalienable for 25 years, unless approved by Secretary of the Interior, and to be non-taxable. All towns in Cherokee nation having present population of 200 or more shall be surveyed, laid out and appraised under provisions of congress approved May 31, 1900. It shall be required that the townsite limits established in the course of platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporation limits shall be so established as best to subserve the present needs and reasonable prospective growth. Any citizen in rightful possession of a town lot which has been improved as required by tribal laws, shall have the right to purchase the same by paying one-half the appraised value deducting such amount paid Cherokee nation for right of occupancy. Any citizen in rightful possession of town lots having improvements

other than temporary buildings, fencing and tillage the occupancy of which has been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof. Unimproved lots held under occupancy titles, two-thirds of the appraised value, less amount paid for right of occupancy. Within sixty days from notice of appraisement claimants shall pay ten per cent four months thereafter 15 per cent, and the remainder in ~~three~~ annual installments; but if the owner fails to make the first and second payments, the lot and improvements shall be sold at public auction and the residue over appraisement and cost of sale to be paid to the owner of the improvements. All town lots not otherwise specifically provided for shall be sold within ten months after appraisement. Any citizen occupying more than four acres shall have the right to select in one body a sufficient number of lots at their appraised value equal to value of standard allotment, he may purchase one-fourth of remaining lots in his possession at two-thirds the appraised value. Payment in full may be made at any time and purchaser given title. All lots to be free from incumbrance, except for money borrowed to erect improvements or pay pur-

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these price to nation. Lots not sold are non-taxable, but taxes may be assessed against town lots sold. Lands already laid out by tribal authorities for cemeteries shall be property of the town and holdings of burial lots shall in no wise be disturbed. Tribal government not to continue longer than March 4, 1906; no Cherokee funds to be paid out without consent of national council; Cherokees to become citizens of U. S. after ratification of treaty, yet remain members of the tribe.

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THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, March 15, 1901
Vol. 1 No. 50
(Editor's name not given)

NEWS ITEM OF T. M. BUFFINGTON

The Indian Sentinel, the reputed organ of the Downing party and Chief Buffington, has the following remarkable editorial on the new Cherokee treaty -- especially is that part interesting relative to the lease clause:

The mineral provision of the Cherokee agreement as agreed upon by the conferees is substantially as follows:

That nothing in this act contained shall be held or construed to change, alter, modify or impair any existing coal or oil rights heretofore acquired by lease, location, development or otherwise, or to ratify confirm, recognize or validate any such rights.

Paragraph 88 stricken out and above amendment agreed to in lieu thereof.

From casual observation we fail to see the injurious nature of the lease clause as it appears

in the Cherokee agreement. It does not confirm, alter, modify or recognize any existing coal or oil rights. That the leases issued under tribal law just as they were under tribal government. if it was contrary to the United States statutes for the Cherokees to lease their land in times past then according to the lease clause in the present agreement, the leases are now void. Another unanswerable position, which any sensible and honest lawyer will admit, in regard to the lease clause is this: If the tribal lease law was valid, the terms of a lease under it has been complied with, the lease holder acquires vested rights that no law of congress can take away, hence there is no significance in the clause in the present agreement regarding mineral and oil leases. If there was no virtue in these leases heretofore acquired, then, this clause leaves them without virtue. Therefore we can see no injurious results, and it may just as well be said right now, if there is nothing worse in the agreement than this little meaningless mineral clause the Sentinel will support it with mind, heart and hand. — Stilwell Standard.

ANOTHER VIEW

The Claremore Progress says on the same subject:

The adoption of this section is unfortunate from the prejudice it will engender upon the whole and will aid in its defeat by the voters of the Cherokee nation if rejected.

In itself it would appear to be of small importance in the solution of the general allotment of lands. The various coal and oil companies operating in the Cherokee nation have acquired certain property rights in their leases where they have been obtained lawfully from the Cherokee nation and developed in accordance with such leases, and the clause only leaves the status of these as they are at present and the lessees rights will have to be adjudicated by the courts of the territory. The same process would undoubtedly obtain if a treaty were ratified without such a clause, for even a treaty could not dispossess these lessees rights without due process of law, if they have a lawful lease, the requirements of which have been faithfully fulfilled. The Cherokee nation could not by treaty lawfully invali-

date such leases and confiscate them. The same principle is involved which gave to town lotholders vacant lots where acquired in strict accordance with Cherokee law.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, March 15, 1901
Vol. 1 No. 50
(Editor's name not given)

TREATY ELECTION AND COUNCIL MEETING

Chief Buffington, deeming it best for the interests of the Cherokee people, will take the full limit allowed by law and not issue his call for a general election to act upon the treaty until Mar. 19th. At that time Chief Buffington will also issue a call for an extra session of the council to meet after the election and, with the Dawes commission, as provided by law, canvass the votes. In all probability May 6th will be the day designated for holding of the election, at least that is the day now being considered by Chief Buffington, but the day may be changed. -- Vinita Chieftain.

THE TAHLEQUAH ARROW

Tahlequah, Indian Territory
March 23, 1901
Fourteenth year No.28
Waddie Hudson Editor

ELECTION PROCLAMATION OF CHIEF T. M. BUFFINGTON

Whereas, An act of Congress of the United States, entitled "an act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes," was approved March 1st, 1901, the first paragraph and 18th section of said act being as follows:

That the agreement negotiated between the commission to the five civilized tribes and the Cherokee tribe of Indians, at the city of Washington, on the ninth day of April, nineteen hundred, as herein amended, is hereby accepted, ratified and confirmed, and the same shall be of full force and effect if ratified by a majority of the votes cast by the members of said tribe at an election to be held for that purpose: Provided, That such election shall be held within ninety days from the approval of this act by the president of the United States.

"Sec. 80. This agreement shall be binding upon the United States and on the Cherokee Nation and all Cherokee citizens when ratified by congress and by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following: The principal chief shall, within twenty days after the approval of this act, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within sixty days thereafter, on a certain day therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee National council in the presence of the Dawes commission and the principal chief, and said commission and principal chief shall jointly make certificates thereof and proclamation of the result."

Now, therefore, I, Thomas M. Buffington, principal chief of the Cherokee Nation, do hereby, in virtue of the authority vested in me by the foregoing provisions of the act of congress aforesaid, proclaim the 29th day of April, 1901, as the day on which the

said special election shall be held. The said election shall be held in each district at the usual places of holding elections; and the same shall be conducted and the votes counted and returned, in all respects, as provided in the laws of the Cherokee Nation relating to elections, and published in the compiled laws of the Cherokee Nation of 1892, in so far as said laws may be applicable to said special election, and Article III, sections 484, 485, 486, 487 and 488, relating to "frauds at elections," shall be applicable to said special election.

All persons who are qualified voters under the laws of the Cherokee Nation, and none others, will be entitled to vote at said special election.

And, in virtue of the authority, aforesaid, I do proclaim the 2nd day of May, A. D. 1901, as the day for the meeting of the National council, in special session, at the National council building at Tahlequah, at the hour of nine o'clock of said day, for the purpose of counting the votes cast at said special election, in the presence of the Dawes commission and the principal chief of said nation, as required by the act of congress aforesaid and for the transaction of such other business as said Nat-

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ional council, when thus assembled, may deem advisable and necessary. All members of said National council and the members of the Dawes commission will take notice of the meeting of said special session, and will govern themselves accordingly.

I have caused the full text of the act of congress aforesaid to be printed in the Cherokee Advocate, the official journal of the Cherokee Nation, so that the voters may be fully advised as to the provisions of the agreement submitted to them at said special election.

In testimony whereof, I have hereunto set my hand and caused the seal of the Cherokee Nation to be affixed.

Done at Tahlequah, in said nation, this the 18th day of March, A. D. 1901.

T. M. BUFFINGTON,

Principal Chief Cherokee Nation.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, March 29, 1901
Vol. 2 No. 1
(Editor's name not given)

NEWS ITEM OF T. M. BUFFINGTON

Chief Buffington is being generally chided for his appointment of Hoolie Bell as principal attorney for the Cherokee Nation in enrolling freedmen. Hoolie Bell may be honest, honorable and loyal to the Cherokees, but there are few who believe it. His open declaration a few years ago while a member of the council, that he could secure the passage of citizenship cases for so much money and ginger, has not been forgotten by the people. There is no question as to Mr. Bell's ability and knowledge, and this fact gives the citizens additional fear. With Hooly Bell for the Cherokees and Bob Kern for the freedmen the average citizen will not be much surprised if another batch of Kansas negroes are admitted to citizenship. 'Tis pity 'tis true.

-- Claremore Messenger.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, June 22, 1901

Vol. 25

No. 24

Wm. T. Leoser

Editor

Tahlequah, I. T.

June 14, 1901

Mr. _____

Sir:

Complaint has been made to this office that you are grazing cattle upon the public domain of the Cherokee Nation, contrary to the law passed by the National Council, entitled; "An Act to prevent the introduction of cattle into the Cherokee Nation," approved by the Principal Chief November 28, 1900, and by the President of the United States December 27, 1900, and also in violation of Section 2117 United States Statutes at large. All the power I have will be invoked to have this law enforced, but I desire first to give all parties fair and ample warning, trusting that the law will be complied with voluntarily, by proceeding in this manner.

Respectfully,

T. M. BUFFINGTON,

Principal Chief.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, June 22, 1901

Vol. 25 No. 24

Wm. T. Leoser

Editor.

LETTERS OF T. M. BUFFINGTON

The following two letters, one instructing a citizen as to the manner of proceeding against a non-citizen for violation of the law in regard to introduction and grazing of cattle, and the other warning non-citizens to comply with the cattle grazing law, are published for the information and guidance of the two classes of citizens mentioned in them.

Tahlequah, I. T.,

June 17, 1901

Mr. _____

Sir:

Your complaint against certain non-citizens holding and grazing Arkansas cattle on the public domain of the Cherokee Nation was referred to the United States Indian Agent and asked to take action, but has been returned to this office by the United States Inspector for the Indian Territory with the request that information be furnished in the form of affidavits in support

of your complaint. You will secure the affidavits of at least three persons bearing upon the case, giving the name and address of the non-citizen, mark or brand of cattle and number as near as can be ascertained, and state the time as near as possible when they were brought into the Cherokee Nation, and upon the receipt of the affidavits I will take pleasure in doing every thing in my power to see that the parties violating our laws are proceeded against. I hope you will attend to this matter at your earliest convenience, as nothing can be done until such evidence is obtained.

Very Respectfully,
T. M. BUFFINGTON,
Principal Chief.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, July 27, 1901

Vol. 25

No. 29

Wm. T. Leoser

Editor

LETTER OF T. M. BUFFINGTON

To Whom It May Concern:

In view of the fact that the Cherokee Oil and Gas Company and the Cudahy Company, after trying to secure from the Secretary of the Interior leases on thousands of acres of our land. I most respectfully request each and every citizen of the Cherokee Nation occupying lands sought to be embraced in said leases, to file an individual protest at once, with the Secretary of the Interior, setting forth the Township, Range and Section of the lands they occupy, the number of years they have occupied same, and the number of their family entitled to an allotment, and that they desire to take their allotments on the lands now occupied by them: an accurate description of any improvements, in the improvements, in the way of wells drilled, derricks, pipes, etc., that may have been placed on any of the

lands they occupy. Also request that no lease be granted on their lands; that when they take their allotments they wish their lands to be free from all incumbrances.

I, as Principal Chief of the Cherokee Nation, have filed a general protest against the granting of any other leases, on our lands to corporations, and will follow the same up closely, and do all in my power as an individual and as your Chief Executive to prevent the issuing of said leases; but I fully realize that my efforts will be strengthened by an individual protest from the citizen occupying the lands sought to be covered by the leases.

Therefore, I most earnestly request that you, whose land and improvements are within the boundaries of the Territory desired to be taken in, join with Mr. Horace Adams, and send in a protest embracing the points as herein stated.

I am,

Yours very respectfully,

T. M. BUFFINGTON,

Principal Chief Cherokee Nation.

7-16-1901.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.

Saturday, August 24, 1901

Vol. 25

No. 33

Wm. T. Leoser

Editor

ELECTION PROCLAMATION OF T. M. BUFFINGTON

Executive Department,

Cherokee Nation

Tahlequah, Ind. Ter.

To the Clerk of Tahlequah District:

Whereas, due notice has been received by me, that, at the election held August 5th, 1901, in Tahlequah District, Cherokee Nation, there was no choice in consequence of two candidates receiving the same number of votes for the office of one member of the Council Branch of the National Council, now, Therefore,

I, T. M. Buffington, Principal Chief of the Cherokee Nation, by virtue of the authority in me vested, do issue this my proclamation, promulgating, Monday, the 9th day of September, 1901, the day on which to hold a Special Election at the various voting precincts in said District and Nation, to fill

the office of one member of the Council Branch of the National Council for Tahlequah District for the term of two years.

In the performance of your duties you will be guided by the law, "Relating to elections," Chapter Vlll, Article I, compiled laws 1892, of the Cherokee Nation.

In witness whereof, I hereunto set my hand and cause the seal of the Cherokee Nation to be affixed, at Tahlequah, Ind. Ter., on this the 20th day of August 1901.

T. M. BUFFINGTON,
Principal Chief.

Attest;

J. T. PARKS,
Executive Secretary.

THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, September 14, 1901
Vol. 25 No. 36
Wm. T. Leoser Editor

PROTEST OF T. M. BUFFINGTON TO SECRETARY OF INTERIOR

Executive Department,
Cherokee Nation.
Tahlequah, Ind. Ter.

Honorable Secretary of the Interior,
Washington, D. C.

Sir:

After thanking you for your courtesy in extending the time for the determination of the oil matter, I wish to present to you my further reasons why I think equity and sound judgment call upon you to refuse the application of the Cherokee Oil and Gas Company for a renewal of this lease which in effect would be granting them a new lease and unnecessarily be fortifying their contentions of what they term a vested right.

This letter is for the purpose of reinforcing the arguments made by this nation's and the attorneys

representing private citizens of this country, whose interests conflict with those, whom I believe, are seeking unfair advantage, while invoking equity, It will deal, perhaps, more with justice, fairness, moral and economic effect of granting such a lease at this time, than with law. I have left that to be discussed by trained minds.

These oil men come to you saying they have "vested rights," that are impregnable in the courts and try to get you to grant them privileges which will, perhaps, force the Cherokee Nation to become plaintiffs in the case, where by all rules of good morals and equities it should be defendant, as the burden of proof of vested rights should be left on those who contend they have them, and should only be conceded to them after the strictest scrutiny by some court where the interest of this nation and individual claimants of improvements or allotments have had ample opportunity to be presented under the rules governing law and equity cases. In those cases the parties in interest are furnished, before they are forced to plead with copies of all documents their opponents file.

If that company has all it claims, it can take proper steps to get into court and I will cheerfully

join in any request to executive and legislative departments to pass all laws, rules and regulations necessary to insure this and all other claimants a fair rattle in the Courts of the United States. You and I know how industriously the paid lobbyists of great corporations fight to retain any advantage once secured and you can see that a request for proper investigation being allowed made by all parties in interest, is much more likely to be given than where one party has obtained an underholt and does not want it broken and the fair old rule to catch as catch can, resorted to in the wrestle. This is as fair in the contest of brains as those of bodies,

I wish a speedy, successful and as far as can be secured, a satisfactory settlement of this whole complicated business. Therefore I most earnestly implore you to take no action that will add another unnecessary tangle in this already, too badly tangled skein of affairs, and I not only address to you the law and equity but insist that you exercise "that sound discretion," that the highest courts of our nation has decided no man can overturn or regulate you in doing, not even the President who appoints you. He can displace you but he can not review you as was

evidenced when President Grant had to force one of your predecessors, Mr. Cox, of Ohio, out of the cabinet, because a radical difference had arisen between them over the Panoche Grande land grant patent in California. That like this matter involves millions and Congress was wrestling with the question which the President thought was a matter for Congress and the courts to settle, and which Secretary Cox thought he could more quickly solve by issuing a land patent. You issuing this lease would be almost as potent a weapon in the hands of its receivers as Cox's patent would have been to the Rothchilds, Quicksilver mining crowd, The New Idra Mining Co.

Current history does not have to be proven to a statesman who is dealing in diplomacy and is charged with full inquiry before deciding on those things affecting the rights and interests of his wards, whom he is probably extremely anxious to get rid of and turn over all of their patrimony hampered in the least possible manner by leases or other things.

Today the legislature of Texas is considering what tax shall be levied upon the output of oil at Beaumont. The consensus of opinion seems to be that 2 per cent of the gross amount at mouth of well is fair.

Of course those representing the soulless corporations are before the legislature trying to convince its members that Texas ought to be satisfied with a song and clog dance and a minimum oil tax. The oil representatives told the legislators that 2 per cent would bring Texas two million per annum and a statesman who had not been greased, promptly replied, "if it does you fellows will receive ninety eight millions per year for what costs you almost nothing." This struggle will develop what is a fair tax upon oil production. Grant that lease before that has been determined and you will have done in all probability, gross injustice to every man, woman and child having an interest in this Nation.

You do not and can not possibly know what is a fair royalty until you have made full investigation. No man in the United States knows exactly, now, what it may cost to bring oil to surface and keep it flowing. You will be face to face with a condition and not a theory. These corporations seek to force you to proceed under a theory and assume as you have approved a lease, they will yell, "vested rights" secured from the Secretary after investigation and neither Congress, court or any one has any authority to rob us of what

we obtained by final decision. In struggles before the United States courts in this Territory where this nation has been involved, both as plaintiff and defendant, the stock in trade, where parties wish to evade decisions on merits of case, has been demurrs based upon allegations, that action of Secretary of Interior and his subordinates in management of Indians, whites and property of Indian Nations, is not subject to review by courts, Doubtless, since he has had time to read up ex, senator Thurston has discovered, if he can persuade you what he said as a senator was "as baseless as a fabric of vision," but what he filed as a brief was true, when attorney for this oil company and by haste he will now get you committed to precedents, that he will plead in court and successfully enable his clients to rob these Indians as a Nation and as individuals, not only out of millions but even out of a respectable royalty on those millions.

Mr. Secretary, you have proven yourself a first class business man, a successful diplomat and every where no man questions your integrity but like myself you are not trained in the law, and the interests of these Indians might be greatly endangered by you granting this application, thereby giving those gentlemen who seem to have two dictionaries when dealing as statesmen and

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as paid attorneys, undue advantage whenever the struggle comes in court.

Our government has wisely provided that such questions can be settled in courts, with right of appeal until they reach the Supreme Court of the United States, where nine of the most learned and purest of our trained lawyers hold lifetime positions and no man is permitted to hurry them. The humblest white or black has the assurance that his rights will be investigated in that tribunal. Then don't cut off us red men from same privilege in less than a year after making us United States citizens.

I tell you we wish to be unhampered, when we receive our allotments or in our struggle, if it comes to that, before the courts. There is no crying need of haste in developing this oil region in forcing you to grant leases and fix a royalty.

Commerce is not suffering for oil. At Beaumont, Texas, there are thirty six oil gushers, which if turned loose will vomit over four hundred thousand barrels of oil a day. It is in easy reach of the sea and the largest ships can approach end of pipe line. The Southern Pacific and Pittsburg and Gulf railroads run through Beaumont as do other lines. They have no demand for output and keep this wealth under lock in the

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wells. So beyond getting a lead pipe secured by a ruling from you, this company would and could not put oil on the market.

It has been asserted by some people that these Indians would favorably act, if permitted, in the interest of this oil company, which is false and I have every reason to believe that men who make such assertions know they utter untruths. These Indians, I assure you as a man, are fighting about unanimously to prevent the granting of this lease.

The Curtis law under which the oil people wish to precipitate matters makes you the sole judge of proper royalty and therefore are you not justified in refusing to grant this lease now when it ought to be apparent that you can exercise the discretion in fixing royalties that a conscientious officer should seek to exercise when dealing with wards and people whom Lord Coke has styled in their corporate associations, as "those who have no bodies to be kicked and no souls to be damed," and therefore are always dangerous?

You in the exercise of your discretion, positively refused to let oil companies make bargains with our neighbors, the Creeks, or Muscogees even when they were dealing with the lands they had selected

for individual allotments. Then in all fairness, why should any action of yours head off a Cherokee's interest in his land before he has been permitted to select his allotment?

I shall earnestly urge our Council when it convenes to again create a commission to settle our affairs and take the most rapid steps to individualize our holdings and to merge us into the great American people on exactly the same footing that every American has, and after shedding proper tears over his grave, to bury the Cherokee government, and say, "we have been born again".

So do not throw up bars to progress, that circumstances make inevitable I will earnestly urge them to send a delegation to Washington City to explain all of the circumstances why the two agreements have failed and as I have every reason to believe that the action of the Cherokee authorities and people in general and my own in particular have been misunderstood and sometimes wilfully misrepresented to you and others in authority. I will give a brief summary of the instructions of that delegation.

Conquering pride of race, love for government that had existed for centuries, the Cherokee government authorized a commission to provide for the destruction

of everything dear to the tribe and for the proper distribution of the common property.

Unfortunately the first commission, composed of an even number failed to consummate an agreement on account of a tie vote. The Cherokees immediately took steps to create another commission, composed of an odd number of members, thus avoiding previous trouble. That commission made an agreement with the Dawes Commission, submitted it to the people which they ratified by over two thousand majority popular vote.

It was forwarded to the Honorable Secretary of the Interior, and through him submitted to Congress with suggestion, but Congress pronounced it so defective that it never left Committee room. Were the Cherokees in fault then? Without any suggestions from the United States government I recommended the creation of another commission which our Council favorably acted upon, but I was informed by your immediate representatives in this territory, Hon. J. George Wright, that I would not be authorized to make appointments of members of this commission until act creating it was approved by the President. Pres. McKinley failed to approve the bill, but upon further information the Hon. Secretary invited the delegates as created by act of Council

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to come to Washington and discuss matters. Supposing that I and Council had right to proceed under the law and custom long established and so anxious was I to meet the representatives of the United States half way, I named the delegates, who concluded an agreement with the United States Commissioners in April 1900. This action of mine has been harshly criticised and myself threatened with impeachment for trying to hasten solution of questions, so I have little patience with a subordinate officer or any other person when they tell you and the press I am an impediment to "reconstruction".

This agreement went to Congress. It was held up in Committee, just as effectively as Bill Cook, Henry Starr, Cherokee Bill or any other outlaw in this Territory ever held up a railroad train. I am nearly positive who did it. The Cherokee Oil & Gas Company was there and at work.

I visited Washington City, went before the Committee having agreement in charge, pointed out to its members that hundreds of Cherokee children had been born whose fathers would not vote for the agreement unless time for enrollment was extended. This was not done. I also particularly warned Congress that any tampering on mineral provisions would result in the defeat

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of the agreement before the people. But with these and other provisions properly attended to I would insure ratification. The Committee flatly refused to incorporate into the agreement what the oil syndicate demanded, taking the exact ground I have with you, that the proper place for discussion of oil and vested rights was in the courts of the country, where ample time could be taken for consideration. After the Cherokee Delegates and I had left Washington and after all discussion closed and matter in conference, Senator Thurston introduced Section 79 relating to leases, saying it meant nothing and it need alarm no Indian. Those who opposed that agreement in this nation, told our people it was (Sec. 79) a covert attempt to withdraw the resulting trust that the United States claimed in the Cherokee lands and strengthen the hands of this oil company. That carried hundreds of votes against the agreement. Before that agreement was voted on, Senator Thurston, who as senator of the United States assured his colleagues that Section 79 was a "diarrhea of words and a paucity of ideas", that could not possibly hurt the patient, filed before you on the 10th day of last April, a brief, as attorney for the Cherokee Oil & Gas Company, claiming that

Section 79 reaffirmed rights and protected this Cherokee Oil & Gas Company in the oil privileges in this country. The contents of this brief were norated around among our voters, greatly strengthening their former contentions as to the meaning of Section 79, and when that agreement was voted upon on the 29th, day April, 19 days after ex-senator Thurston presented his brief to you, it was defeated by over a thousand majority.

Immediately after the defeat of this agreement, I sent a message to Council recommending creation of another commission with full powers to settle all matters. Council promptly passed such a bill which President McKinley failed to approve.

Mr. Secretary, have we been in fault? I yet hope that the present winter will enable us to get commissions together that will take all proposed agreements, retaining what is good and eliminating bad features of each and I firmly believe such an agreement will be ratified by our Council and people and by Congress, if lobbyists of these oil syndicates can be swept from the doors of Committee rooms, and more firmly do I believe this because whoever becomes chairman of Indian Committee in the Senate, upon end of next session of Congress will not be a statesman out of

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a job, ready to file briefs flatly contradicting what he said while dealing, as an officer, with the dearest rights of an unprotected and unrepresented people.

Let us have peace. There is no longer a question of policy, for we Indians have overwhelmingly expressed ourselves as acquiescing in the policy of your government toward us. It is a matter of detail, and upon that we want to be heard as it involves all to us.

Mr. Secretary, the good Book shows you that the allotted time of man is three score years and ten. God in his wisdom has fixed it about this way; he gives man three score years to live and ten in which to die. Remember, that this nation has flourished for more than seven hundred years. Ought not it be permitted to have at least one third of the time of a human, while tottering down the hill, in settling necessary details in the distribution of its effects among its heirs? Our autonomy takes the place of a father to all members of the tribe. Would it not be cruel to torture a human with his death wound by informing him that an unjust act had added wrong and complication in distribution of his estate?

The question is with you, and I believe your fellow citizens of the United States will applaud your

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actions when you protect these Indians in the manner I have asked you in this letter. When the press gives all facts to the public, I feel convinced you will see what I say is true and you as Secretary will be fully satisfied that there has been no double dealing on my part on the part of my people and the harsh enforcement of the Curtis law in the interest of an oil syndicate is wrong.

Your government has a "Modus vivendi" with Great Britttian about the Alaska boundary. The discovery of gold in that belt has not made you retract or add complication to calm discussion of rights when proper times comes. Why retard the progress of this people by interfering with it here? Can you do it and satisfy conscience because we are weak?

With the highest regard, I am yours most respectfully,

T. M. BUFFINGTON,

Principal Chief, Cherokee Nation.

9-31-1901.

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THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, Oct. 18, 1901
Vol. 2 No. 30
(Editor's name not given)

NEWS ITEM OF T. M. BUFFINGTON

Chief Buffington has received information from Judge Springer, attorney for the Cherokees, that the Secretary of the Interior has agreed to oral arguments on the petition of the Cherokee Oil & Gas Company, and that Friday (today) has been set for a hearing of the case. Judge Springer represents the Cherokee Nation and will try to prevent the leases being made to the Cherokee Oil & Gas Company.

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THE INDIAN JOURNAL

Bufoala, Ind. Ter.

Nov. 8, 1901

26 year, No. 45

Editor's name not given

EDITORIAL ON T. M. BUFFINGTON

Tahlequah, Nov. 4

The Cherokee national council convened today. The sentiment is general among the Indians that the session will mark the close of tribal government.

The message of Chief Buffington will be read Wednesday, and it recommends strongly the immediate settlement of tribal affairs, through a treaty acceptable to both the government and the tribe.

No reference will be made to the growing sentiment for statehood, but it is the expressed desire of the executive to have an allotment of the tribal lands and money so that the nation can accept its destiny without any complication from the present land title tangle.

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The council will be asked to appropriate the greater portion of the year's receipts, from taxes and royalties, for the relief of the full-bloods, who are threatened with starvation in the Spavinaw hills, through the destruction of their crops by the drought. The report of Indian Commissioner Jones shows the $\frac{1}{2}$ million dollars has been received during the past year from royalties and other sources which is credited to the nation.

The question of an appropriation for a tribal exhibit at the Louisiana purchase exhibit, to be held in St. Louis in 1903, will not be referred to in the message, as the majority of the members of the council have expressed their opposition. Their argument is that the Cherokee Nation will probably not be in existence when the exposition opens.

The most important measure referred to in the message will be the making of a treaty with the government. The council is urged to prepare a treaty that will be accepted by congress and at the same time protect the rights of the nation. The members of the tribe, except the fullbloods who are in a minority, are a unit for the speedy set-

tlement with the government.

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THE CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation, I. T.
Saturday, November 16, 1901
Vol. 25 No. 45
Wm. T. Leoser Editor

THIRD ANNUAL MESSAGE OF T. M. BUFFINGTON

To The Members Of Council:

You have assembled to transact such business as may be necessary for the good of the people who have chosen you to represent them. In the origination of legislative enactments your will is supreme. In this connection the Executive is merely advisory, and can only make such suggestions and recommendations as he may deem expedient that may be put into execution or ignored at your volition.

A very grave responsibility has devolved upon you, for your every action is certain to be approved or condemned by your people, as it reaches towards or recedes from the principles of right and justice.

Being new from the people, acquaints you with their desires and needs. In the interest of yourselves and those having an equal share in this estate, each of you, has, no doubt recently sought and obtained the

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earnest wishes of your constituents as to the best method to pursue in unraveling the tangled condition of affairs of your country. You hear your commissions from a people, who trust and confide in your integrity and ability, who will be disappointed and downcast should you prove unfaithful to duty. Your authority emanating from an honest, intelligent and earnest people should inspire you with a resolution to meet their expectations in a fearless and faithful manner.

The passage or failure of any measure that may be submitted to your consideration should be preceded with a most careful analysis, so that your actions in such matters shall engage the commendation of the public conscience. Hasty law making is one of the growing evils of legislative bodies and should be scrupulously avoided. In order that no ill advised legislation be enacted, or no meritorious measure neglected or rejected, you should proceed without delay to the consideration of those subjects of such eminent public concern, and to which your attention in some degree will be invited. The consideration of and action upon vital interests to the public should not be deferred until the closing days of council and then be disposed of amid hurry and confusion. Your Committees which are charged with the

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formulation and investigation of bills of a public nature should begin work instantly. This will save you the annoyance of defeating or passing laws without the consideration their importance deserves; may save you from the criticism of unduly prolonging this session of Council, and unnecessarily increasing the expenses. There is no reason why the last days of this session should be crowded with business, if at the beginning, you should address yourselves to your several duties.

With this introductory, I will now, in accordance with the precedents of my official duty, submit to you a review of public events of the past year, that concerns the interests and welfare of the Cherokee people, connecting therewith such suggestions, which, I trust, will meet with your favorable action.

NECROLOGY

One by one our aged patriots are called away by death. As a nation we should be thankful to our Heavenly Father for His sparing mercies and watchful care over the hundreds who have had their names entered on the roster of our country. I am grateful to be permitted to announce that only a small number of those who have heretofore given good and faithful service to this people, have received their last summons during the year just closed.

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J. A. Scales was born in the old Cherokee Nation east of the Mississippi River and upon dissolution of tribal government there, came to this country. He received his education in the schools of our nation and was a student all through life. He filled with credit and distinction the positions of Clerk of the Senate, Clerk of Supreme Court, Delegate, Chief Justice of the Supreme Court and Executive Secretary.

William W. Buffington was born in Georgia, and came to this country in an early day. He had lived beyond the allotted time of man, over three score years and ten. He was admired for his exemplary and consistent private life, and for faithful and creditable service as a member of the Senate. He always met his duty with courage and never lowered his eyes in the presence of any man. Death came to him almost instantly on the evening of the extremely hot days of the summer of 1901.

Ned Bullfrog was one of these pure blood Cherokee Indians whose life reflects honesty of purpose and devotion to country. C. C. Lipe was a useful citizen and had served the nation well in different official positions.

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Under section 13 of the Act of Congress of June 28, 1898, known as the Curtis law, the Secretary of the Interior assumes the authority to grant leases upon our lands for the purpose of mining minerals and oil. I was advised by letter dated July 19, 1901 from the Hon. Commissioner of Indian Affairs, that the Hon. Secretary of the Interior would after the expiration of thirty days from the 11th day of August consider the application of the Cherokee Oil and Gas Company, an Arkansas Corporation, for a lease of certain lands in the Cherokee Nation. I immediately addressed a letter to the Secretary requesting a postponement of action in order to obtain some data an extention of thirty days was granted, and the attorneys for the Cherokee Nation submitted the nation's brief and argument in opposition to the application of the said company, before the Hon. Secretary on September 10th, last, and I also entered a vigorous protest against the granting of such a lease, which accompanies this message for your information. Again the Secretary postponed action till the 7th day of October. The granting of leases of any kind at this time would only complicate matters more and prolong our dying days. I believe the citizens of this nation want to hold their lands, when it is individualized,

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under the same system and tenure as the United States make it to her citizens, owners of every thing beneath, as well as above the surface. During the ten years this lease has run which the Cherokee Oil and Gas Company now seek to get possession of, the paltry sum of twenty-five dollars has been received by the nation as royalty. Such returns to our common treasury does not justify the retarding for a score of years, the progress and advancement of thirty six thousand land holders, besides the great hardship, the leasing of this land now would cause, double that number of industrious United States citizens already in our midst.

Notwithstanding my efforts and the efforts of the attorneys for the nation to prevent the leasing of our lands, the Interior Department last month, leased to the Cherokee Oil and Gas Company eleven thousand, five hundred and twenty acres of lands in Cooweescoowee District. I immediately ordered injunction proceedings against the Secretary and his subordinates, to restrain them from issuing said lease. This arbitrary action should be opposed by us in every legal way possible, and you should make provisions to follow it to the highest court of the land.

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Among the many mileposts that mark the steps of progress in her onward course, there is none more prominent than the educational institutions of the Cherokee Nation. For their inauguration and organization full credit must be given to our far seeing ancestors, the real Cherokee Indian. Our schools stand out conspicuously as an embodiment of the highest and best type of true advancement and christian growth and are lasting monuments of the spirit of thriftiness of this people. In our High Schools was provided for, and is tenaciously held the idea of, separate education of the sexes. In these Seminaries the young men and young women are kept in touch with the world, without being ruthlessly thrust upon it to the detriment of womanly gentleness and purity, and manly character and strength. It is a source of much gratification to witness the placing of young women and young men upon their honor, thus making them lady-like and gentlemenly in their conduct. Self responsibility is an educative force to the student.

The course of study of our High Schools should, step by step, be made co-equal to that of the curriculum of the colleges of the surrounding states, so that the Cherokee youth could acquire at home the high literary culture afforded by the best colleges. The Preparatory

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Department should, in reality, prepare for the collegiate course.

Our neighborhood or Primary schools can and should be made more efficient. It can be accomplished by the selection of better qualified teachers, and a close supervision of school room work. On our Board of Education should be the best talent the country affords and men of high moral stamina.

There is now in operation at the expenses of the Cherokee Nation,

Primary Schools 124

High Schools 3

Teachers employed in Primary Schools 128

Teachers employed in High Schools 13.

Aggregate attendants of pupils for Fall Term of 1900 and Spring Term of 1901, 4189.

Average attendance for same time 2417.

The small attendance the past year is attributed largely to the prevalence of smallpox throughout the country.

Enrollment at Male Seminary year 1900 to 1901, 232.

Average attendance 1900 to 1901, 137

Pupils enrolled at Female Seminary year 1900 to 1901, 221

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Average Attendance, 135

Average attendant of pupils at Colored High
School 34.

This shows an increased interests in our High
Schools and naturally raises the question of their sup-
port under this additional attendance of pupils.

Our School annuities are now \$42,595.96.

Council appropriated last year for Primary Schools
\$31,360.00.

For Books \$2,000.00.

For support of High Schools \$34,522.00.

Salaries member Board of Education, and contin-
gent expenses \$2,250.00.

For International School for Blind at Ft. Gibson
\$300.00.

Total appropriation for school purpose \$74,206.11,
which is \$31,610.15 more than our income for the support
of our schools.

You are referred to the report of the Board of
Education for a more particular detailed statement of
the condition of our school system. Since the nation
has been denied their collection, it appears that no
part of revenues and royalties due us has been placed
to the credit of the school fund.

ORPHAN ASYLUM

I hail with delight the good results that are being accomplished at this charitable institution. The attendants are treated as sons and daughters of a well regulated home. Superintendent, teachers and children eat at the same tables and partake of the same fare. Every child is impressed with the idea that he or she is there for a serious purpose and must prepare for future responsibilities.

The much needed repairs on this building for which the Council of 1900 made an appropriation have not been reported as completed or in progress and for information concerning this matter you are respectfully requested to apply to the members of the Board of Education.

Available funds for support of this institution, annually amounts to \$18,733.96.

Total sum appropriated for Orphan Asylum last year \$17,285.25.

This institution deserves a liberal appropriation for its healthy continuance.

ESTRAY LAW

The sale of estray property under authority of

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a law passed by Council and approved by the President December 27, 1900, has produced a very satisfactory revenue. On account of the peculiar conditions of our government the enactment of such a law is a matter of much difficulty, and such revisions and amendments should be made as time and experience show to be necessary and feasible. The law as it now stands provides that property must be advertised in some newspaper in the district or by posting description of the property in three conspicuous places in the district for the length of time required by law.

These advertisements are made in nine districts and in the English language only, which many of our people do not understand. Very seldom do people see lists of estray property of other districts other than the district in which they live.

To obviate such objections and defects, I recommend that the law be so amended as to require advertisement to be made in the Cherokee Advocate in both the Cherokee and English languages.

FORT GIBSON MILITARY RESERVATION

In my last annual message I called the attention of Council to the great damage being done to the buildings at Ft. Gibson formerly used for military purposes

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by the United States but reverted some years ago to the Cherokee Nation. There are many substantial houses among the buildings that should return a profitable revenue to us, but there seems to be no authority to collect it. I appointed a Custodian to look after the care of this property and collect rents. No one would pay anything to him as rental and no assistance could be obtained to compel them to pay. Many of the houses are occupied by citizens and non-citizens alike. I urge you to authorize some one to take charge of this valuable property for the nation, with directions to protect it collect rents or sell it.

ASYLUM FOR INSANE, DEAF AND DUMB AND BLIND

The report of the Steward of this Institution shows that twenty Inmates have been taken care of during the past year.

I suggest that the appropriation for current and contingent-expenses of this Asylum be made to begin the first of January and run the current year, thus ending at the expiration of the term of office of the Steward. The appropriations as heretofore made begin October first and end the 30th of the next September. The appropriation should be made concurrent with the term of office of the Steward.

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The building is sadly in need of a new roof and an appropriation should be made for that purpose.

The Asylum annuities amount of \$3,207.35. This sum is available for its support each year.

Amount appropriation for the support of this institution, from October first 1900 to October first 1901, \$2,013.88 including an old claim of \$120.00, a deficiency and the Steward's salary.

BREAD MONEY

The almost unprecedented drouth of the past season scorched, withered and dried the crops in many sections of our country. The class of our people who have always relied upon the corn crop for sustenance are now almost without bread for their families and indications point to their actual want during the coming winter and spring. In anticipation of such a contingency and to relieve these who need assistance I recommend that you appropriate such a sum of money as will meet the needs of our people until another crop is grown.

The Honorable Commissioner of Indian Affairs advises me, that we now have in the Treasurer of the United States to our credit, derived from the collection of royalties, the sum of \$250,288.90, and I suggest that a sufficient amount of this fund be used for the

purposes mentioned above.

FINANCES

The Cherokee Nation has moneys now deposited in the United States treasury as follows:

Asylum Fund	\$ 64,147.17
General Fund	1,428,543.21
Orphan Fund	374,679.31
School Fund	851,919.21
Total	\$2,719,288.90

These funds bear five per cent per annum. In addition to the above we have to our credit in the United States Treasury from the collection of royalties, the following amount, namely; \$250,288.90.

The United States Indian Agent at Muskogee has received moneys due the Cherokee Nation from the United States Government on our invested funds;

General Fund	\$ 110,491.19
School Fund	64,559.49
Orphan Fund	31,712.35
Insane Fund	4,984.19
Indian Moneys Proceeds of Labor, Cherokee ..	3,500.00
Total	\$ 215,157.22

DISBURSEMENTS

Paid to sundry persons for services rendered in connection with the suppression of the spread of small-pox in the Cherokee Nation, Indian Territory.

From Funds, "Indian Money, Proceeds of Labor, Cherokee" \$5,120.54.

From Funds, "Interest of Cherokee National Fund" Paid Cherokee Warrants and interest thereon, \$110,401.19.

From Funds "Interest on Cherokee School Funds". Paid Cherokee Warrants and interest thereon, \$64,442.74.

From Funds, "Interest on Cherokee Orphan Fund" Paid Cherokee Warrants and interest thereon, \$19,028.16.

From Funds, "Interest on Cherokee Asylum Fund," Paid Cherokee Warrants and interest thereon, \$4,522.72.

From Fund, "Indian Moneys, Proceeds of Labor, Cherokee" Paid Cherokee General Fund Warrants and interest thereon, \$3,229.03.

Total Disbursements \$206,744.38.

RECEIPTS

From July 1, 1900 to June 30, 1901, the following amount of royalty have been collected by the Agent and deposited in the Treasury of the United States to the credit of the Cherokee Nation;

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The net amount deposited in the Treasury of the United States for benefit of Cherokee nation on account of royalties and revenues during the period commencing July 1, 1900, ending September 30, 1901, is \$23,998.99.

Amount of warrants issued by the Executive Department under various Acts of the National Council on the General Fund, from January 1, 1901 to September 30, 1901, including expenses of Freedmen enrollment \$43,296.80.

CHEROKEE AND FREEMEN ENROLLMENT

The Dawes commission has now been engaged in enrolling the citizens of our nation for nearly two years. The process appears to be slow and many obstacles are encountered. A large number of our citizens by blood have not yet presented themselves before the commission. I urge in the strongest terms possible that all our people enroll without further delay. In consequence of the very large number of freedmen claiming citizenship, who are evidently not entitled to enrollment, the nation is compelled to secure witnesses from many of the surrounding states. A temporary injunction has been granted restraining the Dawes commission from enrolling such persons as the attorneys for the nation contend should not be enrolled under the law.

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Coal Royalty	\$	6,326.87
Hay Royalty		6,469.17
Ferry Tax		200.00
Merchandise tax		2,437.47
Cattle tax		1,127.25
Gravel royalty		490.18
Town Lots		10.02
School revenue		2,321.19
Telephone tax		10.50

Total collected ..	\$	19,392.65
Less exchange Paid.....		37.13

Total deposited \$ 19,355.52

From July 1, 1901 to September 30, 1901 the following amounts of royalty have been collected and deposited in the U. S. Treasury to the credit of the nation;

Coal Royalty	\$	1,173.65
Hay Royalty		3,103.66
Merchandise tax		184.96
Gravel royalty		188.22

Total collected \$	4,650.49
Less exchange paid ..	7.02

Total deposited ... \$ 4,643.47

The following is the total enrollment of all classes to November 1, 1901:

Cherokees enrolled on straight cards	24,751
Cherokees enrolled on doubtful cards	2,917
Memorandum cases refused under act May 31, 1900, and rejected for want of jurisdiction	853
Delawares enrolled on straight cards	997
Delawares on doubtful cards	37
Freedmen on straight cards, on 1880 roll and descendants	3,157
Freedmen on doubtful cards	2,588
Freedmen on rejected cards	311
Total number of Cherokee citizens on straight cards including Cherokees, Delawares, Shawnees, intermarried whites and Freedmen	28,905
Number of doubtful citizens all classes	5,542
Rejected, all classes	1,952

For further particulars you are referred to the Attorneys' Reports. A correct roll interests every citizen of this nation. Let us assist in making it.

INTRUDER IMPROVEMENTS

I have in former annual and special messages urged Council to make some provisions for the collection of due and unpaid installments on Intruder places sold under authority of law by the Sheriffs of the various districts. The nation has also gained possession, through the courts, of the United States, of many improvements occupied by unauthorized persons. I urge you to make some provision relating to these matters, whereby the nation may be benefitted. The report of the attorneys representing the nation on this subject is herewith submitted for your information.

Reports as follows accompany this message; Treasurer, Board of Education, Estray Agents of the nine districts, Medical Superintendent of Male and Female Seminary and Colored High School, Editor of Advocate, Attorneys for the Nation in the enrollment of Freedmen, United States Indian Agent, Attorneys for Nation in Cherokee enrollment, and Steward of asylum for the Insane, Deaf and Dumb.

AGREEMENT

The amended agreement that was proposed by the United States government and submitted to the Cherokee people last April, as you all well know, was re-

jected by a majority of the legal voters of this nation. The original agreement as signed by the Cherokee and United States Commissions, was amended by Congress ratified by it and approved by the President March 1, 1901. These amendments were made without consulting the Cherokee Delegation or the Cherokee Nation. They included many very important particulars, impractical provisions, embracing date as to closing rolls, uncertainty as to disposition of half million dollars worth of public buildings, and a mineral clause surpassing all other objections and thus provoking opposition among our people that caused its rejection. To the special session of Council last May 1 recommended the formulation of some plan looking to the protection of the vast interests of this nation. It promptly passed an act creating a Commission to meet with the Dawes Commission for the purpose of entering into a more practical and satisfactory agreement. This act the President disapproved, without any reasons further than the Hon. Secretary of the Interior did not deem it advisable that negotiations for a new agreement should be considered at this time in view of the fact that the recent agreement was approved by Congress, submitted to the qualified voters of the Cherokee Nation and rejected by them.

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The Cherokees have long ago acquiesced in the policy of the United States relating to the Indians of this Territory. It is a matter of detail in which we differ, and upon that we have a right to be heard, as it involves all to us. I earnestly desire that your interests be protected. I believe it can be the better done by an agreement than by laws of Congress. The people should be conciliated in this matter. The country is theirs and they should be permitted to take a hand in shaping the course and guiding the direction of the coming change. The drastic laws of Congress, ruling of the Departments find us unprotected, and in an unsatisfactory condition in many ways, too evident for me to mention. What we know, what we feel and what we see can not be denied.

For many years the United States government has had a commission in this country with the object of securing agreements with the Five Civilized Tribes for the purpose of individualizing all common holdings preparatory to merging all Indians into American citizenship. Our system of land tenure is different to that in operation among all intelligent, progressive and civilized people the world over. Our customs and institutions are not such as will keep us in the foremost ranks of modern civilization. Who of you desires to

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remain in the confused condition that prevails in this country now? It is unnatural to want to remain as we are. We can not do it. The universal law of motion impells us onward.

The Dawes Commission has entered into agreements with the Choctaws, Chickasaws, Seminoles and Creeks. These tribes retain and exercise more tribal government today than the Cherokees. While not approving all provisions of their agreements, they are placed in better positions to protect their interests, in the collection of revenues and royalties, and in the practice of economy in the administration of affairs generally. These tribes under treaties are securing the schooling so important in fully preparing them for the proposed change.

I recommend the enactment of a law creating a commission to meet the United States commission and negotiate a new agreement. Let us show ourselves eager to conform to the demands of the times. I suggest that all proposed agreements be taken retaining what is good and eliminating bad features of each, and that when completed it be submitted to the people for ratification before going to congress. This subject has been so long before you and discussed with such thoroughness

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that we are better prepared today than ever before to make an agreement that will meet the will and pleasure of our people.

You come today to occupy seats in the legislative halls of this nation as representatives of a progressive people who maintain and demand, and to whom a majority of you have pledged.

Equal and exact justice to all.

The infusion of a principle of independence and manly self-reliance.

Allotment of lands, division of all common holdings and a settlement of this estate.

Economy in the winding up of our affairs, as not a dollar can be expended without taking it from every other man, woman and child who have an equal interest in our lands and moneys.

The institution of a recognized power usually called "Home Rule" in laying the plan for the future government of this country.

To uphold that fundamental tenet of all progressive, cultured people: "No pillage for anyone; justice for all.

To seek to allay strife, petty differences, racial and class disaffections.

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Common sense teaches, if we would be one people we must have a fraternal union of hearts.

A smouldering hatred and hostility at heart is a threatening evil to the strength and happiness of any people.

The exercise of a kindly feeling should bind us together for the accomplishment and maintenance of gain and noble purposes in this hour of the gradual burial of our tribal autonomy.

While the little government we love so well, and to which we have clung so tenaciously, is fast going, let us give personal support to each other so that it may be said the Cherokee people are keeping abreast of the times and apace with the onward march of civilization.

As servants of the people, and guardians of their interests, we have no time to waste in conflict and friction among ourselves. You can lay a foundation upon which our nation may more securely rest, by uniting and working in harmony among yourselves. I assure you that whatever strength the Executive Department has will be exerted for a grand and harmonious movement that will bring to our homes the blessings of health, happiness and life, and to our nation peace, satisfaction and prosperity.

Very respectfully,
T. M. BUFFINGTON,
Principal Chief.

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STILWELL STANDARD

Stilwell, Ind. Ter.

Dec. 13, 1901

Vol. 2 No. 10

Augustus E. Ivey, Editor

EDITORIAL ON T. M. BUFFINGTON

Chief Buffington deserves the good will of the Cherokee people for the manly stand he has taken in favor of an agreement to protect his people in the allotment of their lands, and taking care of their every interest. His call for an extra session of the Cherokee Council to get action on an agreement will be endorsed by his people, and the great responsibility placed where it properly belongs -- on the senators and councilors who were elected to look after the interests of our people.