

CHOCTAW-CHICKASAW

1875-1906

SEMINOLE

1845-1921

MISCELLANEOUS

1874-1932

PAPERS



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John L. Adair, Editor

EDITORIAL ON THE SENATE BILL

In giving his opinion of the Senate Bill making persons of African descent resident among the Choctaws and Chickasaws citizens of those nations, the Honorable Secretary of the Interior quotes those portions of the treaty, favoring the measure without giving those from which may be drawn inferences to the contrary. In the first place he mentions the agreement that slavery should cease in those nations and, as a seeming preparation for the future welfare of those released from bondage, the Choctaws and Chickasaws ceded to the United States what is known as the leased district for the sum of \$300,000 to be invested in United States five per cent bonds, until the respective legislatures of those nations should make such laws, rules and regulations necessary to give all persons of African decent resident among them and their decendants all the rights, privileges and immunities of

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citizens of said nations, including the rights of suffrage, except in their money annuities and public domain. The said nations, he further says, were to give to each person of African descent and their descendants forty acres of land on the same terms as held by themselves. He mentions the provision "that said persons of African descent, who, within ninety days after the passage of the laws, rules, and regulations," should elect to remove from said nations should have one hundred dollars each out of the \$300,000 before mentioned. He further mentions, that if such laws and regulations should not be enacted by the legislature of said nations within two years from the ratification of the treaty, the said sum of \$300,000 should cease to be held in trust for the Choctaw and Chickasaw Nations, and should thereafter be held for the use and benefit of said persons of African descent, the United States agreeing within ninety days from the expiration of the two years to remove said persons of African descent from said nations as far as they were willing to be removed.

From the foregoing quoted as provisions of the Choctaw and Chickasaw treaty, it appears that the force of these provisions depended upon certain con-

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ditions subject to the willingness or unwillingness of the colored people resident in those nations to be removed; and that the \$300,000 was to be held as security by the United States to enforce by its forfeiture the enactment of those laws, rules and regulations as were considered necessary to give all persons of African descent resident in those nations all the rights and immunities of citizens of said nations, except in their moneys, annuities and public domain; and also to give such persons each forty acres of land. The failure of the Choctaws and Chickasaws to pass such laws and regulations making their former slaves citizens, with the rights and immunities and forty acres of land named, is made a pretext by Congress, and supported by the Secretary of the Interior, to force the Choctaws and Chickasaws to accept their freed people as citizens of their country and as equals in all things, moneys, annuities and public domain not excepted. This is more than the treaty contemplates, because it plainly provides that if not within two years from its ratification, the laws and regulations deemed necessary to make their freedmen citizens, with named privileges and immunities, the Choctaws and Chickasaws were to forfeit the \$300,000 and no more.

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The persons of African descent by the terms of the treaty were not exempted from conditions, as implied by their election to be removed or not. In case of the forfeiture of the \$300,000 because of the failure of the Choctaws and Chickasaws to provide for their people of African descent, it is agreed that "the sum shall be held for the use and benefit of such persons of African descent as the United States shall remove from the territory, and those remaining or returning after having been removed from said nations to have no benefit in the said sum of \$300,000, or any part thereof, but shall be put upon the same footing as other citizens of the United States in said nations." This is not only plain but imperative, and at once settles the question upon what party to the treaty, in the event that the Choctaws and Chickasaws in their legislatures do not enact such laws and regulations as may be necessary to give persons of African descent resident among them all the rights and immunities equal with themselves, except moneys and public domain, rests the obligation to determine of what country such persons are citizens. In saying that they "shall be upon the same footing as other citizens of the United States in said nations, does

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not warrant the inference that they shall be upon the same footing of those citizens of the United States who have married into those nations, but a more just and reasonable conclusion would be, that those citizens of the United States, sojourning in the country and subject to the laws and protection of the United States, were the subjects of the comparison.

The right of Congress to legislate the former slaves of the Choctaws and Chickasaws into citizens of their country, with all the rights and immunities of the Choctaws and Chickasaws themselves, -- moneys and public domain not excepted, -- because their legislatures have failed to perform a dubious obligation mystified in its conditions by a sum held as a security in case of a failure, is only that of construction, which can with equal propriety be claimed by the Choctaws and Chickasaws. It would not be a strained inference to say, that the \$300,000 was tendered to, and accepted by the United States for the use and benefit of the persons of African descent resident among the Choctaws and Chickasaws was in consideration of a riddance of that class of people by the said nations. For what consideration other than this can the \$300,000 be accounted? The failure of their

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legislatures to pass such laws and regulations necessary to give these people certain rights and immunities as specified in the treaty was plainly a forfeiture of the \$300,000 in favor of those people, and which the Choctaws and Chickasaws were more willing to surrender than to give the rights and privileges named, and in consideration of this understanding the sum went by default.

The Honorable Secretary's argument in favor of the bill is based upon the following considerations: That the persons of African descent "are the most industrious and useful portion of each nation, and are without the rights, privileges and immunities of citizens," -- complimentary indeed, -- and in securing the wealth possessed by said nations they have done as much as the average Choctaw or Chickasaw. After enumerating the purposes of the bill, he propounds the question, "is this wrong?" and then attempts a justification of a negative by saying that the Choctaw and Chickasaw nations are under treaty obligations to secure to those people the rights, privileges and immunities of citizens. In saying this he makes no mention for what was intended the \$300,000 in case of a failure on part of these nations, and beyond the forfeiture of which sum nothing

more by the treaty is required.

The manner in which he attempts to establish a claim of these persons of African descent is an ungenerous as that which he uses in trying to establish the rights of these people to an equal participation in the public domain of the Choctaws and Chickasaws. The present annuity fund of these nations, he says, amounts to about \$100 per capita. The United States, by the treaty aforesaid, secured to these persons of African descent, under certain conditions, one hundred dollars per capita, and that is about what the three hundred thousand dollars amounts to. This sum now claimed to belong to these persons of African descent it is proposed to invest for the use and benefit of the Choctaw and Chickasaw Nations, so that their colored people will bring to the trust fund of said nations a sum per capita equal to the amount per capita of the annuity funds of these nations. To what extent the said nations will be benefited by this arrangement, seeing that nothing more was to have been forfeited by their failure to comply with a certain condition of an alternative, is a little more than ordinary mortals have a right to decide, considering from whence the suggestion emanated.

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The reason assigned why certain persons of African descent should be entitled to the public domain of those nations, is because their lands are held in common, and as the treaty contemplated the making of African citizens with equal rights and privileges with the Choctaws and Chickasaws, a made citizen is as much entitled to an equal share to the public domain as "one to the minor born." Even if the treaty contemplated such action on the part of the Choctaw and Chickasaw legislatures, there is a manifest, if not an intentional, omission to mention the exceptions to which those "equal rights and privileges" were not to extend.

The whole effort is an attempt of sympathy, excited by an exaggerated representation of the condition of the freedmen in those nations to establish a community of property in the public moneys and domain of those Indians.

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STAR-VINDICATOR

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

NEWS ITEM OF CHOCTAW AND CHICKASAW

We publish this week, the Articles of Faith of the Choctaw and Chickasaw Baptist Association. These Articles were printed in the minutes of the Association for 1874, but as there were only some 300 copies of those minutes published, they were soon exhausted. With this exception, our Articles of Faith have never been published in the Choctaw language. Hundreds of our church members have never seen these Articles, and thousands of the Choctaws do not know what is the distinctive faith of Baptists. For these reasons we publish these Articles of Faith in the Star-Vindicator, and will keep them standing for several weeks, and we would advise our church members to preserve the papers or cut the Articles out and paste them in a book for reference and instructions. They will be found of great value.

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STAR VINDICATOR

McAlester, Ind. Ter.
May 26, 1877
Vol. 4, No. 16
G. McPherson, Editor

INDIAN AFFAIRS

For the benefit of those whom it may concern we publish the following letter of instructions from the President of the United States:

Ex. Mansion, April 30, 1877.

WHEREAS, The 18th article of the treaty concluded June 22, 1855, and the 6th article of the treaty concluded April 26, 1866, with the Choctaw and Chickasaw Nations of Indians, make provision for right of way for railroads through the country, and for full compensation to be made for any property taken or destroyed in the construction thereof, the amount to be ascertained and determined in such manner as the President of the United States shall direct; now, therefore, it is hereby ordered that the following rules be observed in the presentation and determination

of all claims for damage to or destruction of property arising under said treaty provisions:

1st. Claimants must file their claims with the United States Indian Agent within whose jurisdiction they respectively reside, with a full and specific statement of the nature and amount of damage asserted to have been sustained at the hands of the railroad company or its employes in the construction of said road.

2d. The United States Indian Agent with whom such claim or claims shall be filed, shall, after giving due notice to the Indian claimants and the proper officer of the railroad company of the time and place of hearing make a careful examination of the same with a view to ascertaining the justness thereof, and submit his report thereon, together with all the papers in the case, to the Commissioner of Indian Affairs.

3rd. The Commissioner of Indian Affairs, upon the receipt of such report and papers, shall advise the Indian claimants and the president or other proper officer of said railroad company of the amount of damage awarded, and shall allow the several parties reasonable time, not exceeding sixty days, to submit any reasons why said award should not be affirmed; and the Commissioner may, if he should think it advisable, after objections have been made, return to the agent for further

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proof and a supplemental report thereon that portion of his findings to which there are objections.

4th. Upon the receipt of such reasons or supplemental report, or the expiration of said period, the Commissioner of Indian Affairs may, if he deem proper and just, increase or reduce the sum awarded by the said agent, or may approve or disapprove in whole or in part, or in other particulars, the award of said Indian Agent, and shall transmit the papers, with a report of the facts in the case and his opinion thereon, to the Secretary of the Interior, who, in case he shall approve the action of the Commissioner of Indian Affairs, or any portion thereof, shall make demand upon the proper officer of said railroad company for payment of the sum so awarded, and it shall be the duty of said company to pay the amount thereof without unnecessary delay.

R. E. HAYES).

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STAR VINDICATOR

McAlester, Ind. Ter.
Sept. 1, 1877
Vol. 4, No. 29
G. McPherson, Editor

A STRANGE ORDER

Office of Indian Affairs,
U. S. Union Agency,
Muskogee, I. T., August 28th, 1877.

Mr. James J. McAlester,
McAlester, I. T.

Sir:

I am directed by the Indian Department, to notify you that: "It is a settled principle in law, that a citizen can divest himself of his citizenship while within the country to which he owes allegiance."

He may marry an Indian woman, be adopted into an Indian tribe, be recognized by the Indians in every sense as a member of such tribe; but he is nevertheless a citizen of the United States.

It is also a settled principle that no citizen can trade with Indians without first obtaining a license,

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authorizing such trade; . . . 'that you are violating the law, and subjecting yourself to its penalties; that you will at once cease to trade, and close up your store, until you have complied with the requirements of law."

Respectfully,

Your obedient, Ac.,

S. W. MARSTON,

U. S. Indian Agent.

The above notice was handed to us by Mr. McAlester, and we fail to see by what authority of law the Department can be acting under. It seems to us that this is certainly a piece of persecution, originating with some of McAlester's enemies, as we have made inquiry and failed to find that the order has been served upon other merchants in the Nation, coming under the same status as McAlester's. It is evident that such an order, emanating from the Indian Department, should have been general and not confined to one person or firm.

The treaty of 1866, sec. 38, says: "Every white person who having married a Choctaw or Chickasaw, resides in the said Nations or has been adopted by the legislative authority, is to be deemed a member of said Nation, and shall be subject to the laws of said Nation according to

his domicile, and to prosecution and trial before their tribunals, and punishment according to their laws, in all respects as though he was a native Choctaw or Chickasaw."

Sec. 39: "No person shall expose goods or other articles for sale as a trader without a permit.

But no license shall be required to authorize any member of the Choctaw or Chickasaw tribe to trade in the Choctaw or Chickasaw country."

This is the paramount law of our country, and we certainly see nothing in it to justify the issue of any such order as the above, and are satisfied, upon a due investigation of the law, the Department will find they are in error, and revoke the order; thereby doing justice to a Nation of people who have been imposed upon too much already.

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STAR VINDICATOR

McAlester, Ind. Ter.
Sept. 15, 1877
Vol. 4, No. 31
G. McPherson, Editor

EDITORIAL ON TAXES IN THE CHOCTAW AND CHICKASAW NATIONS

Under the late decision of the Secretary of the Interior no taxes can be collected in this country from any persons whatever. The Choctaw and Chickasaw Nations can no longer COMPEL the Osage Coal company to pay royalty on coal to said Nations. That will be a matter entirely between the company and the individual owners of the mines. Nor can any taxes be collected on goods of licensed traders. The XVI article of the treaty of 1855 allows the Choctaw and Chickasaw Nations the privilege of collecting "A MODERATE ANNUAL COMPENSATION FOR THE LAND AND TIMBER USED" by licensed traders, but this is all. The Nations cannot levy a tax on any person or anything. This is settled beyond the possibility of a doubt. The decision completely covers the whole tax question, and tells the Nations just what they must comply with before they can pass any law on this subject.

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STAR VINDICATOR

McAlester, Ind. Ter.
Sept. 15, 1877
Vol. 4, No. 31
G. McPherson, Editor

CHOCTAW-CHICKASAW TAX LAW

(Here is the decision of Mr. Harston promulgated last January, but overruled at the time by Commissioner Smith. The decision is now fully sustained. -- ED.)

Office of Indian Affairs,
U. S. Union Agency,
Muskogee, I. T., Jan. 18, 1877.

To P. R. Goldsby, B. F. Colbert and others:

Petitioners to the U. S. Indian Agent of Union Agency, for relief from the burden of a tax of twenty-five (\$25.00) dollars imposed upon "white persons skilled in agriculture" (see treaty 1866, act. 43) by the Chickasaw Legislature, and approved by the Principal Chief, October 17th, 1876.

Sirs: In reply to your petition I would respectfully inform you that the said law above referred

to has never been submitted to this office for its approval as required by the treaty stipulations (see treaty 1855, art. 39) and hence it is null and void.

Furthermore, there is no law of any treaty allowing any Indian authorities to levy a tax upon the labor of United States citizens.

Very respectfully,

(signed) S. W. MARSTON,

U. S. INDIAN AGENT.

Department of Interior,
Office of the Secretary,
August 27th, 1877.

Sir:

I am in receipt of your communication of the 31st ultimo, submitting for the consideration of this Department a letter from S. W. Marston, U. S. Indian Agent at the Union Agency, Indian Territory, dated June 18, 1877, enclosing a letter of Dr. T. F. Ealy, who complains of the attempt of Gov. Overton, of the Chickasaw Nation, to collect a tax of twenty-five dollars (\$25.00) from him under the requirements of what is known as the "Permit Law," enacted by the Chickasaw legislature and approved by Governor Overton, October

17, 1876, a copy of which was transmitted.

From the papers transmitted it appears that Dr. Ealy is, and was at the time of the alleged attempt to collect the tax in question, an employee of the Indian office, acting as a teacher at a salary of one hundred dollars (\$100) per month, under the control of Agent Marston.

You submit for my consideration and opinion the question, whether said permit law possesses any validity whatever, or is null and void in toto. You also call my attention to a decision of my predecessor, contained in a letter dated April 15, 1876, and addressed to T. C. Sears, Esq., attorney for the M. K. & T. R. R. Co., which is as follows:

"Whatever power is possessed by the Choctaw Nation to impose taxes must be derived from some treaty or act of Congress of the United States. The right to impose taxes is not a right which has heretofore been exercised and claimed by the Choctaw Nation, as far as I am advised, and the only authority which has been conferred upon said Nation for imposing taxes is found in the 47th article of the treaty between the Choctaw and Chickasaw Indians, dated April 28, 1866, and proclaimed on the 10th of July following.

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As the power therein conferred provided only for a proper system of taxation which must be approved by the President before it shall possess any force or validity, and as, until such system is devised and approved, said treaty makes ample provision for the payment of the expenses for the Government of said Nation, as well as the support of a judicious system of education, no necessity would seem to exist for the raising of taxes by the Choctaw Nation. However that may be, the act in question does not comprehend a system of taxation and has not received the approval of the President, and hence, can have no force whatever as law."

The only other decision of this Department having any relation to the subject of taxation under said treaty, was made April 18, 1877. This decision was made upon the following statement of facts:

Mr. Marston, the present Indian Agent, whose letter is one of the enclosures submitted by you, decided that the permit law passed by the Chickasaw Nation was void, because it had not been submitted to him for his approval. Upon the promulgation of the agent's decision, Chief Cole of the Choctaw Nation, asked his removal in a letter addressed to the President of the United States. This letter was referred

to you for a report.

In your report, after a general review of the powers of legislation conferred upon the Choctaws and Chickasaws by the 7th article of the treaty of 1855, and the 43d article of the treaty of 1866, you made use of the following language:

"Upon the propriety or wisdom of this legislation I do not venture to express an opinion, the settlement of that is left exclusively to the Indians by the 7th article of the treaty of 1855. The action of the agent therefore, appears not to have been fully warranted, but there is no reason to suppose that it is due to anything more than erroneous judgement upon a question of law, and I see no reason for acceding to the demand of the principal Chief of the Choctaws for his removal."

It will thus be seen that the question then presented was not so much the validity of the law, as whether the agent should be removed for what was considered an improper assumption of authority, and, as the President, and not the agent, is the proper authority to decide whether the law should be approved, and the retention or the subject under discussion, the Department was expressed as follows: "It would appear that Agent Harston's offence was, at most only an error

of judgement upon a point of law, and I have this day written to Chief Cole to that effect, informing him that the agent cannot be removed for such cause."

There is nothing in this decision which indicates a different opinion from that expressed by my predecessor. If a different ruling was understood to have been intended, it must arise from the interpretation placed by you upon the meaning and intent of the 7th article of the treaty of 1855, and 43d article of the treaty of 1866. Upon this point your report reads as follows:

"It seems that this article (7) was intended to grant or guarantee to the Indians full control over any persons who were allowed to remain within their respective territorial limits, and that persons who are not citizens of the Nation could escape taxation only by removal from their Territory." This language requires an examination of the provisions, restrictions, and limitations of article 7, in order to determine how far your interpretations can be sustained. Article 7 reads as follows:

"So far as may be compatible with the constitution of the United States, and the laws made in pursuance thereof, regulating the trade and intercourse

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with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self government and full jurisdiction over persons and property within their respective limits, excepting, however, all persons with their property who are not by birth, adoption or otherwise, citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted if necessary, by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the Government, and their families; those peacefully traveling and temporarily sojourning in the country or trading therein under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States agent, to reside within their limits, without becoming citizens or members of either of said tribes."

By this article it will be seen that all persons with their property, who are not by birth, adoption or otherwise, citizens or members of either the Choctaw or Chickasaw tribe, were excepted from the government

and control of either the Choctaws or Chickasaws.

The evident intent of the article was to limit the government and jurisdiction of said Nations to persons who are members of either of the respective tribes.

In so far, therefore, as your report expresses the opinion that said Indians had "full control" over any persons who are allowed to remain in their respective territorial limits, and that persons who are not citizens of the United States could escape taxation only by removal from their Territory, I think you were in error.

Persons not members of either of said tribes, unless agents or employees of the Government with their families, possessed no rights within the limits of their Territory, and if not peacefully traveling, or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States, or remaining there by the permission of the Choctaws or Chickasaws with the assent of the United States agent, without becoming citizens or members of either of said tribes, might be expelled from said Territory.

But this was to be done by the United States agent, assisted, if necessary, by the military. The

Indians had no authority to expel such persons by virtue of the 7th article of the treaty of 1855.

In relation to the 43d article of the treaty of 1866 your report says: "By article 43 of the treaty of 1866, the United States stipulated to remove all white persons except Government officials or officers of any internal improvement company, or persons peacefully traveling, or temporarily sojourning in the Territory; exception being made however, in favor of teachers, mechanics or persons skilled in agriculture. In respect to these the United States and the Indians both agree that the power of the United States should not be exerted in behalf of their removal. Whether they should go or stay is a question to be settled by the parties in interest. If the Chickasaws should deem it best to effect their removal it is entirely competent for them to do so. If, on the other hand, the Chickasaws see fit to let them stay I do not see how the persons thus favored can complain if they are called upon by the Chickasaws to bear their share in support of the National Government. If such persons desire the protection of the United States they can readily obtain it by removing to some State or Territory where no Indian Nation, invested by solemn treaty with the unrestricted right of self government an

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jurisdiction over persons and property, can claim authority over them. Having voluntarily fled their responsibility as citizens of the United States, and come under the jurisdiction of this Indian Nation, they can not expect the Government to violate a treaty to relieve them from the consequences of their own act."

The 43d article of the treaty of 1866 reads as follows:

"The United States promise and agree that no white persons, except officers and agents and employes of the Government, and of any internal improvement company, or persons traveling through, or temporarily sojourning in said Nations or either of them, shall be permitted to go into said Territory, unless formally incorporated and naturalized by the joint action of both Nations into one of the said Nations of Choctaws and Chickasaws, according to their laws and customs or usages; but this article is not to be construed to affect parties heretofore adopted or to prevent the employment, temporarily, of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective Nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or to be taken to interfere

with or invalidate any action which has heretofore been had in this connection by either of said Nations, according to their laws and customs and usages."

By this article the United States agreed to prohibit all persons, except certain classes named, from entering their Territory, but at the same time it was provided that this prohibition should not extend to or be construed to include persons who had been heretofore adopted, nor those temporarily sojourning therein; nor to prevent the employment, temporarily by the Choctaws or Chickasaws, of white persons who were teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective Nations from authorizing works of internal improvement, such as they might deem essential to their welfare and prosperity. There is nothing in this article authorizing either the Choctaw or Chickasaw Nation to expel from their Territory any persons whom they might find there, nor are the means indicated by which the United States are to prohibit persons from entering the same. It may be reasonable to suppose therefore, that the same means would be used to prohibit persons from entering either Territory that are mentioned in the 7th article of the treaty of 1855, viz: The army of the United States. But this authority was not to be exercised as to

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such persons as had been adopted into either of said Nations, or to prevent the employment temporarily of white persons who were teachers, mechanics, or skilled in agriculture, etc. In other words the United States did not agree to prohibit these classes of persons from entering the Territory of said Nations.

If, therefore, there are persons now residing within the limits of the Territory of either of said Nations, who are teachers, mechanics, or skilled in agriculture, and they are employed, the United States will not undertake to remove them, nor can either of said Nations expel them unless for crime committed.

If there are persons residing within the limits of the Territory of either of said Nations, contrary to the provisions of the treaties of 1855 and 1866, who should be removed, it is the duty of the Choctaws and Chickasaws to call attention of the Government to them and ask for their removal.

The treaties with the Choctaws and Chickasaws set forth that the stipulations were to advance their permanent welfare, promote general civilization, and protect the best interests of their people, to encourage habits of industry, stimulate education and a knowledge of the useful arts. It was for these reasons that the

restrictions were so far modified in the classification of persons that were to be allowed to enter the Choctaw and Chickasaw country.

Without entering upon a discussion of the law of taxation, I concur in the opinion of my predecessor that the 47th article of the treaty of 1866 prescribes the only mode by which a system of taxation can be adopted by either of said Nations; and that until the provisions of that article are complied with neither of said Nations have any authority to pass or enforce a law on that subject.

These are conditions, precedent and subsequent, to be performed before such a right will exist, neither of which have been complied with.

You will therefore take the necessary steps, through the United States Indian Agent at the Union Agency, Indian Territory, to inform the Choctaws and Chickasaws, that further action under the Permit Law above mentioned, must cease.

I herewith return the papers transmitted with your letter the 31st ultimo.

Very respectfully,

C. SCHURZ, Secretary.

To the Commissioner of Indian Affairs.

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Department of the Interior,
Office of Indian Affairs,
Washington, D. C., Sept. 3, 1877.

S. W. Harston,
U. S. Indian Agent,
Muskogee, I. T.,

Sir:

Referring to your communication of the 18th June last, enclosing letter from Dr. T. F. Ealy, teacher of the freedmen school at Ft. Arbuckle, complaining of the attempt of Gov. Overton, of the Chickasaw Nation, to collect from him a tax of \$25, under the so-called "Permit Law" of said Nation, I have to say that the question of the validity of said law has been submitted to the Honorable Secretary of the Interior, who, on the 27th ultimo, rendered his decision to the effect that the same is null and void, and that all proceedings under it must cease.

He also decides: That neither the Choctaws nor Chickasaws have any authority to pass or enforce a law upon the subject of taxation, except under the provisions of article 47 of the treaty of April 28th, 1866, 14 stats. 769 -- in which article the approval of the

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President of the United States is required.

A copy of said decision is herewith inclosed, and you will at once notify the Choctaw and Chickasaw Nations of its purport, and inform them that the Department expects their prompt and strict compliance therewith.

Very respectfully,

(Signed)

J. Q. SMITH,
Commissioner.

STAR VINDICATOR

McAlester, Ind. Ter.
Sept. 15, 1877
Vol. 4, No. 31
G. McPherson, Editor

EDITORIAL ON TAXES IN THE CHOCTAW AND CHICKASAW NATIONS

The letter of Secretary Schurz to Commissioner Smith, which will be found on the first page of this week's paper, is the most important document ever issued from the Department. This permit tax, which has been such a drawback upon the improvement of the country, is now effectually and forever settled. Our people can now employ whom they please without any fear of their being troubled by the National authorities.

THE STAR has always contended that this was a privilege guaranteed the citizens of the Choctaw and Chickasaw Nations under the treaty, and it is gratifying to know that our views have at last been sustained by the highest authorities in the country; and the day is not far distant when our entire position on the Indian question will be adopted by the Government. Mark what we say! It is a long lane that has no turn, and the darkest night must sometime give way to a bright and

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glorious morning. Day dawns in the East, -- and the lowering clouds that have so long hung like a pall over us, binding us down to the dark ages of the past, will soon be lifted; and the new order of things, for which we have fought so hard and waited so long, will open upon us and bear us upward and onward to that "Higher Civilization" which we inscribed upon our banner when we first loosed our shallop from the shore and launched out upon the broad sea of journalism.

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THE STAR VINDICATOR

McAlester Choctaw Nation, I. T.
Saturday, January 5, 1878.
Vol. 4 No. 47
G. M'Pherson, D. M. Hailey, Editors

MEMORIAL OF DELEGATES OF CHICKASAW AND CHOCTAW NATIONS

To the Senate and House of Representatives
of the United States of America in
Congress Assembled:

The undersigned having considered the
provisions of Senate bill No. 107, reported with
amendments by Mr. Ingalls on the 14th of Novem-
ber, 1877, beg leave to submit the following
statement:

By the eleventh article of the treaty
of October 20, 1832, it is provided that the fund
created by the sale of lands of the Chickasaws
lying east of the Mississippi River shall be
invested by the United States "for the use and
benefit of the whole Chickasaw Nation," and
that "no part of said fund shall ever be used

for any other purpose than the benefit of the whole Chickasaw Nation."

The first article of the treaty of June 22, 1855, contains the following provision:

"The United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each member of either tribe shall have an equal undivided interest in the whole."

The seventh article of the treaty of June 22, 1855, contains the following provision: "So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits, excepting, however, all persons with their property, who are not by birth, adoption, or otherwise, citizens or members of either the Choctaw or Chickasaw

tribe."

The seventh article of the treaty of April 28, 1866, is in the following words: "The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: Provided, however, Such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations, respectively."

Article 38 of the treaty of April 28, 1866, is in the following words: "Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said Nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations, according to his domicile, and to prosecution and trial before their

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tribunals and to punishment according to their laws, in all respects as though he was a native Choctaw or Chickasaw."

Article 43 of the treaty of April 28, 1866, is in the following words:

"The United States promise and agree that no white person, except officers, agents and employes of the government, and of any internal improvement company, or persons traveling through or temporarily so journeying in the said nations, or either of them, shall be permitted to go into said territory, unless formally incorporated and naturalized by the joint action of the authorities of both nations in one of the said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from organizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community,

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or be taken to interfere with, or invalidate any action which has heretofore been had in this connection by either of the said nations."

The undersigned respectfully submit the following considerations as the grounds of their apprehension that the enactment of the provisions contained in Senate bill No. 107, as reported by Mr. Ingalls on the 14th of November, 1877, will result in violations of the foregoing treaty provisions:

We have no objection to the measure in so far as it permits citizens of our nations to become citizens of the United States, if upon such change of citizenship they leave our jurisdiction and surrender all rights growing out of and depending upon the tribal relation, retaining, however, all their separate property. But this bill expressly provides that after one of our citizens becomes a citizen of the United States he shall retain all his rights and interests in the lands, claims, annuities, funds and other property of our nations or tribes. The result of these provisions is that after he ceases to be a citizen of the

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Choctaw or Chickasaw Nation, he retains every right which he had while he was a citizen.

In the first place, if he shall have been a citizen of the Chickasaw Nation, he will, after he throws off his citizenship, retain his interest in the fund raised by the sale of their lands east of the Mississippi River, which is now held in trust by the United States; and yet it is expressly provided in article 11 in the treaty of October 20, 1832, that that fund shall be long to the Chickasaw Nation. The proposed statute will therefore violate the treaty, and will confer upon citizens of the United States, who are not citizens of the Chickasaw Nation a part of a large fund which the United States has covenanted shall be the property of the Chickasaw Nation. Certainly we could not be expected to consent that a treaty stipulation of such great importance to us should be annulled by an act of Congress.

In the next place, after one of our citizens throws off his citizenship, he retains all his rights and interest in our lands. This seems to us to be a violation of the first article of the treaty of

June 22, 1855, which guarantees our lands "to the members of the Choctaw and Chcikasaw tribes." The proposed statute gives an interest in our lands to persons who are not members of our tribes.

But the provisions securing to those citizens of our tribes or nations, who throw off their citizenship and become citizens of the United States, all their rights and interest in our lands secures to them the right to occupy lands within our country precisely as our citizens do. This, in opposition to the spirit of all our treaties, permits private persons, who are not our citizens, and who do not hold office under the United States, to remain in our midst, and that, too, without being subject to our laws; for the seventh article of the treaty of June 22, 1855, above recited, exempts citizens of the United States resident among us from the jurisdiction of our governments. This provision of the proposed bill will, therefore, place in our midst a body of people who are not amenable to our laws, and who will both directly and indirectly

SOUTH McALESTER NEWS

South McAlester, I. T.
Friday, Aug. 2, 1901
Vol. 11, No. 8
R. A. Caples, Editor

EDITORIAL ON G. W. DUKES, D. H. JOHNSTON ET AL

G. W. Dukes, D. H. Johnston and W. G. Holleman for themselves and the citizens of the Choctaw and Chickasaw Nations vs. T. A. Bounds, et al, is the title of a very interesting case argued before Judge Clayton Tuesday. In it the plaintiffs set forth that the defendants are not citizens of either nation but reside in and are citizens of the State of Texas, and that they have entered upon the Indian lands, and are fencing a large tract about four miles wide and five miles long, in the Choctaw nation, lying mostly in Township 4, Range 13 East, that such action is illegal and in defiance of the law and rights of the Indian citizens. Therefore the plaintiffs ask for a temporary restraining order to stop the building of the fence. The plaintiffs were represented by Mansfield, McMurray & Cornish

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and the defendants by Tom Taylor, and Grace & Humphreys.

After hearing all the arguments on both sides Judge Clayton announced that he would grant the temporary restraining order, and commanded that the papers and powers of attorney which the defendants claimed to hold be brought into court and the identity of the Mississippi Choctaws they claim to represent fully established.

This action of Bounds is in furtherance of the scheme of the Cotton Belt railroad company to grab valuable lands in this territory.

THE SOUTH McALESTER CAPITOL

South McAlester, Ind. Ter.

Sept. 5, 1901

Vol. 8, No. 39

Gines and Jobe, Editors

LETTER OF B. S. SWISER TO CHOCTAW AND CHICKASAW PEOPLE

South McAlester, I. T. Aug. 28

To the Choctaw and Chickasaw People:

In accepting a commission from the United States government as townsite commissioner for the Choctaw Nation, under the law of May 31, 1900, I have no doubt but that some will criticise my action, while others may do so from a lack of information as to my full reasons for so doing. Well knowing that the criticisms will come, I desire to explain my reasons for accepting commission, for the benefit of those who desire to know the facts, and to give me credit for an honest desire to benefit the Choctaw and Chickasaw people as well as my own pecuniary condition.

No one has been more strenuous in supporting the Atoka agreement than I have been or urged more strongly a strict compliance with its terms. I was

strongly opposed to the law of May 31, 1900, or the carrying out of its provisions, and constantly urged that it be contested by the two nations. No action was taken until the Supplementary agreement was framed, which agreement provided for the carrying out of the law of May 31, 1900, and ratified all work that had been done under it. At that time I was orally instructed by Gov. Dukes to assist in the appraisement of towns laid off under the law above referred to, and I fully expected that no further hitch would occur in the work. Congress had passed the law and representatives of both nations had agreed to the carrying out of the same. However, congress failed to take any action on the Supplementary agreement, and on July 1, 1901, Gov. Dukes instructed me not to assist in the appraisement of those towns laid off under the law of May 31, 1900. This practically stopped the work, so far as the nations were concerned, but the interior department proposed to proceed with the work under the above law, which the nations had proposed through their representatives that they would agree to, ostensibly to obtain certain concessions in citizenship matters. In proceeding with the work the interior department desired to appoint

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a member of the Choctaw tribe to represent the nations, as the law provides, and voluntarily offered me the appointment. At the time I was constrained to refuse to accept the position because I feared it would be viewed as a disloyal move toward the nations. I was told that if I did not take it some one else would, and perhaps some one who was not so well able by experience or otherwise, to protect the nations' interests; and that the department desired to do only what was for the best interests of the nations, under the circumstances, and under a law which it was compelled to carry out. The fact that I was offered the position, appeared to me -- and many of our people with whom I advised -- to indicate strongly the desire of the department to do the best for the two nations, under the circumstances and the existing law and proposed agreement. This was apparent to me because I had always zealously strived to protect the interests of the nations, and no one was more familiar with this fact than were the officers of the interior department. In fact I had at times incurred their displeasure by refusing to comply with instructions, which I considered in violation of the Atoke agreement, and in the interest of the two nations.

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My previous experience in the work led me to believe that I could better serve the nations by remaining with the commission than by retiring and forcing the department to appoint a man with no experience. I was of the opinion, and am yet of the opinion, that the towns should have been laid off under the Atoka Agreement, and that the townsite provision in the Supplementary Agreement was a wrong step for the nations, but after a condition had been permitted to exist and grow to such proportions as the townsite work has been permitted to exist and grow, under our acquiescence, I believe in doing the thing that will be for the best interests of those concerned, and making the best of circumstances, that can not be altered. I feel that I can continue to serve the nation, and perhaps accomplish as much for their real interests, as I have been able to accomplish heretofore, because I do not believe that the department desires to wrong us; and I expect for this reason to be heard on behalf of the nations, the same as I have always been heard. Most of the rulings made by the department in the townsite work have been for the interest of the Indians, and in the two years which we have worked nearly or perhaps all the ques-

THE HEADRICK HERALD

Headrick, Oklahoma
Friday, October 7, 1904.
Vol. 1. No. 3.
Dr. A. R. Ligon, Editor.

CHIEFS PROTEST

Governor Douglass H. Johnston of the Chickasaws and Governor Green McCurtain of the Choctaws had a conference at Antlers relative to the sale of the segregated coal lands not under lease. Both chiefs agreed to sell land at public auction, as was originally stipulated in the treaties. The secretary of the interior has since changed the manner of selling these lands, and ordered that sealed bids be received in Washington.

The first of these lands to be thus sold were advertised for October 3. There are very few bids, and it is not believed any of these will be high enough to be considered. The chiefs are vitally interested, as the money for these coal lands goes to the tribes. They will go to Washington in person to see the bids opened, and will take attorneys with them. It is also understood that

they will make a strong fight to prevent the sale
of any more coal lands on the sealed bid plan.

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LEHIGH LEADER

Lehigh, Indian Territory
Thursday, January 5, 1905
W. H. Witmore, Publisher
Vol. 14 No. 10

EDITORIAL ON GREEN McCURTAIN AND D. H. JOHNSTON

Green McCurtain, Chief of the Choctaw Nation, and
D. H. Johnston, Chief of the Chickasaw Nation, have announced
that they will commence at once to deliver deeds to Indians
for the lands allotted them. There are 6,000 such deeds,
the chiefs having for a year refused to deliver the deeds,
in an effort to prevent their people from disposing of the
land. The chiefs have not wholly surrendered to the general
Government, for they declare they will deliver the deeds
without sending them to Washington for the signature of the
Secretary of the Interior. The controversy involves 4,000,-
000 acres of land.

THE NOWATA ADVERTISER

Nowata, Ind. Ter.,
June 16, 1903
Vol. 11 No. 12
Frank B. Long, Editor

A RESTRAINING ORDER

South McAlester.

United States Attorney Wilkins received a telegram from the department of Justice at Washington to obtain from the federal court a restraining order on the governors of the Choctaw and Chickasaw nations restraining the further delivery of deeds to allotments, which do not contain the approval of the secretary of the interior. Mr. Hitchcock has ruled that all deeds of allotment issued not bearing his approval are illegal and null and void, hence the request for a restraining order. Heretofore the deeds have only borne the signature of the governors of the Choctaw and Chickasaw nations.

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THE ARDMORE STATEMAN

Ardmore, Oklahoma

Sept. 21, 1906

Vol. 6, No. 36

Roy M. Johnston, Editor

SALE OF CHOCTAW-CHICKASAW LANDS

The unallotted lands of the Choctaw and Chickasaw Nations of the Five Civilized Tribes in Oklahoma will be sold at public auction under the direction of the secretary of the interior to the highest bidder at the times and places set out at the close of this article.

Bids should be submitted at the time and place of sale, either in person or by duly authorized agents upon presentation of power of attorney. Bids may also be submitted by mail and will be considered with the oral bids, and the land sold to the highest bidder, provided his bid equals or exceeds the minimum price advertised. Bids forwarded by mail should be addressed to the commissioner to the Five Civilized Tribes at the town where the sale is to take place and should state plainly the number of the tract bid on and the amount bid. Separate draft, certified check or money order for 26 per

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cent of each bid must be inclosed, same to be payable to Geo. H. Wise, disbursing agent.

Residence on land not required. Immediate possession given after approval of sale. Prospective bidders should personally, or by agent, inspect lands desired. Not more than 640 acres of land will be sold to one person in each nation. This includes land bought at any previous sale.

Free lists have been prepared by counties, containing descriptions of the various tracts by subdivisions and showing the minimum price on each tract. It will be impracticable to furnish all of these lists to each inquirer, and it is suggested that persons desiring such information specify the county or counties in which they are interested.

Blue-print maps of each county have been prepared showing the location of each tract of unallotted lands, the railroads and principal towns, and the approximate location of the drainage. These will be furnished upon application to J. G. Wright, commissioner to the Five Civilized Tribes, Muskogee, upon the payment of 50 cents for each county.

The lands are to be sold on the following terms: 25 per cent at the time of sale, 25 per

cent in one year and 50 per cent in two years, with 6 per cent interest on deferred payments.

For information as to climate, character of soil, rainfall, etc., prospective purchasers are referred to the director of the Oklahoma Geological Survey, Norman, Okla.

Chickasaw Nation

Grady County: Chickasha, 331 tracts, 16,-
983 acres, Nov. 12.

Stephens County: Duncan, 487 tracts,
36,056 acres, Nov. 13.

Jefferson County: Ryan, 661 tracts, 38,-
938 acres, Nov. 15.

Love County: Marietta, 718 tracts, 61,-
825 acres, Nov. 18.

Carter County: Ardmore, 680 tracts, 59,-
115 acres, Nov. 20.

Murray County: Sulphur, 258 tracts, 16,-
715 acres, Nov. 26.

Garvin County: Pauls Valley, 412 tracts,
20,648 acres, Nov. 25.

McClain County: Purcell, 213 tracts, 9,809
acres, Nov. 27.

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Pontotoc County: Ada, 458 tracts, 28,879
acres, Nov. 29.

Johnston County: Tishomingo, 408 tracts,
26,963 acres, Dec. 2.

Marshall County: Madill, 241 tracts,
14,170 acres, Dec. 3.

Choctaw Nation

Bryan County: Durant, 424 tracts, 18,-
637 acres, Dec. 4.

Atoka County: Atoka, 1,051 tracts, 98,-
907 acres, Dec. 5.

Coal County: Coalgate, 532 tracts, 43,-
173 acres, Dec. 9.

Huges County: Calvin, 371 tracts, 41,-
342 acres, Dec. 11.

Pittsburg County: McAlester, 1,346
tracts, 115,389 acres, Dec. 12.

Latimer County: Wliburton, 136 tracts,
10,547 acres, Dec. 16.

Haskell County: Stigler, 374 tracts, 25,-
700 acres, Dec. 17.

Leflore County: Poteau, 184 tracts, 13,-
142 acres, Dec. 18.

Pushmataha County: Antlers, 438 tracts,
37,829 acres, Dec. 19.

Choctaw County: Hugo, 514 tracts, 32,-
441 acres, Dec. 20.

McCurtain County: Idabel, 672 tracts,
45, 496 acres, Dec. 23.

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THE WELCH WATCHMAN

Welch, Ind. Ter.,
Thursday, Feb. 7, 1907
Vol. 6, No. 19
Scott Thompson, Editor

EDITORIAL ON CHOCTAW-CHICKASAW FREEDMEN

Senator Curtis is against the amendment transferring the Choctaw and the Chickasaw freedmen to the roll of citizens by blood. He will make a speech in opposition to it in the senate. Mr. Curtis says the same proposition has been before the house Indian committee and he was against it. Those who are opposing the amendment predict that it will be defeated in the senate. They add that if it should pass that body it would be stricken out by the conferees. It is understood that Chairman Sherman of the house Indian committee, who will be one of the conferees, has declared against the proposition. Senator Clapp and Senator Teller, who voted for it when it was before the senate Indian committee, will urge its adoption by the senate. Senator LaFollette is also said to be preparing a speech in favor of it.

THE WELCH WATCHMAN

Welch, Ind. Ter.,
Thursday, May 23, 1907
Vol. 6, No. 34
Scott Thompson, Editor

EDITORIAL ON RELEASE OF CHOCTAW LAWYERS

Mansfield, McMurray & Cornish of South McAlester have been released by Secretary of the Interior Garfield as attorneys for the Choctaw tribe of Indians. Word to this effect was received by the Commissioner to the Five Tribes Thursday. This does not indicate anything to the discredit of the McAlester firm as their services were dispensed with purely because the enrollment work of Choctaws and Chickasaws has been completed. The firm has represented the two Indian governments for seven years and received notoriety several years ago because of receiving from Indians an attorneys' fee of \$750,000 against the opposition of Secretary Hitchcock. While the Choctaw-Chickasaw citizenship court was in session in McAlester several years ago, this firm of attorneys was responsible for the knocking out of thousands

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of persons who sought citizenship to secure title
to Indian lands.

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THE MULBROW PRESS

Muldrow, Oklahoma
Friday, Nov., 15, 1907
Vol. 10 No. 32
E. A. Miller, Editor

EDITORIAL ON CHOCTAW-CHICKASAWS

Argument was heard in the court of appeals of the District of Columbia in suits for mandamus, involving the legality of the action of former Secretary Hitchcock in striking some 1,100 members of the Choctaw and Chickasaw tribes of the Indian territory from the rolls directed by congress to be made by him, and similar action in reference to several hundred members of the Creek and Cherokee tribes. The suits involved over \$5,000,000 worth of property in the Indian territory. On behalf of the government it was contended that the courts had no jurisdiction in the matter; that congress had conferred on the secretary of the interior the power to make the rolls and that this power was subject to review, if any injustice had been done, by congress alone. It was further contended that the action of the secretary in striking the people from

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the rolls was correct and that as a matter of fact they should not have been enrolled by him in the first place. It was claimed the Dawes commission having refused enrollment under the act of 1896, which first vested the commission with authority to make the rolls, that action was final, inasmuch as no appeal had been taken to the Indian territory courts. Counsel for the aggrieved Indians argued that the secretary of the interior was without jurisdiction or power to strike any names from the rolls, once they had been placed by him upon the final approved rolls of the respective tribes; that the statute gave him authority to enroll, and that as there was no statute conferring power to strike from the rolls, the original enrollment was in the nature of a judgment and not subject to be opened up by the secretary if he thought his original action was wrong. It was further contended that even if Mr. Hitchcock had authority to strike names from the rolls, the method he had adopted in the case was arbitrary and illegal, inasmuch as no notice or hearing was given the persons who had been stricken from the rolls.

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THE UNION REVIEW

Ardmore, Oklahoma
Thursday, July 9, 1908
Vol. 1, No. 46
J. K. ARMSTRONG, Editor

EDITORIAL ON CHOCTAW AND CHICKASAW INDIAN LAND

That the Indian lands from which all restrictions have been removed by act of Congress are becoming the object of grafters and land-grabbers is the statement of those who have been in the vicinity during the last several days. The tenderfoot, or the man unacquainted with the ways of the aborigine, stands just about as much chance in the speculation as the Indian himself.

Strangers from the east alight in the vicinity of Pauls Valley, Duncan, Chickasha or Lindsey, observe the fertility and the genuine productiveness of the soil and are pleased. The land belongs to the Choctaws, and the easterner starts out to locate the owner, but doesn't find him.

The reason is apparent. The Choctaw lives over with the Chickasaws, but the easterner doesn't know it, and after a few days' search goes back home. He will come again and pay the grafter a higher price.

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What is true of the Chickasaws and Choctaws also is true of the Seminoles, the Cherokees and the Creeks. They are a great people to remain away from home. Apparently they do not want to be defrauded of their land by the white man.

The grafter is another variety and does not give up so easily as his effete kindred from the Atlantic seaboard. He had dwelt among the Indians and has prospered. He knows the moods of the red man and does not hesitate to play upon them. When he discovers that the Choctaw is still within the state, for Miller Brothers carried away but a small per cent of the Indian inhabitants. His search continues, and usually he locates his man, secures a bargain and agrees to purchase, always at a small consideration, the property in question.

"There have been sold and contracted for at least 5,400,000 acres of the 9,000,000 acres from which the restrictions have been removed," said one of these grafters yesterday afternoon. "It is figured that 60 per cent of the Indians will sell upon a small amount of solicitation, 20 per cent will require some insistence, and the remaining 20 per cent will follow the example of the white man and buy up land himself.

"Twenty-five per cent has already been sold

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or contracted for and before the restrictions are finally removed on July 27, double the amount will have been exchanged.

"The consideration is usually from \$15 to \$25. This land will sell for \$40 to \$60 and sometimes more in the hands of a white man. Little competition comes from the tenderfoot. He is the man that the grafter expects to make him his money. Later on the tenderfoot will return and will secure the land second-handed."

All the purchasers are from Oklahoma or nearby states who know the commercial value of an Indian trade. Many Oklahoma City capitalists see in the bargain search, and the government is doing well to remove all clouds and other drawbacks which might inconvenience these gentlemen in reselling the property.

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JOHNSTON COUNTY DEMOCRAT

Tishomingo, Johnston County, Okla.

Friday, January 28, 1910

Vol. 7, No. 11

Edwin L. Lucas, Editor

EDITORIAL ON CHOCTAWS & CHICKASAWS

Judgment for \$606,936.08 was allowed by United States court of claims Monday in the case brought seven years ago by the Choctaw and Chickasaw nations against the United States, as remuneration for lands allotted to the Chickasaw freedmen.

J. F. McMurray of McAlester, Okla., attorney for the Choctaws and Chickasaws has unrelentlessly worked on the case for eight years and similar judgment was rendered by the court of claims in 1905, but was appealed in the supreme court.

In passing judgment, the court held that freedmen were not entitled to allotments given by the government and that hence the government would be required to pay for the lands taken from the Indians at the value of the lands, as appraised by the Dawes commission.

Forty-six thousand enrolled Indians will participate in this payment which will now have to be

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authorized by congress and which will be tacked on
the urgency deficiency bill which has already passed
the house.

The value of each tract of land given to
Chickasaw freedmen is fixed at \$130.16 by the court
of claims.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma
Saturday Noon, Feb. 5, 1910
Vol. 4, No. 6
ROY M. JOHNSON, Mgn'g. Editor

EDITORIAL ON CHOCTAW AND CHICKASAW INDIANS

Mr. McGuire, on January 25, 1910, introduced the following bill, which was referred to the committee on Indian affairs:

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, that the secretary of the interior be, and he hereby is, authorized and directed to re-examine the records in the custody of the commission to the five civilized tribes and in his department, and to enroll on the citizenship rolls of the Choctaw and Chickasaw nations all persons born prior to March fourth, nineteen hundred and six, and shown by said records to be of Choctaw or Chickasaw Indian blood, and who, on or prior to June twenty-eighth, eighteen hundred and ninety-eight, resided in said nation. No additional testimony shall be taken or received in any case except where the party has been enrolled as a Choctaw or Chickasaw

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freedmen and the examination records are silent as to the claimant's ancestry on either the father's or mother's side. In such cases additional testimony shall be admissible to establish the Indian blood and descent of the claimant. Upon the completion of the enrollment work under this act the secretary of the interior shall certify to the secretary of the treasury a correct list of all those persons now enrolled as freedmen who are of Indian blood and descent and who may be enrolled under the provisions of this act as citizens by blood, and for whose erroneous enrollment as freedmen any sum of money has heretofore been paid or found to be due to either or both of said nations; and the secretary of the treasury shall enter a charge against the funds now on deposit with his department to the credit of either of said nations of such amount, or shall deduct the same from any award or judgment subsequently certified to his department for settlement. Any person enrolled under this act shall be entitled to equal participation in the property of the Choctaws and Chickasaws with those whose names now appear on the citizenship rolls as approved on or before March fourth, nineteen hundred and seven.

WANTS ROLLS REOPENED

Washington,

Jan. 28.

Senator Dick has introduced a bill to authorize the transfer from the freedmen roll to the roll of citizen by blood of the Choctaw and Chickasaw nations of persons of Choctaw or Chickasaw blood on the side of either parent regardless of legitimacy of parentage. This is an attempt to reopen the rolls as came up in the Fleming suit and recently rejected by the supreme court.

OIL ROYALTY ORDER

Washington,

Jan. 29.

It is expected that next week the interior department will rescind its order of last spring, whereby oil operators were required to pay Indian lessors royalties on oil at a 41c a barrel basis. Since last spring the matter has been in controversy.

MAY AMEND CREAGER BILL

Washington,

Jan. 29.

Senator Gore has called a meeting of the Oklahoma congressional delegation to meet Monday to go over the Creager bill providing for winding up of the affairs of the five civilized tribes, and to agree on amendments. It is likely the bill will be so amended that the surface of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations will not be appraised as provided, but that the mineral will be appraised and the government given the preference right for a limited period to purchase the minerals at the appraised valuation.

The provision for a forest reserve of 1,500,000 acres in the southeastern part of the Choctaw and Chickasaw nations will be greatly reduced in acreage, if not eliminated entirely.

THE ARDMORE STATESMAN

Ardmore, Oklahoma
Saturday Noon, Mar. 19, 1910
Vol. 4, No. 12
ROY M. JOHNSON, Mgn'g. Editor

LETTER OF A. J. LEE TO THE STATESMAN

Washington dispatches in the Daily Oklahoman and also in the Ardmoreite state that the bill introduced by Mr. McGuire for the re-examination of the Choctaw and Chickasaw enrollment records had for its purpose the enrollment upon the Choctaw and Chickasaw rolls of thirteen thousand negroes. These statements are far from the truth, both as to what Mr. McGuire's bill is and as to what would be the result of its enactment into law. I inclose herewith copy of the McGuire bill. It will be seen that this bill directs the secretary to enroll any person shown by the enrollment records to be of CHOCTAW or CHICKASAW blood, and who moved to and in good faith settled in the Choctaw or Chickasaw nations prior to June 28, 1898.

The firm of Ballinger & Lee represents the great majority of all cases that would be considered under the McGuire bill, and our files disclose the fact that this firm represents nearly six hundred and forty-

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nine cases where the applicants are of mixed Indian and negro blood. That we represent sixty-three cases where the applicants received judgments from the United States court of the Indian Territory and are unquestionably of Choctaw or Chickasaw blood. Nearly all of these court claimants are democrats, and they are all without negro blood. Our firm represents four hundred and twenty-six cases who are not possessed of negro blood and are not court claimants, but are persons of Choctaw and Chickasaw Indian blood, and who were unjustly denied by the Dawes commission.

Persons who have a just claim to enrollment as citizens of the Choctaw and Chickasaw nations should write to Hon. Chas. H. Burke, chairman of the house committee on Indian affairs, Washington, D. C., and tell him whether they are mixed with white blood or negro blood. We emphatically deny that we are trying to pad the Choctaw and Chickasaw rolls with names of any persons who are not justly entitled to go upon them.

A. J. LEE.

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CONFERENCE ON CREAGER BILL

McAlester, Okla.,

March 15.

Ormande McHargie of New York, recently appointed attorney at Washington for the Choctaw nation, and D. C. McCurtain and E. B. Hill of this city, general attorneys for the Choctaws, are holding a conference in Fort Smith, Ark., with Governor Green McCurtain, principal chief, relative to the pending Creager bill for the settlement of tribal affairs.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma

Saturday, Noon, Sept. 16, 1911

Vol. 5 No. 38

Roy M. Johnson, Editor

EDITORIAL ON J. V. LOCKE & D. H. JOHNSTON

Oklahoma City, Okla., Aug. 23.

Thirty thousand Choctaw and Chickasaw Indians, whose hearts and tribal organizations are set upon having their landed estate, or more commonly termed the coal and asphalt lands, disposed of, so they can wind up their tribal affairs, will have to await the convenience of another congress, according to V. M. Locke, Jr., of Antlers, principal chief of the Choctaws, who has been here attending the national encampment of Spanish war veterans. The question was not reached during the special session, although representatives of the tribes, including the principal chief, spent many days at the national capital. There was a disposition among some of the departmental officials to sell the surface, which is in line with the McAlester idea, thus placing at the disposal of settlers

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in the neighborhood of 440,000 acres of rich Oklahoma land. Members of both tribes are against the piecemeal disposal. They want to turn loose the mineral deposits, as well as the surface.

"In the first place," said the principal chief, "the Indian wants to go out of business. It is costing him too much to handle his affairs, and he realizes the sooner he can get rid of these questions the better off he will be. If they succeed in selling the surface and leaving us with the mineral deposits, we will be crying for an opportunity to sell that for the next half a century. As it is, we have the active backing of white people for some sort of disposal, but once the white people get an opportunity to buy the surface, the Indian will be alone in his efforts to have the minerals sold. The general government has its ideas about conservation of the natural resources, and wants the minerals retained for such purposes, while we do not think we should be made to bear the brunt of this illustration, even for the sake of proving it a success. There are several things to be considered. Indians want representation when the deals are made; for, in the end, they have to make the conveyances, and they want the government to keep

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its promise and bear the expense of the disposition. One of the bills before congress provided that the Indian should pay the bills. If possible, we want to make the government do as it agreed."

According to the principal chief, the fullblood Indian is rapidly passing away, and in a few years he will be as rare as are veterans of the battle of San Jacinto.

"The red man, born and brought up under conditions favorable to a long life," explained the principal chief, "cannot adjust himself to the new-fangled way of living. He was taught to enter the forest and bring down his food with arrow or gun, and prepare it in the way to make it the most palatable. He can't sabe, let alone digest, the canned food of today. The Lord gave him faculties for existing in the open, unhampered and uncramped by rigors of law or decrees of society. He had as much air as he wanted; he could stretch across two townships if his fancy led that way, and, above all, what he had to eat and drink were pure by the Lord's standards. New conditions have circumscribed his free life until he is pinched, so to speak, and being forced to eat adulterated and sometimes embalmed foods, it doesn't comport with what he was taught

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or been used to. Then he worries. He knows he has a valuable estate, also knows that it is growing less as far as he is concerned. He is told that he is rich, but he can't cash in. All these things have a more or less undermining effect upon the fullblood. He is becoming a ready subject of tuberculosis and pneumonia."

According to Chief Locke, the Chickasaws and Choctaws have been liberal givers at the behest of the federal government. While in Washington recently, he "ran down" all the treaties affecting these two tribes, and found they had surrendered possession to about 20,000,000 acres of land and had received from the government but about \$3,000,000. They gave up 10,000,000 acres of land in Mississippi to come west, and since they got here have been crowded out of several million more.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma
Saturday noon, Nov. 11, 1911
Vol. 5, No. 46
Roy M. Johnston, Editor

PAYMENTS TO BE MADE TO CHOCTAW AND CHICKASAW

The per capita payment of \$50 each to be paid to the members of the Choctaw and Chickasaw tribes will result in turning loose in Ardmore a large sum of money. According to District Indian Agent S. A. Mills of this city, the total sum of money that will be paid to Indians who either live in Ardmore or who do their trading here will easily reach \$150,000.

Mr. Mills says that in order to avoid delay in payment in the cases of minors, all guardians and administrators should have their last annual report approved by the county court, otherwise payment to such guardians and administrators will be indefinitely delayed.

Robert G. Valentine, commissioner of Indian affairs, has issued a pamphlet containing the regulations governing the per capita payment to the enrolled citizens and members of the Choctaw, Chickasaw and Seminole tribes

of Indians in the state of Oklahoma, a brief resume of the contents of which is as follows:

The payment will be made out of any moneys belonging to said tribes now in the United States treasury; provided, that payments shall be made from "Indian moneys, proceeds of labor, royalties, grazing," etc., Choctaw and Chickasaw.

The payments will be based upon the final rolls of the citizens of the Choctaw and Chickasaw and Seminole nations, as approved by the secretary of the interior and corrected to date.

Payments to adults of the unrestricted class, in their own right, shall be made to them in person or by official check to their order, except where they are under legal disability.

Payments due unrestricted minors and adults under legal disability shall be made to their guardians or curators. If no legal guardian has been appointed, payment may be made to the father, mother or other relative.

Payments due adults of the restricted class, in their own right, shall be made to them in person or by official check, and in case of adults under legal disability to their legal guardians or curators.

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Payments due restricted minors, in their own right, shall not be paid to legal guardians or curators, except where, in the discretion of the officers in charge of the payment, payments should be so made.

Where payments are made to legal guardians, original letters of guardianship will not be required, but a copy thereof duly certified by the superintendent or special disbursing agent, or a certificate of the probate court, satisfactory to the officers in charge of the payment, will be accepted and filed with the account.

No payments will be made to administrators or executors, but where payment is due any person or persons as the heir or heirs of a deceased citizen or member of any of said tribes, such payment shall be made to the heirs in person or by check.

All suspended payments shall be held either in the treasury of the United States subject to proper requisition, or in the hands of the cashier and special disbursing agent of the Union agency, or such other officer of the interior may designate, to be disbursed under the supervision of the superintendent of the Union agency.

No arrangements will be made or allowed for the furtherance of the interest of any merchant, trader or

other creditor of the Indians, and neither said merchants, traders or creditors nor their representatives nor collectors of any kind shall be allowed in the office where the payments are being made while said payments are in progress.

Powers of attorney will not be recognized, nor will any order given by an Indian to another person for his share of the payment be honored.

JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Okla.,
Thursday, Jan. 4, 1912
Vol. 2, No. 33
EDWIN L. LUCAS, Editor

NOTICE TO CHICKASAW AND CHOCTAW CITIZENS

I have just returned from Washington where I was preparing the tax case for final hearing before the Supreme Court and considering with the committees and Congress a bill for the final settlement and payment for the Leased District. I will return to Washington about the middle of January and want to talk over these two matters with you and the other citizens before I leave. Each one of the questions involve millions of dollars and I do not feel like assuming the responsibilities without first discussing them with the citizens of the two tribes. We have called a meeting of the citizens of the two tribes to meet at Pauls Valley Thursday, January 11th, in the afternoon. This means a great deal to you and I want a meeting of hundreds of the citizens that day that I may lay before you the exact condi-

tions as they are and lay out a program for the coming year. The outlook is better, as I see it, to win both questions than it has ever been. I am enclosing you herewith a copy of a bill introduced in the House of Representatives by Honorable Charles D. Carter providing for the settlement of the Leased District. Mr. Carter is doing everything in his power to put this legislation through Congress. A proper adjustment of this means millions of dollars to the citizens of the Choctaw and Chickasaw Nations. Meet us at Pauls Valley on the 11th without fail.

Yours sincerely,

J. F. McMURRAY.

The ARDMORE STATEMAN

Ardmore, Oklahoma

May 25, 1912

Vol. 8, No. 20

Roy M. Johnston, Editor

INDIAN TAX DECISION

(The following is the decision in full handed down by the supreme court of the United States in the case of George W. Choate Et Al, plaintiffs in error, vs. M. F. Trapp, secretary of the state board of equalization et al., in error to the supreme court of the State of Oklahoma, commonly known as the tax decision, the opinion being delivered by Justice Lamar.)

The 8,000 plaintiffs in this case are members of the Choctaw and Chickasaw tribes. Each of them holds a patent to 320 acres of allotted land issued under the terms of the Curtis act (30 Stat. 507), which contained a provision "that the land should be non-taxable" for a limited time. Before the expiration of that period the officers of the State of Oklahoma instituted proceedings, with a view of assessing and collecting taxes on these lands lying within that state. The plaintiffs' application for an injunction was denied.

In order to understand the issues presented by the writ of error it is necessary to refer, as

briefly as possible, to certain well-known facts, and to material portions of lengthy statutes, under which the tribal property of the Choctaws and Chickasaws was divided in severalty among their members.

The Five Civilized Tribes owned immense tracts of land in territory that is now embraced within the limits of the State of Oklahoma. The legal title was in the tribes for the common use of their members. But the fact that so extensive an area was held under a system that did not recognize private property in land, presented a serious obstacle to the creation of the state which congress desired to organize for the government and development of that part of the country. And, in view of removing these difficulties, it provided (27 Stat. L. 645) for the appointment of the Dawes Commission, authorizing it to enter into negotiations with these tribes for the extinguishment of their title, either by cession to the United States or by allotment, in severalty, among their members. As might have been anticipated, the commission found that many of the Indians were greatly opposed to any change. "Some of them held passionately to their institutions from custom and patriotism, and others

held with equal tenacity because of the advantages and privileges they enjoyed." (20 H. R. Doc., 1903-4, p. 1.) After several years of negotiations their opposition was so far overcome that provisional agreements were made which contemplated most radical changes in the political and property rights of the Indians.

On April 23, 1897, the Daves Commission and the Choctaw and Chickasaw representatives made what is known as the Atoka agreement. It was incorporated bodily into the Curtis act of June 28, 1898 (30 Stat. 1. 505), and was modified by the act of July, 1902 (32 Stat. 657).

These two acts, containing what is known as the Atoka agreement and the supplemental agreement, provided that Indian laws and courts should be at once abolished; that there should be an enrollment of all the members of the tribes; and that the members of the two tribes should become citizens of the United States.

It was also provided, as appears from extracts copied in the margin (referring to the Atoka agreement) that each member of the tribe should have allotted to him his share of the land -- all of which "shall be non-taxable while the title remains in

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the original allottee"; that a part of the land could be sold after one year and all of it sold after five years; that the patents issued to the allottee "should be framed in conformity with the provisions of the agreement," and that the acceptance of such patent should be operative as an assent on his part to the allotment of all land of the tribes in accordance with the provisions of the agreement, and as a relinquishment of all his interest in other parts of the common property.

The complaint does not state when the plaintiffs received their patents, but the report of the Dawes Commission for the year ending June 1, 1904 (20 H. R. Doc. 27-42), shows that the enrollment and allotment had so far progressed as to make it fair to assume that most, if not all, of the patents had been issued, and that much of the land was alienable and all of it was non-taxable when, on Nov. 16, 1907, Oklahoma was admitted unto the union. The constitution of that state provided that all existing rights should continue as if no change in government had taken place, and that property exempt from taxation by virtue of treaties and federal laws should so remain during the force

and effect of such treaties or federal laws.

No taxes were assessed against the lands of the plaintiffs for the year 1907, but on May 27, 1908 (35 Stat. L. 312), congress passed a general act removing restrictions from the sale and incumbrance of land held by Indians of the class to which the plaintiffs belong. Another section provided that lands from which restrictions had been removed should be subject to taxation.

Thereupon proceedings were instituted by the State of Oklahoma, with a view of assessing the plaintiffs' lands for taxes. This they sought to enjoin, but their complaint was dismissed on demurrer. The case was carried to the supreme court of the state, which held that Oklahoma was not a party to any contract with the Indians; that the United States, by virtue of its governmental power over the Indians, could have substituted title in severalty for ownership in common without plaintiffs' consent, and that, for want of a consideration, the provision that the land should be non-taxable was not a contract, but a mere gratuity which could be withdrawn at will. The court thereupon overruled plaintiffs' contention that they had a vested right of exemption which prevented the state from taxing the land at this time and

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dismissed their suit.

1. There are many cases, some of which are cited in the opinion of the supreme court of Oklahoma (Thomas vs. Gay, 160 U. S. 271; Lone Wolf vs. Hitchcock, 187 U. S. 565), recognizing that the plenary power of congress over the Indian tribes and tribal property cannot be limited by treaties, so as to prevent repeal or amendment by a later statute. The tribes have been regarded as dependent nations, and treaties with them have been looked upon not as contracts, but as public laws which could be abrogated at the will of the United States.

This sovereign and plenary power was exercised and retained in all the dealings and legislation under which the lands of the Choctaws and Chickasaws were divided in severalty among the members of the tribes. For, although the Atoka agreement is the form of a contract, it is still an integral part of the Curtis act, and, if not a treaty, is a public law relating to tribal property, and as such was amendable and repealable at the will of congress. But there is a broad distinction between tribal property and private property, and

between the power to abrogate a statute and the authority to destroy rights acquired under such law. Reichert vs. Pelps, 6 Wall. 160. The question in this case, therefore, is not whether the plaintiffs were parties to the Atoka agreement, but whether they had not acquired rights under the Curtis act which are now protected by the constitution of the United States.

2. The individual Indian had no title or enforceable right in the tribal property. But as one of those entitled to occupy the land, he did have an equitable interest, which congress recognized, and which it desired to have satisfied and extinguished. The Curtis act was framed with a view of having every such claim satisfactorily settled. And though it provided for a division of the land in severalty, it offered a patent of non-taxable land only to those who would relinquish their claim in the other property of the tribe formerly held for their common use. For, the Atoka agreement, after declaring that "all land allotted should be non-taxable," stipulated further that each enrolled member of the tribes should receive a patent framed in conformity with the agreement,

and that each Choctaw and Chickasaw who accepted such patent should be held thereby to assent to the terms of this agreement and to relinquish all of his right in the property formerly held in common.

There was here, then, an offer of non-taxable land. Acceptance by the party to whom the offer was made, with the consequent relinquishment of all claim to other lands, furnished a part of the consideration, if, indeed, any was needed, in such a case, to support either the grant or the exemption. *Wisconsin, etc., R. R. vs. Powers*, 191 U. S. 386; *Home vs. Rouse*, 8 Wall. 437; *Tonlinson vs. Jessup*, 15 Wall. 458. Upon delivery of the patent the agreement was executed, and the Indian was thereby vested with all the right conveyed by the patent, and, like a grantee in a deed poll, or a person accepting the benefit of a conveyance, bound by its terms, although it was not actually signed by him. *Keller vs. Ashford*, 133 U. S. 621; *Hendricks vs. Lindsay*, 93 U. S. 143.

As the plaintiffs were offered the allotments on the conditions proposed; as they accepted the terms and, in the relinquishment of their

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claim, furnished a consideration which was sufficient to entitle them to enforce whatever rights were conferred, we are brought to a consideration of the question as what those rights were.

3. On the part of the state it is argued that there was, in fact, no tax exemption, but that the provision was only intended to guard absolutely against alienation of the land, whether for taxes, or at judicial sale, or by private contract. In other words, it is said that the tax exemption was only an additional prohibition against a sale, so that when the restrictions against alienation were removed by the act of 1908 (35 Stat. 312), the provision as to non-taxability went as a necessary part thereof.

But the exemption and non-alienability were two separate and distinct subjects. One conferred a right and the other imposed a limitation. The defendant's argument also ignores the fact that, in this case, though the land could be sold after five years, it might remain non-taxable for sixteen years longer, if the Indian retained title during that length of time. Restrictions on alienation were removed by lapse of time. He could

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sell part after one year, a part after three years and all after five years. The period of exemption was not coincident with this five-year limitation. On the contrary, the privilege of non-taxability might last for twenty-one years, thus recognizing that the two subjects related to different periods, and that neither was dependent on the other. The right to remove the restriction was in pursuance of the power under which congress could legislate as to the status of the ward and lengthen or shorten the period of disability. But the provision that the land should be non-taxable was a property right, which congress undoubtedly had the power to grant. That right fully vested in the Indians, and was binding upon Oklahoma. Kansas Indians, 5 Wall. 737 (1), 756; United States vs. Rickert, 188 U. S. 432.

4. The record contains no copy of any of the patents under which the plaintiffs hold. But the act provided that they should be framed in conformity with the Atoka agreement. Those who signed the patent could not convey more rights than were granted by that part of the Curtis act, nor could they, by omission, deprive the patentee of any exemption to which he was thereby entitled. The

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patent and the legislation of congress must be construed together, and when so construed, they show that congress, in consideration of the Indians' relinquishment of all claim to the common property, and for other satisfactory reasons, made a grant of land which should be non-taxable for a limited period. The patent issued in pursuance of those statutes gave the Indian as good a title to the exemption as it did to the land itself. Under the provisions of the fifth amendment there was no more power to deprive him of the exemption than of any other right in the property. No statute would have been valid which reduced his fee to a life estate, or attempted to take from him ten acres, or fifty acres, or the timber growing on the land. After he accepted the patent the Indian could not be heard, either at law or in equity, to assert any claim to the common property. If he is bound, so is the tribe and the government when the patent was issued.

5. It is conceded that no right which was actually conferred on the Indians can be arbitrarily abrogated by statute. But as it is claimed that he, in fact, acquired no valid exemption, since it stands on a different footing from the

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grant of the land itself; and that, though the provision of non-taxability added to the value of the property, it can be withdrawn, because, if not a gratuity, it is at least subject to the general rule that tax exemptions are to be strictly construed and are subject to repeal unless the contrary clearly appears. *Welch vs. Cook*, 97 U. S. 541; *Christ Church vs. Philadelphia*, 24 How 300; *Wisconsin, etc., R. R. vs. Powers*, 191 U. S. 379; *Tucker vs. Ferguson*, 22 Wall. 527; *West Wisconsin Ry. vs. Board of Supervisors*, 93 U. S. 595, are cited in support of this proposition. Some of these cases construe general statutes containing, not a grant, but an offer of exemption to such companies as should do certain work or build certain lines of road before a given date. They hold that a statute making such an offer might be repealed, even as against those companies which actually built in reliance on its terms. But these rulings are based on the theory that "the legislature was not making promises, but framing a scheme of public revenue and public improvement" (*Wisconsin, etc., vs. Powers*, 191 U. S. 387). The companies gave nothing and the state

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received nothing in exchange for the offer. There was no consideration moving from one to the other. Such exemption was a mere bounty, valuable as long as the state chose to concede it, but as tax exemptions are strictly construed, it could be withdrawn at any time the state saw fit.

6. But in the government's dealings with the Indians, the rule is exactly the contrary. The construction, instead of being strict, is liberal; doubtful expressions, instead of being resolved in favor of the United States, are to be resolved in favor of a weak and defenseless people, who are wards of the nation, and dependent wholly upon its protection and good faith. This rule of construction has been recognized, without exception, for more than a hundred years, and has been applied in tax cases.

For example, in *Kansas Indians*, 5 Wall. 737, 760, the question was whether a statute prohibiting levy and sale of Indian lands prevented a sale for state taxes. The rule of strict construction would have compelled a holding that the property was liable. But Justice Davis, in speaking for the court, said that "enlarged rules of construction are adopted in reference to Indian

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treaties." He quoted from Chief Justice Marshall, who said that "the language used in treaties with the Indians shall never be construed to their prejudice, if words be made use of susceptible of a more extended meaning. . . ." Again, in Jones vs. Meehan, 175 U. S. L, it was held that "Indian treaties must be construed, not according to the technical meaning of their words, but in the sense in which they would naturally be understood by the Indians." In view of the universality of this rule, congress is conclusively presumed to have intended that the legislation under which these allotments were made to the Indians should be liberally construed in their favor in determining the rights granted to the Choctaws and Chickasaws.

The provision that "all land shall be non-taxable" naturally indicated that the exemption is attached to the land -- only an artificial rule can make it a personal privilege. But if there is any conflict between the natural meaning and the technical construction -- if there were room for doubt, or if there were any question as to whether this was a personal privilege and repealable, or an incident attached to the land itself for a limited period, that doubt, under this rule, must be resolved in favor of the patentee.

The decision in *New Jersey vs. Wilson*, 7 Cranch 164, is directly in point here and especially as to the quality of the exemption. It appeared there that the Delaware Indians had claims to lands in that state lying south of the River Rariton. An agreement for a release of the claim was made between the commissioners and the Indians, under which the latter were to receive a conveyance to a large body of land in fee. The agreement was approved by the state by an act which, among other things, declared that the land "should not hereafter be subject to any tax." The Indians, after many years, sold the land, and the state subsequently passed a statute repealing the exemption. This court, speaking by Chief Justice Marshall, held that "every requisite to the formation of a contract is found in the proceedings between the then colony of New Jersey and the Indians. The subject was a purchase on the part of the government of extensive claims of the Indians, the extinguishment of which would quiet the title to a large portion of the province. A proposition to this effect was made, the terms stipulated, the consideration agreed upon, which is a tract of land with the privilege of exemption from taxation; and then, in consideration of the

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arrangement previously made, one of which this act of assembly is stated to be, the Indians executed their deed of cession. This is certainly a contract clothed with forms of unusual solemnity. The privilege, though for the benefit of the Indians, is annexed by the terms which create it, to the land itself, not to their persons." And it was thereupon held that the right was not affected by the later statute repealing the exemption. The case here is much stronger. For the tax exemption, which adds value to the property, is not perpetual, but is attached to the land only so long as the Indian retains the title, and in no event to exceed twenty-one years. It is property, and entitled to protection as such, unless the fact that the owner is an Indian subject to restrictions as to alienation made a difference.

7. There have been comparatively few cases which discuss the legislative power over private property held by the Indians. But those few all recognize that he is not excepted from the protection guaranteed by the constitution. His private rights are secured and enforced to the same extent and in the same way as other residents or citizens of the United States. In re Heff, 197 U. S. 504;

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Cherokee Nation vs. Hitchcock, 187 U. S. 307; Smith vs. Gooddell, 20 Johns. (N.Y.) 188; Lowrie vs. Weaver, 4 McLean 82; Whirlwind vs. Vanderahe, 67 Mo. App. 628; Taylor vs. Drew, 31 Ark. 487. His right of private property is not subject to impairment by legislative action, even while he is, as a member of a tribe and subject to the guardianship of the United States as to his political and personal status. This was clearly recognized in the leading case of Jones vs. Meehan, 175 U. S. 1. There it appeared that an Indian chief owned in fee land which fronted on a stream. The chief died, and in 1891 his son and heir, during the continuance of the tribal organization, let the land to Meehan for ten years. In 1894 he again let the same property to Jones for twenty years. In that year the secretary of the interior was authorized by congress to approve the lease to Jones if the latter would increase the rental. This he did, and with the assent of the Indian and the secretary of the interior a lease was made to Jones. In the litigation which followed Meehan relied on the first contract made in the exercise of the Indian's right of private ownership. Jones relied on that made under congressional authority, and although the Indian was a member of

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the tribe and much more subject to legislative power than these plaintiffs, the court held that the subsequent act could not relate back so as to interfere with the right of property which the Indian possessed and conveyed as an owner in fee, and while congress had power to make treaties, it could not affect titles already granted by the treaty itself.

Nothing that was said in *Tiger vs. Western Investment Co.*, 221 U. S. 286, is opposed to the same conclusion here. For that case did not involve property rights, but related solely to the power of congress to extend the period of the Indian's disability. The statute did not attempt to take his land or any right of member or appurtenance thereunto belonging. It has left that as it was. But, having regard to the Indian's inexperience, and desiring to protect him against himself and those who might take advantage of his incapacity, congress extended the time during which he could not sell. On that subject, after calling attention to the fact that "Tiger was still a ward of the nation, so far as the alienation of these lands was concerned, and a member of the existing Creek Nation," it was said that "incompetent persons, though citizens, may not have the full right to control their property,"

and that there was nothing in citizenship incompatible with guardianship, or with restricting sales by Indians deemed by congress incapable of managing their estates.

But there was no intimation that the power of wardship conferred authority on congress to lessen any of the rights of property which had been vested in the individual Indian by prior laws or contracts. Such rights are protected from repeal by the provisions of the fifth amendment.

The constitution of the State of Oklahoma itself expressly recognizes that the exemption here granted must be protected until it is lawfully destroyed. We have seen that it was a vested property right which could not be abrogated by statute. The decree refusing to enjoin the assessment of taxes on the exempt lands of plaintiffs must therefore be reversed, and the case remanded for further proceedings not inconsistent with this opinion.

Reversed.

JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Okla.,
Thursday, Nov. 14, 1912
Vol. 3, No 26
ROBERTSON & GEERS, Editors

MILLIONS ACRES IN INDIAN LAND SALE

Muskogee, Okla.,

Nov. 11th.

More than 1,000,000 acres of Indian land, both allotted and unallotted will be offered for sale within the next forty five days. With a timber sale scheduled for today, and the attempt to be made to have congress at the December session authorize the sale of the coal, timber and asphalt land outright, it looks like a busy season for those having in charge the affairs of the Indians in Oklahoma.

The sales of the unallotted lands will be conducted by J. George Wright assisted by special district deputies and field men who will have charge of the allotted lands which have been advertised.

The land sale starts at Chickasha, Grady county, on

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Tuesday, where 16,938 acres of unallotted land and about 500 acres of allotted land is to be offered. The sales are so advertised that both the allotted and unallotted lands will be offered in each county sale on the same day, the allotted land being offered last.

In the sale of the unallotted land, 25 per cent of the purchase price must be paid at the time of the sale, 25 per cent in one year and 50 per cent in two years, deferred payments to draw 6 per cent interest. The terms of the sale of the allotted lands are controlled by the Indian agent. The unallotted lands are in the Choctaw and Chickasaw nations, the largest acreage being in Atoka and Pittsburg counties, and the smallest in McLain county. In Pittsburg county, 118,398 acres are to be offered and in Atoka county 100,000 acres. The sale closes at Idabel, McCurtain county, December 23.

The sale in this, Johnston county, will be held in Tishomingo on December 2.

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JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Oklahoma

Thursday, January 2, 1913

Vol. 12, No. 7

Robertson & Geers, Editors and Prop.

EDITORIAL ON GEO. J. WRIGHT

Muskogee, Okla.,

Dec. 31.

J. George Wright, commissioner of the Five Civilized tribes, today completed his recapitulation of the recent sale of unallotted land in the Choctaw and Chickasaw nations. The report shows the following:

Number of tracts offered, 11,078. Number sold, 9,210. Acres sold, 709,718. Acres unsold, 107,068. Amount realized from sale, \$3,720,000. Average price per acre, \$4.54.

The land in the Choctaw nation failed to bring anything like the land in the Chickasaw nation, the average for the Chickasaw nation exceeding \$6 per acre. It is now up to the secretary of the interior to provide some method for disposing of the unsold land, practically

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all of which is wild and mountainous and away from
railroads.

THE TISHOMINGO LEADER

Tishomingo, Johnston County, Okla.

Friday, May 29, 1914

Vol. 1, No. 38

J. E. McClung, Editor

EDITORIAL ON CHOCTAW AND CHICKASAW INDIANS

The time has come for the closing up of the affairs of the Choctaw and Chickasaw Indians, and payment by the government of the funds belonging to them. These payments are being held back as we believe, to allow certain parties, through their attorneys, time to get upon the rolls, and absorb the cash on hand in lieu of lands already received by members of the tribes.

The Senators and Representatives in Congress from this state should join in an effort to secure this payment. It may be predicted that, any man seeking office at the hands of the people, who is in favor of opening the Indian rolls, or who does any thing to prevent immediate payment of this just annuity, will not receive the support of the people in the future. The time has come for immediate action.

This is not right; the rolls have been closed and should not be opened to satisfy grafters and grafting attorneys who have contracts for 50% or the amount recovered. There are hundreds of Indians who are sorely in need of the money justly coming to them. They need the money to buy grain, seeds for planting, and other necessities. Congress should authorize the payment of this money at once.

The press and people should unite in terms of demand for immediate payments.

If any person can give a reason for re-opening the rolls and delaying the prompt payments of these annuities to the Indians, of the moneys to which they are justly entitled, we will gladly publish same.

JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Oklahoma

Thursday, May 25, 1916

Vol. 13, No. 39

W. C. Geers, Editor

EDITORIAL ON CHOCTAW AND CHICKASAWS

The 11,981 restricted Choctaw and Chickasaw Indians who were left under government supervision at the time Congress removed the restrictions on a majority of the members of these tribes are to be given a chance at complete self control through the work of the competency commission which has just been sent into the field by Secretary of the Interior Franklin K. Lane. Tests of the competency of individual Indians will be made during the next three or four months and those who are able to make proper showing will be made citizens in the fuller sense of the word; cut loose from government supervision altogether and placed in complete control of their own affairs.

The members of the competency commission who have just arrived in McAlester, are Frank A. Thackery, chairman of the commission, and Julian H. Fleming, associate member. They will visit the Indians personally at their

homes and examine into their qualifications to manage their own business affairs. It is estimated that the work will require at least three month's time.

The acts of Congress removing restrictions left 2,481 restricted Chickasaws and 9,500 restricted Choctaws, a total of 11,981 in the two tribes.

It will be the first work of a competency commission among Oklahoma Indian tribes Mr. Theckery said.

Free Indian Government Goal

Under the long continued plan of government supervision, the American Indian has become a bewildered people, Secretary Lane declared in his last annual report to congress. Removed from home to home and finally placed under a supervision where government agents hold their money, buy their food, build their homes and look after the most minor details of private affairs the Indians are at a loss to know just what their status in society has become. But "the way out is gradually and wisely to put the Indian out," Secretary Lane declares. "Our goal is the free Indian. The orphan asylum idea must be killed in the mind of the Indian and the white man. The Indian should know that he is upon the road to enjoy or suffer full capacity."

The government's plan to bring this about is set forth by Secretary Lane as follows:

"What should the test be in passing upon the fitness of one who is to be sent out into the world? Plainly his ability to handle himself, to care for himself so that he will not become a charge on the community. To be a rich Indian is not a qualification, for his wealth may indicate, and generally does, nothing more than good fortune. In the land lottery some drew prizes and some blanks. Nor should the degree of blood be the test, nor education. For many of those who are wisest in counsel and most steady in habits and sturdy in character are uneducated full-bloods. The man who can do for himself is the man to be released. And he is the man who thinks not in terms of the Indians' tomorrow. One whose imagination can take that leap and whose activities will not lag behind. It is to be remembered that we are not looking for an ideal Indian nor a model citizen, but for one who should no longer lean upon the government to manage his affairs.

"We are for control less and to help more.

Paternalism is to give way to fraternalism. The teachers we need are helpers, farmers and nurses, who may not know

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how to write ideal reports but to know how to trust and secure trust. There is no way by which an Indian can be made to do anything, but experience justifies the belief that there are many ways by which he can be led.

"To turn the Indian loose from the bonds of government control, not in great masses, but individually, basing this action upon his ability to watch his steps and make his way, not in any fool's dream that he will advance without tripping, but in the reasonable hope that he will develop self-confidence as he goes along; to destroy utterly the orphan asylum idea, giving charity only to the helpless and in gravest emergencies: to teach the Indian that he must work his way, that the government will no longer play the part of Elijah's raven; to convert the young to our civilization through the creation of ambitions and desires which the blanket life cannot satisfy; to organize each group of Indians into a community of sanely guided co-operators, who shall be told and taught that this government is not to continue as an indulgent father, but as a helpful, experienced and solicitous elder brother; this program we are adventuring upon. it may be inadequate, but it is surely a long step on

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the road.

"To carry out this policy there should be a continuity of purpose within Congress and within this department. The strength of the administration should be turned against the two enemies of the Indian; those who, out of sentiment or for financial reasons, keep the Indian's mind turned backward upon the alleged glories of other days and the injustices that have been done him, and those who would unjustly take from him the heritage that is his. The demands now being urged that reservations shall be broken up to make way for the white men who can use the lands to better advantage should be resisted, unless it can be shown that the Indians under proper stimulus will not use these lands, or that by the sale of a portion the Indians would be enabled to make greater use of the remainder. The Indian is no more entitled to idle land than a white man. But speculation is no use; and the Indian must be regarded as having the first call upon the lands which are now his, at least, until the white men are willing to surrender their lands when not used. Idle Indians upon idle lands, however, must lead to the sale of the lands, for the pressing populations of the West will not long

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look upon resources unused without strenuous and effective protest, and the friend of the Indian who would give him his chance and would save for him his property is he who keeps in mind the thought of his future instead of his past, and that future depends upon his willingness to work."

The work among the Choctaws and Chickasaws, carrying out the policy of the government thus outlined, will begin within the next few days.

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JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Oklahoma
Thursday, June 29, 1916
Vol. 13, No. 44
W. C. Geers, Editor

NEWS ITEM OF CHICKASAWS

Washington, June 26.

Rules and regulations governing per capita payments to Choctaws and Chickasaw Indians of Oklahoma, amounting to about \$7,500,000. were approved by Secretary Lane of the Interior Department and give wide discretion to Gabe E. Parker, superintendent of the five tribes at Muskogee, through whom the payments are to be made. Representatives Carter, Hastings, Murray and Thompson of the Oklahoma delegation, who have frequently been in conference with officials of the Interior Department and the Indian office concerning details of the distribution, believe payments will begin early in July.

The money is to go by check through the mails from the superintendent's office and the full amount will be paid to all adult Indians, restricted and unrestricted,

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except where the payee is under a legal disability or is known by the superintendent of the five tribes to be incapable. Payments for children are to be made to the guardians, where guardians have legally been appointed and regularly approved and are under safe bond. In case there is no guardian, payments for children are to be made to the parents, providing they fall within the acceptable class as adults.

There are about 21,000 Choctaws who will receive \$300 each and 6,300 Chickasaws, who will receive \$200 each. The payments were authorized by a provision in the Indian appropriation bill which passed Congress several months ago.

CAPITAL-DEMOCRAT

Tishomingo, Johnson County, Oklahoma
July 21, 1921
Vol. 12, No. 40
O. C. Geeks, Editor

NEWS ITEM OF CHOCTAW AND CHICKASAWS

Muskogee, Ok., July 15.

Members of the Choctaw and Chickasaw tribes will receive \$1,350,000 in per capita payments, beginning Aug. 15, it was announced by Indian Superintendent Victor Locke Thursday. In the Choctaw tribe 20,700 members will receive \$50 each, while 6,300 members of the Chickasaw tribe will get the same. Payments will be made for several months.

CAPITAL-DEMOCRAT

Tishomingo, Johnson County, Oklahoma
December 22, 1921
Vol. 12, No. 40 (Vol. 28, No. 22)
O. C. Geeks, Editor

EDITORIAL ON MANSFIELD, McMURRAY AND CORNISH

An echo of the old Mansfield, McMurray and Cornish suit to recover \$700,000 from the Chickasaw and Choctaw Indians which was decided in favor of the plaintiffs several years ago, was sounded from Muskogee Thursday when it was announced that the subsequent suit filed by J. F. Mc-Murray to recover \$600,000 additional fees for legal services rendered and which was decided against the plaintiff some time ago was ordered re-opened by the court of claims last month, and the dates for making testimony in seven cities in the two nations set by E. I. Clark of Stigler, Choctaw national attorney.

The following places will be visited on the dates named, at which time representatives of the tribes are expected to be present and give their testimony: Tishomingo, Jan. 2; Ardmore, Jan. 4; Durant, Jan. 6; Hugo, Jan. 9; Poteau, Jan. 11;

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McAlester, Jan. 16.

R. L. Ream of Wapanucka has been taking an active part in behalf of the Indians in this locality and he will be one of the principal figures in the coming hearings.

Considerable interest has developed among the Indian citizens in this locality who will be affected should the courts decide to pay the additional fee, and several most prominent members of the two nations are outspoken in their opinion that the lawyers have been paid in full and that the case should never have been reopened.

The firm of Mansfield, McMurray and Cornish was dissolved several years ago. Mr. Cornish is now a retired banker of McAlester, Mr. Mansfield is located somewhere on the Pacific coast and it was only recently that Mr. McMurray, who continues his office at McAlester, has been able to persuade the government to allow a suit to be filed.

G. G. McVey, national attorney for the Chickasaw Nation, who has returned from Washington reports that depositions will be taken in this state in the J. F. McMurray case. In all 54 witnesses

will be examined. -- Ardmoreite.

JOHNSTON COUNTY-CAPITAL DEMOCRAT

Tishomingo, Oklahoma
Oct. 26, 1922
Vol. 19, No. 13
W. C. Geeks, Editor

CHICKASAW AND CHOCTAW MEETING

Tishomingo, Oklahoma,
October 19, 1922.

To the Chickasaw and Choctaw People:

You are advised that some time ago there was held at Seely School House (1 mile North and 3 miles East of Connerville, Okla.) a meeting of representatives of the Five Civilized Tribes, at which time, Victor M. Locke, Jr., Superintendent, presented a proposition vital to all Chickasaws and Choctaws. He said, among other things, that the bulk of the Chickasaws and Choctaws holdings, including the coal fields, was to be sold perhaps in February. That he desired to know what disposition the Chickasaw and Choctaw people wanted made of the funds derived from such sale.

He suggested two propositions to be con-

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sidered. One that it be paid out per capita. The other plan, that it be set aside for educational purposes.

Now when he made this statement to the Convention or Meeting, above referred to, he suggested that every one present inform all others possible and to think well over the matter and make him a report at another Convention to be held at the same place on November 3 and 4th, next.

It is necessary that every Chickasaw and Choctaw citizen express his opinion on his final move to wind up Tribal Affairs. Be present if you possibly can.

Respectfully,

COMMITTEE.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma

May 3, 1923

Vol. 17-29, No. 15-40

E. L. Gregory, Editor

TRIBAL MEETING

A very large meeting of our Indian citizens, and those of Indian blood, was held in the Ardmore court house Monday. It is said there were 255 members of the Choctaw and Chickasaw tribes in attendance. The meeting was presided over by former County Commissioner "Bud" Young, and Mose Chigly of Davis, acted as secretary. A committee composed of Miss Daisy Nichols, William Warren, Frank S. Hayden, George McLaughlin and Grover Chase was appointed to draft resolutions.

There was considerable discussion by men and women prominent in the community and members of the different tribes, and the sentiment was practically unanimous in opposition to the Locke plan of capitalizing the assets of the two tribes and establishing a system of Indian schools. Nearly all agreed that the Indians were better taught and better served in the public schools of the state where they mingled with

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the children of the white race, than in strictly tribal schools. That the public schools were supported by general tax which was paid by both races, and it would be bad judgment to increase the expense of education by the establishment of a series of politically governed schools.

These facts were set out in the resolutions presented by the committee, which were adopted by a vote of three against, the balance of the 255 for. The resolutions also recommended the sale of the remaining coal and asphalt lands belonging to the tribe, and the distribution of the funds among the members of the respective tribes. Copies of the resolutions were sent to the department at Washington, and at Muskogee.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma
February 14, 1924
Vol. 18-30, No. 34-3
E. L. Gregory, Editor

EDITORIAL ON CHICKASAW-CHOCTAW FUNDS

Washington, D. C., Feb.-- (Special) -- Congress-
man Charles D. Carter, who was a prominent figure in
the discussion of the Interior Department appropriation
bill which has just been passed by the House of Representa-
tives, has been assured that the Indian Bureau is in
sympathy with his demand that the balance of the funds
now held by the government for the Chickasaw and
Choctaw tribes of Indians should be divided among them
as soon as possible.

Discussing on the floor of the House the
Oklahoma items in the bill, Congressman Carter called
attention to the testimony given by the Interior Depart-
ment officials, which showed that during the years 1908
to 1922, inclusive \$26,106,280 was distributed in per
capita payment to the Choctaw and Chickasaw Nations.
This amount gave each person a sum between \$900 and
\$1000. According to the report of the Department, this
leaves a balance of \$1,089,195.70 which the government

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now holds in favor of the Choctaws and Chickasaws.

Congressman Carter is stressing the contention that this balance should be divided as early as possible. Distributed per capita among the 27,103 members of the two tribes, the \$1,089,195.70 would provide a payment of from \$30.00 to \$40.00 for each individual, he pointed out. Congressman Carter quotes the Indian Bureau as being in sympathy with his demand and said they expect to provide this payment during the coming spring or summer.

One-sixth of the coal deposits in the aggregated mineral lands belonging to these Indians have been disposed of, Congressman Carter points out. He states that he has the promise of the Indian Bureau officials that an attempt will be made to sell the remainder of the coal deposits during the present year.

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THE ARDMORE STATESMAN

Ardmore, Oklahoma

May 8, 1924

Vol. 18-30, No. 15-46

E. L. Gregory, Editor

EDITORIAL ON INDIAN LEASE BILL

Washington, D. C., May--.(Special)-- Congress-
man Chas. D. Carter has introduced a bill directing
the Secretary of the Treasury to place to the credit
of the Chickasaw and Choctaw tribes of Indians in
Oklahoma the proceeds derived from the sale of the so-
called "leased district," amounting to approximately
\$6,530,576.25. The bill provides that the money shall
be distributed per capita to the members of the tribes.

The "leased district" was originally composed
of four divisions, as follows: (1) Cheyenne and
Arapahoe reservation, (2) Wichita and affiliated bands
reservation; (3) Kiowa, Commanche and Apache reservation
and (4) Greer county. In 1893, the Choctaw and
Chickasaws were paid for the Cheyenne and Arapahoe
reservation at the rate of \$1.25 per acre, there being
approximately two and one-half million acres in the
reservation. Since that time, the federal government
has refused to make payment for the other tracts.

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The two tribes sued the government for the residue of this land and the Court of Claims rendered judgment in behalf of them. The supreme court, however, placed a strict construction on the legal language of the treaty of 1866 and reversed the decision. Congressman Carter has expressed the opinion that nothing could be gained by again referring the matter to the Court of Claims. He argues that both the treaty of 1820 and the one of 1832 show that the Choctaws purchased this land from the federal government and paid an adequate price for it. Later on, he says, the Chickasaws purchased a one-fourth interest in the land. By the treaty of 1866 the federal government took this land away from the two tribes without any consideration whatever for the purpose, as expressed in the treaty, of placing friendly Indians thereon. After the so-called friendly Indians were allotted the residue, the land was homesteaded by white settlers, who paid the government for the land. The total amount thus paid to the government is the amount which Congressman Carter says should, in justice, be passed on to the Chickasaw and Choctaws.

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JOHNSTON COUNTY CAPITAL DEMOCRAT

Tishomingo, Johnston County, Oklahoma

January 1, 1925

Vol. 21, No. 20

R. M. McCool,)
Joe S. Ratliff,) Editors

NEWS ITEM OF D. H. JOHNSTON

The Chickasaw and Choctaw citizens of Oklahoma will cut quite a melon if payment of a bill that will be presented by Governor Douglas H. Johnston of the Chickasaw is honored by the United States government.

The bill is for \$200,000,000 for 6,000,000 acres of land now occupied by negro freedmen. Governor Johnston has been in Washington for several months working on this proposition.

The controversy is between the government and the Chickasaw involving the wording of a treaty and the stand of the latter on their right to adopt as tribesmen the negroes who had been slaves of the tribe.

"The treaty was made in 1866 and the land offered was ceded to the United States for certain specific purposes according to Governor Johnston.

The land was regarded as public domain by the government and disposed of to settlers for many millions of dollars.

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JOHNSTON COUNTY CAPITAL DEMOCRAT

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The Indians maintain they leased the land to the government and that there was no intention of selling the title.

"The treaty also provided," Johnston says, "for a fund of \$300,000 which was to be held in trust by the United States pending the removal or adoption of the freedmen. It was provided that the Chickasaw and Choctaw freedmen were to be removed if the tribe failed to adopt them within two years, in which event the \$300,000 was to be used to removal.

If the tribe adopted the freedmen within two year period, they were to have the benefit of the \$300,000.

The Chickasaw freedmen never were adopted; the tribe never has claimed, nor has it received any part of the compensation, according to the Chickasaws who are behind the movement to collect the above amount.

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JOHNSTON COUNTY DEMOCRAT

Tishomingo, Johnston Co. Okla.
Thursday, June 10, 1926
Vol. 22, No. 39
R. M. McCool)
R. P. Smith) Editor's

PROTECTIVE ASSOCIATION CHOCTAW -- CHICKASAW

The Choctaw -- Chickasaw Protective Association was re-organized at the Court House Tuesday, June 8th. The object of the convention was to make some amendments to the present constitution. There were added five additional directors. Other subjects of importance to the organization were discussed.

The managing officers of the organization are Frank Stewart of Chickasha, president and Joe Maytubby of Wapanucka, secretary. After the transaction of routine business, the convention adjourned to meet at Chickasha, at the call of the president.

JOHNSTON COUNTY CAPITAL-DEMOCRAT

Tishomingo, Oklahoma

Feb. 11, 1932

Vol. 26, No. 36

Stanford Hardy, Editor

EDITORIAL ON INDIAN COURT CLAIMS

Washington, Feb., 9

The Choctaw-Chickasaw Indians won the first round in a 66-year old controversy with the federal government Monday when the United States court of claims ruled against contentions of the department of justice and assumed jurisdiction as a fact-finding group in the famous "lease-district case" involving a claim of approximately \$6,500,000.

This claim is the outgrowth of a "joker" inserted in a treaty with the Indian tribes in 1866, when the Choctaws and Chickasaws leased a tract of land in what is now western Oklahoma to the government as a home for the various tribes of plains Indians and the United States was desirous of moving to the west.

The original lease was signed in 1865. But when it was extended in 1866, the word "cede"

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was written into the agreement although there was the understanding of the Indians that they were leasing, not selling land.

In 1899 the court of claims found in favor of the Indians but the decision was reversed by the United States Supreme court, the high court holding lack of jurisdiction to make the award. Since that time the Indians have sought to have the case referred to the court of claims as a fact-finding body, its report to be referred to congress for an appropriation if favorable to the Indians.

Ben Dwight, Choctaw chief; Grayd Lewis, attorney, for the tribe; Douglas H. Johnston, governor of the Chickasaws, and C. C. McVay, Chickasaw attorney, secured a passage of a jurisdiction bill in the last congress carrying an appropriation of \$5,000 to pay for the investigation but the bill was vetoed by President Hoover on recommendations from the interior department.

Following the presidential veto, Senator Elmer Thomas secured the passage of a simple senate resolution referring the case to the court of claims. The government contended this insufficient for the

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court to review the claim and the case was argued
here recently, Lewis appearing for the Indians.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,

March 27, 1875

Vol. 1, No. 1

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

LETTER OF J. S. MORROW TO EDITOR STAR VINDICATOR

Editors Vindicator,

I have recently returned from a trip to the Seminole Nation to aid in the dedication of a new Baptist house of worship at O-e-ki-wa Ta-lo-fa, which Rev. John Jumper, one of the chiefs of the Seminoles, aided by his people, has built. It is a good frame house 25 feet wide by 35 feet in length, two stories in height, and built of lumber hauled from Atoka. The lower story will be used for day-school and Sunday-school purposes; the upper is an audience room, and will seat two hundred and fifty Indians. There is a good heating stove for both rooms, and a nice church bell. The cost of the house will be about \$1,000. Rev. G. J. Johnson, D. D., of St. Louis, and Rev. H. F. Buckner, D. D., from Eufaula, Creek Nation, were present, and their preaching, conversation and influence all tended to the exaltation of

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Jesus and His word. The meeting was an excellent one, and will long be felt for good.

The Seminoles are not suffering for breadstuffs, as are the Choctaws and Chickasaws in many parts of their country. There is yet considerable corn among the Seminoles, and they are doing very well. Col. Jumper and Major Factor had just returned from Washington City in time for our meeting. They succeeded in getting \$10,000 from the General Government as an act of equity for the shameful manner in which they were speculated upon by the treaty of 1866 in requiring them to pay fifty cents per acre for the land which the Government had just bought from the Creeks at thirty cents per acre.

I wish one of you, Messrs. Editors, would ere long visit the Seminole Nation in the interest of your paper. I am sure you would meet with a cordial welcome, and I think would make it mutually profitable to yourselves and the Seminoles.

Yours truly,

J. S. MURROW.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,

April 3, 1875

Vol. 1, No. 2

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

BIOGRAPHICAL SKETCH OF JOHN JUMPER

We extract the following from the "Hurrygraphs" of Dr. G. J. Johnson, communicated to the Central Baptist, Saint Louis, Mo.:

John Jumper is a noble specimen of an Indian man, a christian and a Baptist minister. He is a full-blooded Seminole, fifty-five years old, with slight gray tinging his jet black hair, six feet four inches in height, and weighs two hundred and twenty-five pounds. His features indicate fair intelligence and strong will, and yet great benevolence, all of which are said to prominently characterize him. He is earnest and active as a christian, and loves the work of the ministry. Withal, he is somewhat wealthy, and is, therefore, in his circumstances, as well as by constitution, a natural leader among the people of his tribe. He has held the position of Head-Chief of the Seminoles for about twenty-five years, until a few months since,

when he declined a re-election, that, as he said, he might devote himself more fully to the preaching of the gospel among his people.

The new house of worship built by the Seminoles is in the grove near to brother Jumper's residence, and is a well-constructed frame, 25x35 feet upon the ground, and of two stories, the lower for purposes of week-day and Sunday-school, and the upper for public worship; whole cost about \$1,000. I may add, it is provided with a small bell, hung upon a pole frame outside the house, and stayed up by being fastened to the trees.

A SPIRITUAL FEAST-DAY

The services of dedication were appropriately opened on Lord's Day morning after the singing of several stirring songs by the native christians, and prayer, with a short address by brother Buckner, reminding the Indian disciples of what great things the Lord had done for them, and how thankful they should be for the grace they had received.

The writer then preached the dedicatory sermon, after which brother Murrow explained to the church, in a few words, the nature of a dedication -- that it was

the simple offering of the house to the Lord as His, with prayer that He would accept and fill it with His presence, and make it a blessing to the people assembling in it. The whole church arose to their feet in acknowledgement of this dedication, and then, after singing a hymn, brother Jumper offered the dedicatory prayer. Oh, how I wish that I could understand that prayer. To see that stalwart form bowed so humbly at the mercy-seat, and swaying to and fro as he wrestled for a blessing, and the tears flowing freely down his face, while voice and hands were uplifted in such earnest supplication, was a scene that awakened a longing for fuller understanding. But God understood the prayer, and, I have no doubt, answered it.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,

Saturday, May 8, 1875

Vol. 1, No. 7

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

NEWS ITEM OF JOHN JUMPER

And, what is specially encouraging about this evangelization of the Indians, it brings forth largely the legitimate fruits. When John Jumper, the chief of the Seminoles, first became a believer and rejoiced in the Christian's hope he said, "I want all my children to know about this," meaning by his "children" the people of his tribe. And from that time

John Jumper has been an earnest Christian, and not only in his private life done what he could, but as a minister and pastor also has been somewhat active notwithstanding the duties of head chief were, at the same time, for many years, required of him. And thus, consistency and zeal for souls are often to be seen among these red brethren. They build meeting houses, as the four good ones I have helped to dedicate, of which I have previously spoken, testify. They do a little in the support of pastors; and, among the

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Choctaws and Chickasaws, they are in part supporting a Sundayschool and colporteur missionary; and the Creeks propose to support one of their number who shall go as a missionary to the wild tribes beyond them. And all this, notwithstanding the great body of these Indians are poor, and poor because they were poor before they heard the Gospel, and poor also since -- and with reason, too -- because they have very little confidence that any country they should improve they would be able to permanently or even long retain, and, therefore, one of the greater motives to industry and accumulation has been lacking.

MORALS AND TEMPERANCE

One other fruit of the Christianity of these Indians I must not omit to notice, is their comparative freedom from the vices and crimes which prevail in other parts of our country. I am aware that, in the bordering States of Kansas and Missouri and Arkansas and Texas, we hear a great and incessant din to the contrary of this -- as, that there is no law in the Territory, and that crime abounds there and goes unpunished; but this is largely the slander of those

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who are eager that the plighted faith of the Government to the Indian shall be broken, and that his country should be opened up to settlement by the white man, and by any and all who may please to go there. We have never heard one intelligent and true friend of the Indian, and, especially, one who favored the preservation of his rights to the exclusive possession of his Territory, make such a charge, while all our personal visits and observations there have compelled us to believe to the contrary.

And there is one great reason for which all we claim should be true; and that is, intoxicating liquors, by the treaty of the United States with the Indians, and by all the local laws of the several councils of the Indian nations, are excluded from the Territory for all purposes of ordinary traffic and beverage. Not even a jug of this liquor, much less a barrel or more, except for proper purposes, can possibly, in accordance with law, enter the Territory. There is not a liquor saloon in all that more than 60,000 square miles, nor among all the 60,000 population dwelling there. Is the like of this to be found anywhere else in this land, or in any other civilized land on the face of the globe? This is

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Indian civilization; and in respect to temperance
as well as other morals of which we might speak, we
claim that it may shame all other civilizations that
it has been our fortune to meet. -- National Baptist.

INDIAN JOURNAL

Eufaula, Indian Territory

May 5, 1887

Vol. 11, No. 30

Leo E. Bennett, Editor

NEWS ITEM OF J. F. BROWN

Gov. J. F. Brown was with us last week, attending a called session of the Seminole Council. His family was with him. Gov. Brown is very dear to his people who have learned to love him for his wise and judicious management of their affairs.

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INDIAN JOURNAL

Waukegan, Indian Territory

June 16, 1887

Vol. 11, No. 36

Leo E. Bennett, Editor

LETTER OF J. F. BROWN TO EDITOR CATHOLIC COLUMBIAN

The following is clipped from the Catholic Columbian, and will furnish interesting food for thoughtful men. Hon. John F. Brown is chief of the Seminole Nation, and knows whereof he writes:

Seminole Nation, May 5, 1887.

Editor Catholic Columbian:

An act entitled "an act to provide for the allotments of the lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the territories over the Indians, and for other purposes." approved February 8, A. D. 1887, provides that in "all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting

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apart the same for their use, the President of the United States is authorized, whenever in his opinion any such reservation or any part thereof is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indians located therein, in quantities from one-quarter to one-sixteenth of a section," from which, to an impartial or disinterested observer, the cloven foot is plainly discernible, and the sordid avarice of the thievish designer already discovered.

The advantages of these lands for grazing or for agricultural purposes have long been sufficiently known to their rightful owners, who have never complained, nor questioned their title, guaranteed to them under the most solemn promises of the United States government; nor can they be bamboozled into the belief that they require the aid and superior intelligence of a Democratic administration to discover to them the moment their lands become still more valuable than ever, even too much so for their own good and safety, and they must part with the greater portion of them forever, the moment the President has thus

appraised these lands.

The magic wand of the originator of this gigantic and monstrous fraud--this pretender that has succeeded at last in the tradership for Indian friendships, and has so ignominiously betrayed a sacred trust, but has scarcely deceived an Indian by his ingenuity, changes the whole status of the Indian's title to his land, both in respect to what he will have left and with that of which he is disinherited.

Let us see; the lands have simply become too valuable for the Indian to hold by virtue of the power conferred upon the President, provided of course he deems them of no account whatever, and the Indian must starve to death upon them any way, whenever the Government ceases to furnish him with commissaries.

By the exercise of this executive authority, the Indian must have other protection, upon an old and often before misused principle, that "the hair of the dog is good for its bite." He is given a new title on a new scale, and is promised greater security than ever in this title, which is the same kind of title the white man has to the aforementioned

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dog, the only secure one never before revealed to the Indian, one that makes a covenant so strong that no lean, lank or hungry Congressman can put it asunder, though the bark of this Indian canine, a cross between a jackal and a cayote of the most aggravating species, were to hound his steps in Washington during his entire career as a most distinguished legislator.

Judging from the severe cost, such titles would be scarce, and however sufficient they may be to guard against loss, against the white man's dog, they have been tried before in security for Indian lands, and failed to protect, and are therefore not so suddenly discovered as we would be led to believe.

We have quite a number of remnants of tribes, once numerous, now living among us, who lost their all by the modern legislators' watchful kindness forced upon them. These are to-day begging to be delivered from the care of such would-be friends, and desire to be led against their enemies for a change.

The bill provides for their allotment shall be patented to them, individually, and the lands so patented made inalienable for a period of twenty-five

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years--the residue of their lands it is provided and plainly intended, shall be sold to the United States government at a price greatly below its actual value, from which they can expect scarcely anything. Their allotments, made inalienable for a term of twenty-five years, represent no actual value until that time will have elapsed, which will be sufficient for them to find a place of burial for the greater number of them, for the influx of whites among them are sure to bring habits of vice and a steady flow of whisky, and the result predicted is almost certain.

The law does not include the more intelligent portion of the territorial population, and plainly acknowledges the incompetency of those involved to manage their affairs under the new era. This change will not stimulate them to new efforts, nor do we believe the example of the new neighbors will elevate them. In the main, they have been fed, clothed and fostered by the Government, and are greatly dependent upon this aid for their support. This will have to be continued indefinitely with their contemplated surroundings, otherwise they will be rendered paupers; in the land surrounded with plenty, in which they are permitted to linger against any reasonable hope to

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survive their impending fate. God alone can inter-
pose in His wisdom to save them from the effects of
this fatal policy, fraught with so much misery, suf-
fering and death.

Very respectfully

JOHN F. BROWN.

Layne

THE PURCELL REGISTER

Purcell, Chickasaw Nation, I. T.
Friday, August 3, 1894
Vol. 7 No. 36
W. H. Walker, Editor

EDITORIAL ON SEMINOLE COUNCIL BY JNO. F. BROWN

Wewoka, I. T.,

July 22, '94

To the Editor Muskogee Phoenix:

The National Council of the Seminole Nation convened at this place with the same chiefs and 42 officers for another term of four years, and elected the following officers: School commissioner, Rev. John Jumper, Sasakwa, I. T.; trustees, Thos. McGeisy and William Sully, Sasakwa, I. T.; National treasurer, A. J. Brown, Wewoka, I. T.; blacksmith superintendent, Fus Harjo Daniels, Sasakwa, I. T.; national inspector, Joe Grayson, between Wewoka to Little River and to Sasakwa, I. T.; 1st light horse captain, Este Larney, Wewoka, I. T.; 2nd light horse captain, Couchartochee, Wewoka, I. T.; janitor of the capital, Ceasar Simon, Wewoka, I. T.

They convicted one Coucharty, charged with the killing of Ben Brooks, to be shot on the 24th of August at 11 o'clock, a. m.,

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also whipped one negro for stealing.

The National Council passed law for the new schools, that hereafter the boys and girls would separate, the latter at Emahaka Mission, Wewoka, I. T. Total average of the girls to represent 112. The former (boys) at Mekesuky Academy at Heliswa, I. T. Total average of the boys to represent are 112 also.

And again they passed a law that every citizen of the Seminole Nation should be counted every year in August.

Principal Chief Jno. F. Brown for the first time addressed the members as follows:

"We are satisfied that, during this first term of council, it has done things according to the law of said Nation, and approved, 'So therefore, we leave the Nation into the hands of Providence to bless us.'"

Second Chief Hulbuttee addressed the members of the council in strong words, to try and persuade the children of the Nation to do right, and to avoid, themselves, from drinking, and to try to make an example to their people.

Again First Chief Jno. F. Brown addressed the National Council, making the words that Hulbuttee spoke "tougher." That was the first time he ever spoke strong. And he further said that the day has come when everybody should look out for themselves, telling of the allotment and how bad it would be. And for this reason everybody, even a Christian, should try to be good, so that

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Jehovah might not send a curse upon the Nation.

With these addresses he dismissed the National Council the
20th day of this month.

Yours, etc.,

K. N. KINKEBEE.

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THE INDIAN CHIEFTAIN

Vinita, Ind. Ter.
Oct. 15, 1896
Vol. 15, No. 7
D. M. Marrs, Editor

BIOGRAPHICAL SKETCH OF JOHN JUMPER

John Jumper, ex-chief of the Seminoles, died at his residence near Newoka, I. T., on the 21st of September, 1896, past 80 years of age. He was a large size, very dark in color and a true type of the full-blood Seminole. He understood the English language perfectly, but would never speak it. He was in high repute in the councils of his tribe and was frequently sent to Washington in their interests. He was a nephew of the celebrated Micanopy, who was the great council chief of the nation during its long and bloody war with the whites. Osceola, Sam Jones, Tigertail, Wildcat and Alick Tustenugee were fighting chiefs of bands. Alick shot Mrs. Montgomery from her horse, scalped her beautiful hair and tore off her silk dress and jewelry, which his wife wore on her arrival in Fort Smith after their capture.

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John Jumper was a boy about 13, able to shoot, and was at the Dade massacre, where Major Dade and his entire force were exterminated by the ambushed Seminoles. The burial force sent to the battle ground found the dead bodies most revoltingly mutilated, but Jumper assured the writer that these acts were done by the negroes.

Jumper fought with his people through the war until captured and removed west. Here he was converted to the Baptist faith and preached the gospel to his tribe in their language.

He was delegate among many other Seminoles that went to Florida with Major Elias Rector to influence the surrender and removal of Billy Bowlegs and his unconquered band, who were entrenched in the swamps of the everglades.

He commanded the Seminole battalion in the confederate army.

John Jumper was of a dignified and quiet disposition and was well known to many of our old citizens. The news of his death to his people will be in the eloquent words of Push-ma-ta-ha, "Like the fall of a mighty tree in the stillness of the forest." -- "W" in Elevator.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, July 9, 1898
Vol. 6 No. 22
A. L. Kates Manager

EDITORIAL ON J. F. BROWN

The Seminoles have settled the question. They treated with the Dawes Commission, Congress has ratified the agreement, and now there are but four civilized tribes left for Congress to do business with. The Seminoles trusted in one man and he was all worthy of their confidence, and measured by the great good he has done his people and the statesmanship he has shown, John Brown will live in the memory of his people. He will leave a record of noble deeds of which his people will be proud. Practically the Dawes Commission is a nonentity as far as the white people of the Indian Territory are concerned from now on. It has been eliminated, and its presence here has only to do with the Indians. The commission is an agent of the federal government and its actions can not now affect a white man unless he be connected by marriage with some of the tribes. In the

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event of the ratification of the Atoka agreement we may experience either good or bad results as the case may be, but from now and henceforth it is the law -- if the President signs the bill -- that will govern affairs. There is no Dawes Commission for the white man.

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THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, June 21, 1901
Vol. 2 No. 13
Editor's name not given -

EDITORIAL ON LETTER OF E. M. BOARD TO J. F. BROWN

A letter from Edgar M. Board, who is now in the employ of Gov. John F. Brown, of the Seminole Nation, at Sasakwa, sends his regards to Webbers Falls friends, expresses satisfaction with his new position as private secretary to the governor, and orders the Monitor to his address. Good luck attend you, Edgar.

SALLISAW STAR

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

EDITORIAL ON HULPUTTA MICO

Hulputta Mico, now Chief of the Seminoles, is a lineal descendant of the old chief Osceola, of historic fame, and who caused the U. S. government much trouble in the Everglades of Florida, almost a century ago. In speaking of this grand old man, the Phoenix, of Muskogee, makes a mistake in stating that he succeeded "John Brown, who was Chief for thirty years," when the facts are Brown was not chief over ten years. Brown succeeded John Jumper, who, like Mico, was a fullblood Seminole, and who was chief of that tribe for many years.

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THE TALLEQUAH ARROW

Tahlequah, Indian Territory
Saturday, December 3, 1904
18th Year, No. 13
Waddie Hudson, Editor

Llyse

GOVERNOR BROWN AND THE SEMINOLES

The Seminoles, the smallest and least known of the five civilized tribes, are the best governed of all, and their affairs are in better condition and their nation more prosperous than any other of the five. The Seminoles are a part of the Creek tribe. Nearly a century ago they left the Creeks, who were living in Alabama, and went to Florida. They lived in the swamps and everglades of that country for a long time and were called Seminoles by the Creeks, the word meaning wanderers. The Creeks lived exclusively along streams when in Alabama, and for that reason were called Creeks instead of Muskogees, which is their correct name.

The Seminoles remained in Florida many years after the Creeks came to Indian Territory. When they did come the Creeks did not admit them to their tribe again, but sold them the present Seminole nation and got a good round price for it. There are 363,578 acres in the Seminole nation, and it is excellent land. Of this 344,989 have been allotted to the 2,752 citizens composing the tribe. There is left some 20,000 acres of surplus land, which will be sold and distributed to the benefit of the tribe.

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The Seminoles were the first of the five tribes to make a treaty looking to the allotment of land in severalty with the United States. Because they were the first the government was most liberal with them, and every demand of the Seminoles was acceded to. By taking the lead the Seminoles got by far the best treaty that the government made. In this they were led by John Brown, one of the best chiefs the tribe ever had. He was far more than twenty years the head of the tribe and, being a man of intellect and sound judgment, he foresaw what must happen to the Indians and led them to a satisfactory treaty with the government in advance of all others. This gave the Seminoles a great advantage over the other tribes and they have maintained it.

Gov. Brown's father was a Scotchman. His mother was a Seminole. His father was a prominent and influential man in the tribe before him and was a physician. One day an Indian drank red ink, thinking it was whiskey. He went to Dr. Brown and asked what to do. Brown told him he had better eat some blotting paper. The Indian smiled and went away satisfied. He knew he was in no danger. It is the first place on record where an Indian saw a joke. John Brown lived and traded among the Seminoles. He was judge, jury and counsel for them. They were willing that he should settle all their disputes and he handled all their money. There was a special investigation ordered from Washington some months ago as to his accounts with the nation. This report is yet pending. He was succeeded by Matubby, a fullblood, a chief, but the affairs of the nation were in such shape that they were bound to run on to

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the end of tribal life in a way satisfactory to the government.

The secretary to the chief of the Seminoles is Coody Johnson, a negro as black as night. But he has a good head and is a fair lawyer. He transacts nearly all the chief's business, goes to Washington on tribal business for him and does it satisfactorily, too. Chief Matubby cannot speak a word of English. In all of his transactions with the government he uses an interpreter, usually Johnson, who can speak English, Creek or Seminole with equal fluency.

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THE ATOKA NEWS.

Atoka, Indian Territory

Feb. 9. 1905

Vol. 1. No. 2.

Editor's name not given

SEMINOLE CHIEF DEAD

Governor Passes Away at Ripe Age of Seventy Years

Wewoka:

Hulbutta Micco, governor of the Seminoles, is dead.

The end came Saturday at his home near this city. Death was due to old age, the venerable chieftain being more than seventy years old.

A full blood Seminole and past the allotted three score and ten, he could not speak English, and whenever he went on official business he was accompanied by an interpreter. He took great interest in the duties of his official trips to Muskogee to confer with the Indian agent relative to the affairs of the Seminoles. He, always had a lengthy list of written questions. His questions were brief and to the point, and on being read were interpreted into English and the answers given by the agent interpreted into English.

A Baptist minister and a man of straightforward sincerity and deep religious convictions, he was much beloved by the Seminoles and his death occasions great mourning.

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Hulbutta Micco is the only man who ever was able to defeat ex-Governor Brown, in the struggles for supremacy among the Seminoles. Unless a special election should be called to fill the vacancy he will be succeeded by Jacob Harrison.

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MUSKOGEE DAILY DEMOCRAT

Muskogee, Indian Territory
Saturday Evening, Dec. 30, 1905
Volume 2, No. 253
Editor's name not given

EDITORIAL ON HOME OF J. F. BROWN

A few miles south of Tahlequah, and not far distant from the site of the old Cherokee Female Seminary, lies a small and secluded valley, where long years ago, stood a rude log cabin which has long since disappeared. It was in this valley, in the log hut, that one of the most distinguished chiefs of the Five Civilized Tribes first saw the light of day -- Gov. John F. Brown of the Seminole nation.

In the early days of the Cherokee nation, white men of more than ordinary ability quite often came among them, married women of the tribe and thereafter made their homes with the Indians. Notable among those who soon after the establishment of the present Cherokee government of the present became identified for a time with its history was

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Dr. James Brown, a native of the "land of Burns"
a graduate of the University of Edinburgh, and one
of the most distinguished and skillful physicians
even in Indian Territory.

For some time after the removal west of the
Indians a number of Creeks and Seminoles resided for
a while in the Cherokee country, previous to removing
to their own portions of the territory. It was in
the Cherokee nation that the learned doctor met and
married the full-blood Indian woman, the mother of
the future governor. Their home was the lowly log
cabin in the quiet valley previously referred to.

The passage of the years has obliterated all
traces of the humble home, the once stately growth of
forest trees surrounding it has disappeared, and a
field now encloses the fertile acres of the valley,
and save a very few old residents, no one knows that
here once lived a man familiar with eminent men of
Great Britian, and by education and ability fitted
to take his place in the highest circles of society.

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MUSKOGEE TIMES-DEMOCRAT

Muskogee, Ind. Ter.,
Monday, November 12, 1906
Vol. 12, No. 357
H. B. TEEHEE, Manager

EDITORIAL ON SEMINOLES

Superintendent John D. Benedict has notified Governor Brown of the Seminole Nation of the decision of the attorney general in the Seminole school question and asks him to turn over the Emahaka Seminary, a boarding school located between Holdenville and Wewoka which they have been holding by force.

Since the decision of the attorney general it would be illegal for the Seminoles to keep the school because they would have no right to pay money out of the tribal funds for its support. All the other schools but this one have been turned over to the Interior department. Gov. Brown's sister is the principal of it and his brother is tribal treasurer, so it seems to be a family affair, and they don't like to give it up.

Since Supt. Benedict is backed by a decision from the attorney general, the Indian police will be used to take possession of the school forcibly if it

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isn't given up.

THE FORT GIBSON POST

Fort Gibson, Oklahoma
Thursday, April 22, 1909
Vol. 9 No. 3
J. S. Holden, Editor

LAST OF THE SEMINOLES

A press dispatch from Kissimmee, Florida, dated April 14, announces the death of Tallahassee, head chief of the Florida Seminoles, at the age of 91 years. The news was sent from the Everglades by an under chief, as follows: "Tallahassee -- big sleep -- one moon," which meant that the old chief was dead; and thus has passed away, what may be called The Last of the Seminoles -- the old-time chiefs.

When Osceola went on the war path Tallahassee was a small boy, and remembered when his father and companions were surrounded and killed by the soldiers near Tallahassee, the capital of the state.

Tallahassee never yielded to the Federal authorities, but hid with his followers in the Everglades until peace came. He used to come to Kissimmee, his last visit being four years ago.

As the old chief bade "good-by" he said:

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"Me no more come to Kissimee city; old too much."

"His religion was: "Me no lie, me no steal, me no kill. Big sleep come, Great Spirit take me."

After the death of Osceola, and final conquest, of the Seminoles, after a long and bloody war, in which many more whites were killed than Indians, the Seminoles were taken to this country and located by the U. S. Government, being one of the Five Civilized Tribes known as the Seminole Nation, now part of the State of Oklahoma. A small remnant of the tribe under the leadership of Tallahassee, hid in the everglades, where they have since lived -- in the homes of their forefathers, being in all about 100 souls, living as their ancestors had, refusing to adopt the "white man's religion" or his ways.

After the surrender and transportation to the Indian Territory, Billy Bowlegs, next chief in rank to Osceola, swore allegiance to the United States Government, and became a noted scout, serving as such until his death in the Seminole Nation, and after the present National cemetery was established at Fort Gibson, his remains were removed here, by the Government, and placed in the officers circle with this inscription on his tomb: "Captain Billy Bowlegs."

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Billy Bowlegs is said to have killed more white people than any other Indian. He was second in command at the battle of Wahoo Swamp where Gen. Dade was killed, and the American army almost annihilated. After the overwhelming defeat of the Seminoles by Gen. Jessup, and the death of their great chief, Osceola, in which their hopes centered, Billy Bowlegs seeing that further resistance was useless surrendered to the whites, and served for a number of years as scout for the U. S. army, and finally lies in the National cemetery at Fort Gibson, one of the most noted Indians that ever raised a tomahawk against the white man.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

May 1, 1848

Vol. 1 No. 32

W. P. Boudinot, Editor

EDITORIAL ON SAM HOUSTON

At a large and enthusiastic meeting, held at St. Augustine, at which the Vice President of the Republic presided, and Mr. Kaufman, lately appointed Minister to the United States participated, many of the most distinguished men in Texas were present and expressed themselves highly pleased with and strongly in favor of the Annexation Resolutions. The Galveston News says, upon good authority, that Gen. Houston prefers Mr. Benton's bill to Mr. Brown's; but the indifference he manifested indicated that he is willing to accept the terms offered, trusting to the magnanimity and honor of a succeeding Congress to remedy any defect that exists in the resolutions lately adopted. -- Lb.

CHEROKEE ADVOCATE

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

THE GRAND COUNCIL

A gentleman who attended the Grand Council at Okmulgee sends us the following well written communication, in reference to the object and proceedings of the Council The Address to which he refers will be found on the first page of this paper: W. P. Boudinot, Esq.,

Editor of the Cherokee Advocate.

Herewith please find a copy of the appeal to the President, Congress and people of the United States, adopted by the Council of the several Indian Nations, which was convened at this place on the 1st inst., by invitation of Col. Samuel Chicote, Principal Chief of the Muscogee Nation. The objects of the Council were to revive the relations existing between the Indians of the Territory previous to the late war, and to take into consideration the threatened invasion of their rights by the numerous measures

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introduced into Congress upon the subjects of Rail Roads and Territorial Governments. The Muscogees, Cherokees, Seminoles and Osages were represented. The Chickasaws appointed a delegation, but Mr. James, their Secretary, was the only one of the number who reached the Council during the session. The Choctaws were not represented and failed to appoint any Delegation. This was the subject of both remark and regret in view of the interests placed in apparent jeopardy by the agitations of the "Indian question," being common to all the Indians in the Territory, and in view of the recent message of their Governor and the action of their Legislature, which were of an Advanced character upon Rail Roads, survey and allotment of the common domain, and the formation of a state government. These questions relate to subjects of profound and vital interest to all the Indians in the Territory, and, while each nation has the conceded right to act for itself, it was felt that a common fate necessarily awaits them all, and that a reasonable regard for the common welfare should prompt and secure a frank consultation and a cordial co-operation among them in the support of their rights. A divided policy is always bad, but a different one may impart strength and

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respectability to elements in themselves individually weak and insignificant. It was felt that a closer bond should exist between different Indians, and that no one of the tribes should imperil the general political interest without a common understanding.

This sentiment actuated those who met at Okmulgee, and characterized their proceedings. It was felt in the grasp of the "shaking of hands," seen in the smoke of the "Pipe of Peace" and expressed in every "talk." They seemed very fully to realize the "situation." There is no doubt but what the appeal reflects fully the sentiments of a large majority of the people belonging to the five leading "Nations" in the Territory. Their feelings towards the government, are cordially amicable, and they will do nothing in conflict with them. They are equally desirous for peace and harmony among themselves. They know that their weakness is their strength, that their condition and the relations they sustain to the government and people of the United States have a moral influence and give them a power beyond that of every other character, and upon them they rely. They also feel that the superior character of the whites is due to industry and knowledge, and that they must strive to acquire

that knowledge and imitate that industry if they need expect to hold even their present standing in the scale of civilization. They fully comprehend the amazing increase of the white population on their borders and the wonderful intelligence, wealth, and enterprise which are constructing Railroads from ocean to ocean, and stretching Telegraph wires across continents and through the profound depths of the mighty waters, to encircle the globe. They understand that these agencies threaten to overwhelm them, and that they must march to the "music of the times" if they would retain all that is dear to them -- their homes and institutions. And hence the lively and unusual interest among all classes of them, in every question that relates to the policy of the Government towards the Indians. Hence their eagerness to obtain news from Washington. But while they fear that evils really threaten, they still abide with confidence in the justice of Congress and the firmness and integrity of the President.

Treaties unbroken and voluntarily made even since the close of the war, promise all they want -- protection. Fulfill that promise, give the guarantee,

and not only will the predicted extinction of the Indian be averted, but there will here, in this last but beautiful home of the Red man, be developed the preservation and elevation of a race, which will reflect a brighter lustre upon the spirit of the age, than are the towns and cities that can be founded upon their graves -- graves in which will be buried the bodies of the Indian and the honor of the government.

The purpose of the Indians is to meet all the requirements of their Treaties, but there is no doubt of their opposition to Territorial measures of every character, to grants of their lands to rail roads either by themselves, or by Congress, contingent upon the extinguishment of their title, and to sectionizing.

CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.
June 18, 1870
Vol. 11 No. 10
W. P. Boudinot, Editor

MEMORIAL SIGNED BY WM. P. ROSS AND OTHER CHIEFS

TO THE PRESIDENT, CONGRESS and PEOPLE OF THE
UNITED STATES:

The undersigned, representing the several tribes inhabiting the Indian Territory, whose names are hereto appended in view of the perils which surround their people, deem it a solemn duty to make this declaration of their views and wishes in regard to their situation.

In the beginning we take occasion to publicly affirm our earnest determination to preserve the relations of amity towards the Government of the United States, now existing. Our interests all centre in peace, peace with the Government and the people of the United States, peace with our neighboring brethren and peace among the members of each individual Tribe and Nation, and as the best means of maintaining those relations unimpaired, we deem a just and fair

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observance of existing Treaty stipulations with the Government of the United States as indispensable. We therefore hereby publicly renew our adherence to said Treaties, or to such as may be hereafter duly negotiated, and our purpose to comply faithfully with all their stipulations, whether originally favorable or otherwise. And we confidently express our conviction that a like spirit of justice and fidelity will mark the conduct of the Government towards the owners and inhabitants of the Indian Territory.

The people of this Territory were uprooted from their ancient homes and places where they now are through the policy and by the power of the Government for the benefit and convenience of the whites with assurances and guaranties of ownership in the soil and protection from interference with their privileges of self Government, and from intrusion upon them, as strong and solemn as language could make them. If the lapse of time, the increase of the white population and the march of events have removed us from the wilderness in which we were then plunged unwillingly, and placed us in the way of our neighbors, the fault is not ours, nor do they invalidate any existing obligations. We ask nothing from

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the people and authorities of the United States, aside from their respect and good fellowship, but what they have promised, An observance of their Treaties. Despite all the vicissitudes of our history and the terrible ordeal of war by which we have been scourged with fire and sword, through no fault of ours, but weakness and inability to sustain ourselves, we feel that we are even now progressing in knowledge and improvement in the arts and customs of civilization. We desire no change for the purposes of experiment in the policy of the Government's dealings towards our present Territory. We have no fault to find with their policy as provided for by our Treaties. All that we crave is a simple and honest administration of that policy by competent and honest means.

We have been charged with opposition to progress and improvement; but in refutation of that charge, however humble they may seem, we confidently appeal to our houses, our farms, our stock of horses and cattle, our schools, our churches, and our regularly organized Governments. We are not opposed to progress -- we are not opposed to civilization -- we are not opposed to the Christian Religion. On the contrary, we acknowledge the conviction that rests

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upon our minds, that our highest interests and self preservation itself depends upon progress and improvement. We feel that we cannot safely step backward, but must press forward -- inspired by the spirit of the age in which we live -- in the arts, pursuits, and achievements of the surrounding civilization. We desire only not to be overwhelmed by the influences brought to bear upon us through the ambition of aspiring men, the cupidity of soulless corporations and combinations of whatever name, or the mistaken philanthropy of the uninformed. Our forms of Government are those of our own choice, modeled after your own, and such as are adapted to our condition; under them we have prospered when allowed quiet and rest. The tenure by which we hold our lands is such as we prefer, and such as we believe to be for the best for the majority of our people; observation and reflection lead us to believe that no change can be made in this respect that will not be fraught with mischief and ruin. We wish no change in regard to either, and confidently appeal to you to arrest all attempts to enforce them upon us except to the extent and in the manner authorized by our Treaties now in force, or that may be hereafter concluded; by them we are bound,

upon them we rely, and we appeal to you as the stronger and more enlightened party to these compacts, to honestly and firmly observe their stipulations. We do not wish any material changes in our relations to the Government, but we do wish quiet and security. The constant agitation of questions which vitally affect our welfare, are full of evil influences upon our progress; we want a consciousness of protection and security; it is in your power to give both; you have promised them. Grant these and we shall fear no evil, we shall apprehend for our race, neither extinction nor degradation, but progress and civilization will follow, and a brighter page on Indian affairs will be found in the history of the United States than has yet been recorded.

Adopted and signed in International Council
at Okmulgee in Muscogee Nation on Saturday, the 4th
day of June, 1870.

WM. P. ROSS, President.

S. H. Benge, and others, Cherokee
Delegation.

Pleasant Porter, and others, Creek
Delegation.

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CHEROKEE ADVOCATE

Tahlequah, Ind. Ter.

Nov. 5, 1870

Vol. 1, No. 30

W. P. Boudinot, Editor

THE GRAND COUNCIL

The several Indian Tribes occupying the country lying between Kansas and Texas, made each, very natural efforts for self-preservation, when, in 1861, the protection pledged by the United States was withdrawn. The conflict between North and South just commencing, destroyed the relations of these little Nations with their guardian Government, and threw them upon their own resources. They found themselves without warning or preparation involved in a cruel dilemma. They had been taught to rely for defence against encroachment from any quarter not upon the favor or guarantee of a single State or of Several States but upon the care and power of all combined. When the Union was for the time practically dissolved, and the two sections went to war with each other, they knew that they would be left in the end at the mercy of whoever should be victor. But here was the dilemma. Which

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would be victor? Would the North think it worth her while to make a determined effort to conquer the South, and if she did, how far would the difficulties attending an attempt at conquest compensate for her superior resources, and equalize the struggle? A reference to history served only to make conjecture more uncertain. The Northern States were no more powerful in comparison with the Southern States than Great Britain was in comparison with her American Colonies, and Great Britain had worsted in the effort to subdue them. Apprehending the worst to themselves, the dependant wards of the Republic had seen with alarm increasing signs of the approaching explosion. As was natural, perhaps selfish, they deplored the catastrophe when it did occur. But if the two divisions would fight, it was evident the Tribes lying South of the celebrated line which separated them must henceforward expect to be dependencies of the conqueror, from a military sense impotent, and incapable of contending, singly or collectively against either of the warring segments into which the Tribe would fight without aid from the others, more unfortunate tribes found themselves reduced to the cruel necessity of determining which of them would prevail in the unnatural strife. It was with these tribes more a question of self-preservation than it was a question of favor or a question of prefer-

erence. So far as the Cherokees were concerned, the whole course of their authorities, while it could in any sense be said to be voluntary, showed their predictions to be on the side of the Government with which they had been connected by treaty. Now, however, this connection was broken and their treaties were annulled and made inoperative in point of fact by the domestic convulsion. Protect them the Government could not, and, if we do not mistake, there is a communication extant addressed about this time, by the Department or its authorized officer to the Cherokee authorities here, wherein such inability was confessed, though a promise is made for the future. Would the Government ever more be able to protect them? Would it be able to protect itself? A half million of lives, years of time, and an unappreciable amount of treasure were expended before these questions could have been, or were, answered; before the General Government, after battling so long for very life itself, was able once more with confidence to promise help and safety to the smallest tribe of the Southwest. Will any just man blame us for doubting the issue? High as was the general opinion of American -- we will say human -- courage, resolution and patriotism, it was not high enough to justify a prediction of the actual result. The world has since confessed

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its mistake and its admiration.

While the Cherokee Nation were in this condition of helpless uncertainty, they were accosted by one of the combatants with a pen in one hand, and a sword in the other, "Treat or take the alternative" was the threatening command. "The alternative" meant war, and war meant destruction. What could a handful of Indians do against the combined and marshalled forces of the three great States surrounding. If there ever was a time when they needed the protection and assistance guaranteed by treaty, that time was now at hand. If there ever was a time when they might call in vain for such assistance and protection, the time had come. And there was no telling when the connection so quickly and completely severed would be resumed -- if ever it could be. Meantime the application for an alliance with the new Power grew more peremptory. The Nation had at first been assured, that its action in the premises should be unconstrained and its decision respected. Relying upon that assurance, it had up to this time refused to treat. But blandishments had now given place to implied threatenings. The Indians were told that if they refused to treat, they must take the consequences, and the consequences were plainly enmity, war, ruin. The attempt to

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seduce had failed. Their fidelity was acknowledged and proved when a last resort was had to warnings and intimations of results -- in effect to force. Their crime was not in yielding, but in the weakness which left them no choice but to yield. What exact amount of guilt attached, we leave others to say.

Such was the situation in brief in which the Nation found itself placed when the memorable Treaty of 1861, was made with General Pike acting for the Confederate States. But though the old Chieftain whose motives and policy we have endeavored to describe, soon repudiated that Treaty with his followers, a large majority of the Nation, and more than that -- though a regiment of Cherokees from the Summer of 1862 till the close of the war, displayed on various battlefields in and in the vicinity of their own country, on which side their sympathy and favor really was, when unconstrained -- and more still though in the civil war between the factions of the great people which had pledged us protection over and over again against domestic violence -- a war which the Indians did nothing to inaugurate, and had no concern in waging -- their population was trebly decimated, their property of all kinds destroyed or stolen, and the results of their labored civilization swept away in a

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moment, yet to crown this suffering and loss, this unfortunate Race were sternly arraigned like a conquered enemy by their victorious friend and patron, and made to assent to certain "conditions of Peace," ere the latter would consent to recognize and respect any of their rights in future. What can be said of such a burlesque of humanity and common sense? Let those laugh who will. We cannot, do not.

Among the "conditions" imposed, there was one which took form in the 12th Article of the Treaty of 1866, providing for a Grand Council or Legislature of all the Tribes inhabiting the Territory. We do not complain of any of the conditions, and this among them. They were accepted in good faith and it is the duty of all concerned to do their part in carrying them out in the same manner. We have agreed to a Grand Council. It is due to ourselves to be ever aware that the measure was and is absolute. It is due to us and others, that its cause and origin should be exposed to the public. What its results may be is a question of vital interest to all the Tribes concerned. The ball has been set in motion -- each moment will see its force increased -- its speed accelerated, but we must guide it if we can.

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, September 30, 1871
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W. P. Boudinot, Editor

NEWS ITEM OF INDIAN TERRITORY

Washington, D. C., August 28.

It will be remembered that during the last session of congress a strong effort was made to secure the passage of some measure organizing the Indian territory south of Kansas and west of Arkansas. The civilized Indian nations living therein met at Okmulgee, in the southwestern portion, and framed a federative form of government, designed to preserve the Indian "commune" or tribe, with common ownership of land and rights thereon. The constitution there framed was the work of delegates from the Creeks, Chickasaws, a portion of the Cherokee delegates, the Seminoles, Delawares (now incorporated in the Cherokee Nation), and about a dozen very small bands or tribes, such as Senecas, Quapaws, Shawnees, Wichitas, Peorias, Pinkeshaws, Caddoes, &c., who altogether may number about two thousand persons.

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The Osages, who had not then removed from Kansas, were represented. The Choctaws were not in the council. The constitution then submitted to the various tribes, had some oligarchic and objectionable features consequent upon the attempt to preserve the tribal autonomy, and to exclude as far as they could, and dared, Federal control. -- It gave too much power to the smaller band, recognizing in them an equal right of representation with the larger nations, on the ground of separate tribal existence -- in at least one body -- the upper council or Senate. The instrument aimed at creating a new federation in the larger one of the United States, because the Indian's aim was that of an independent State, not a Federal Territory, or even a State in our sense of the term. The Governor and judiciary were, with all other officers, to be elected by themselves. It was that killed the bill, more even than the antagonism of the railroad sharks, who were after its destruction.

The House Indian Committee, not a very savory institution, introduced a bill providing for a territorial organization, which sought to preserve the Indian system-- or want of one, as some affirm -- while a minority of the committee, through General Shanks, offered a bill,

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which was substantially the Okmulgee constitution, modified so as to require the appointment of Governor, judiciary, &c., by the President. This is what Grant recommended. Both bills were recommitted. It is probable that these measures, with modifications, will be among the first up at the next session.

In the meanwhile, the progress of events in the Territory to be affected seem to be doing much to push forward a solution.

INDIAN PROGRESS.

The Federal Indian Council reassembled at Okmulgee last spring. Their constitution had not met with a favorable reception from the larger tribes, and changes were at once made. The Choctaws, the wealthiest of all the Indian nations, put in an appearance, and delegates were present from the tribes about Fort Sill -- "The Plains" Indians, who have been forced to settle there. The last council embraced the representatives of about 65,000 persons -- of whom all but 10,000 or so are in a settled state, tending steadily toward a definite social and civil life. But that which presses the questions involved to solution is the rapid construction of two railroads through their Territory.

RAILROAD INSTRUMENTALITIES.

The Southern Branch, Pacific Railway, running from Junction City, Kansas, south and easterly down the Neosho Valley, is in conjunction with the Lawrence, Galveston, and Gulf road, with the Missouri and Kansas Border Tier road, one running south from Lawrence, and the other from Kansas City, are building a road to Texas, under the designation of the Missouri, Kansas and Texas Railroad, which is now more than half way through the Cherokee Territory. It takes into that nation, as well as to other parts of the Territory, large numbers of whites, who appear to have no more regard for the Intercourse laws than as if they did not exist.

Persons are forbidden to trade on Indian reservations or territory, except as legally authorized by the Indian agent and superintendent, or as in the case of the nations living in the Territory under consideration by the national councils. White persons are also prohibited from even working for the Indians, unless they have permits from council to reside in the nations. Above all are they regarded as trespassers when they attempt settlement on the Indians' land. Yet all these things are constantly being done, and these acts are

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increasing daily in number.

CONSTANT COLLISIONS THE RESULT.

As may be expected from such conditions, life on that frontier is "in a muddle." The Territory is a hybrid. Laws are mixed, and affairs more so. All sorts of rascals, as well as the general squatterdom of the West, are making for it.

A number of arrests have been made of persons trading without permits. They are generally released, but the goods are held for further action by the United States Commissioner -- in some instances having been confiscated.

The United States Marshal for Western Arkansas whose court has jurisdiction over the Indian Territory, evidently has a busy as well as profitable time of it. The Fort Smith papers report every week arrests made by his deputies, as well as crimes which are not punished, the perpetrators making their escape. The last Fort Smith Era gives a budget of items, which forcibly show the disturbed condition of affairs there. One deputy marshal makes a journey of several hundred miles and arrests two murderers; another arrests one in the Choctaw country. The first reports the Osage returning

to their reservation from their annual buffalo hunt. A white man named Newton was with a party of them and under his lead killed two Texans. There are already about 2,000 white settlers in the Osage lands. The agent is powerless to remove them, and they will resist any attempt or show of military force. Another deputy marshall brought in a horse thief, known as a desperate character, after chasing him through portions of Kansas, Missouri, and the Indian Territory. They were caught at Springfield, Mo. The following paragraph has a euphe, mistic way of putting things, which is at least amusing to the reader, if not to its subject:

"The deputy marshal says that, "owing to the almost epidemic frequency of horse stealing, the people of Western Arkansas and Missouri have become very severe on that kind of gentry, and that within a brief time about a dozen rogues have paid with their lives for interfering with that kind of property. Two men were caught a few days ago near the Missouri line while asleep, and the stolen animals in their possession. They never woke again in this world!"

The horses stolen by the rogue whose capture is reported, were the property of a wealthy colored citizen of the Creek nation named Nero. He was formerly a slave of Opoth-ye-le-ho-lo, the Creek

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hereditary chief, who in 1861 resisted the Creek rebel leader McIntosh, and the Confederate Indian Commissioner, Albert Pike.

From the condition of affairs prevailing there it is quite evident the next session of Congress cannot close without adapting some government which will prepare the way for an end of the present anomaly. It is to be hoped, however, that the Indian lands will be amply protected even against his own improvidence. The railroad ring will "gobble" them all if they get a chance.

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CHEROKEE ADVOCATE

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CONSTITUTION OF THE INDIAN TERRITORY

WHEREAS, The people of the Nations of Indians inhabiting the Indian Territory, have agreed by treaty with the Government of the United States, and been by its Agents invited, to meet in General Council under the forms prescribed by the treaties of 1866, and the action thereon of the Government of the United States, having thus met to frame the laws and arrange the machinery of a Government occupied and owned by them, in order to draw themselves together in a closer bonds of union, for the better protection of their rights, the improvement of themselves, and the preservation of their race, and relying on the guidance and favor of Almighty God to carry out in consistent and practicable form the provisions of said treaties at the earliest practicable day, do hereby enact and promulgate the following as the Constitution or organic law of the said Indian Territory:

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ARTICLE 1.

Section 1. All that portion of country bounded on the east by the States of Arkansas and Missouri, on the north by the State of Kansas, on the west by Territory of New Mexico and the State of Texas, and on the south by the State of Texas, which has been set apart and guaranteed by the treaties and laws of the United States as a permanent home for the Indians therein lawfully resident, or such as may be in like manner settled therein hereafter for the purposes of this constitution shall be known and styled as "The Indian Territory."

Sec. 2. Each of the nations of Indians who by themselves, or through their representatives, may enter this confederacy, do agree that the citizens of each and every one of said nations shall have the same rights of transit, commerce, trade, or exchange, in any of said nations as he has in his own, subject only to consistency with existing treaty stipulations with the United States and laws regulating trade and intercourse and under such Judicial regulations as are hereinafter provided. But no right of property or lands, or funds owned by any one nation, shall be in any manner invaded by citizens of another nation: and it is hereby distinctly affirmed that the rights of each of these nations to its lands,

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funds and all other property, shall remain the sole and distinct property of such nation. Any Indian Nation now represented in this general council, or which may hereafter enter in a legal manner, or be now in said Indian Territory, may be admitted to representation and all the privileges of this joint Government, by accepting and agreeing, through their proper authorities, to the provisions of this constitution.

ARTICLE II.

Sec. 1. The powers of this government shall be divided into three distinct departments, to be called the Legislative, the Executive, and the Judicial, Departments of the Indian Territory.

Sec. 2. No person belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in cases hereinafter expressly directed or permitted.

ARTICLE III.

Sec. 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of their acts shall be "Be it enacted," or "Be it resolved by

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the General Assembly of the Indian Territory."

Sec. 2. The Senate shall consist of one member from each nation whose population is two thousand citizens, and one member for every additional two thousand citizens or fraction greater than one thousand; Provided, nations with populations less than two thousand may unite and be represented in the same ratio; And provided further, that the Ottawas, Peorias, and Cuapaws, shall be entitled to one Senator; and the Senecas, Wyandottes and Shawnees to one Senator; and the Sac and Foxes to one Senator.

Sec. 3. No person shall be eligible to a seat in the General Assembly, but a bona fide citizen of the nation which he represents, and who shall have attained the age of twenty-five years.

Sec. 4. The House of representatives shall consist of one member from each nation, and an additional member for each one thousand citizens, or faction thereof greater than five hundred.

Sec. 5. The members of the Senate and House of Representatives shall be elected by the qualified voters of their respective nations, according to their laws or customs, and shall hold their office for the term of two years. Vacancies that may occur shall be filled in like manner.

Sec. 6. The Senate, when assembled, shall choose a President and its other officers, and the House of Representatives a Speaker and other officers and each shall judge of the qualifications and returns of its own members. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under penalties as each house may provide.

Sec. 7. Each branch of the General Assembly shall keep a journal and determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

Sec. 8. The General Assembly shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the nation of the Indian Territory, the arrest and extradition of criminals escaping from one nation to another; the administration of justice between members of the several nations of the said Territory and persons other than Indians and members of said nations: and the common defence and safety of the factions of said Territory. But the said General Assembly shall not legislate upon

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matters other than those above indicated. The General Assembly shall meet annually on the first Monday in June, at such place as may be fixed upon at their first regular session.

Sec. 9. Members of the General Assembly and other officers, both Executive and Judicial, before they enter upon the duties of their respective offices, shall take the following oath... to wit: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the Indian Territory, and that I will faithfully and impartially discharge, to the best of my ability, the duties of the office of _____, according to law. So help me God."

Sec. 10. The members of the General Assembly shall be paid four dollars per day while in actual attendance thereon, and four dollars, mileage for every twenty miles going to and returning therefrom on the most direct traveled route, to be certified by the presiding officer of each House: Provided, no member shall be allowed per diem compensation for more than thirty days at any annual session.

Sec. 11. Members of the General Assembly shall, in all cases except of treason, felony, or breach of the peace, be privileged from arrest during the session of

the General Assembly, and in going to and returning from the same.

Sec. 12. No power of suspending the laws of this Territory shall be exercised unless by the General Assembly or its authority. No retrospective law, nor any law impairing the obligation of contracts, shall be passed.

Sec. 13. Whenever the General Assembly shall deem it necessary to provide means to support the Government of the Indian Territory, it shall have power to do so; but no revenue shall be raised not actually necessary and in accordance with law, uniform in its operations throughout the Territory.

Sec. 14. All bills making appropriations shall originate in the House of Representatives; but the Senate may propose amendments or reject the same. All other bills may originate in either branch, subject to the concurrence or rejection of the other.

Sec. 15. The House of Representatives shall have the sole power of impeaching. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation, and shall be presided over by the Chief Justice, and no person shall be convicted without the concurrence

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of two-thirds of the members present.

Sec. 16. The Governor, and all civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than removal from office and disqualification to hold any office of honor, trust or profit, under this Government; but the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial and punishment according to law, as in other cases.

Sec. 17. The salaries of all officers created under this constitution, not otherwise provided, shall be regulated by law, but no increase or diminution shall be made in the same during the term for which said officers may have been elected or appointed.

ARTICLE IV.

Sec. 1. The Executive power of this Territory shall be vested in a Governor, who shall be styled the Governor of the Indian Territory, and whose term of service shall be two years, and until his successor shall have been elected and qualified. He shall be elected by the qualified electors of each nation, on the first Wednesday in April, at the usual place of holding elections of the several nations. The returns

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of the election of Governor shall be sealed up and directed to the Secretary of the Territory, who shall open and publish them in the presence of the Senate and House of Representatives in joint session assembled. The person having the highest number of votes shall be declared Governor by the President of the Senate; but if two or more shall be equal and highest in votes, then one of them shall be chosen by the majority of votes by joint ballot of both houses of the General Assembly.

Sec. 2. The manner of conducting and determining contested elections shall be directed by law.

Sec. 3. No person shall be eligible to the office of Governor who shall not have attained to the age of thirty years.

Sec. 4. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office until another Governor shall be duly qualified. In case of the death, resignation, removal from office or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall fill the office until the President of the Senate shall have been chosen and qualified to act as Governor.

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Sec. 5. The Governor shall receive at stated times, for his services, a compensation to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected; nor shall he receive, within that period, other emolument from the Indian Territory.

Sec. 6. The Gov. shall from, time to time, give to the General Assembly information in writing of the state of the Government, and recommend to its consideration such measures as he may deem expedient, and shall take care that the laws be faithfully executed.

Sec. 7. The Governor, on extraordinary occasions, may, by proclamation, convene the General Assembly at the seat of government, to legislate upon such matters only as he may recommend.

Sec. 8. When vacancies occur in offices, the appointment of which is vested in the Governor by and with the consent of the Senate, he shall have power to fill such vacancies by commission, which shall expire at the end of the next session of the General Assembly.

Sec. 9. The Governor may grant pardons and respites, and remit fines for offences against the laws of this Territory, and shall commission all officers who shall be appointed or elected to office under the laws of the Territory.

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Sec. 10. Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it may have originated, which shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of the members present of that house, it shall become a law; but in such case the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 11. There shall be a Secretary of said

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Territory who shall be appointed by the Governor with the advice and consent of the Senate, and who shall hold his office for two years, and whose duties shall be prescribed by law. He shall also act as Treasurer of the Territory until otherwise provided. Before entering upon his duties as Treasurer, he shall give bond with such sureties as may be required by law. No money shall be drawn from the Treasury but by warrant from the Governor, and in consequence of appropriations made by law. There shall also be appointed in like manner one Marshal, who shall have power to appoint such deputies as may be authorized. There shall likewise be appointed one Attorney General and two District Attorneys, whose duties and terms of office shall be defined by law.

Sec. 12. All commissions shall be in the name and by the authority of the Indian Territory, and be sealed with the seal and signed by the Governor and attested by the Secretary of the Territory.

ARTICLE V.

Sec. 1. The Judicial Department of the Indian Territory shall be vested in a Supreme Court, three District Courts, and such inferior Courts as may be

provided by law; but their jurisdiction shall not interfere with the civil and criminal jurisdiction retained to each separate nation by the treaties of 1866.

Sec. 2. The Supreme Court shall be composed of the three Judges, who shall be appointed by the Governor with the approval of the Senate, as District Judges. Two of said Judges shall form a quorum of the Supreme Court for the transaction of business. Their terms of office shall be six years, provided, that the office of one of said Judges shall be vacated in two years, of one in four years, and of one in six years, so that at the expiration of each two years one of said Judges shall be appointed as aforesaid. The Judge appointed for six years shall be the first Chief Justice of the Supreme Court, and upon the expiration of his term, the senior Judge in office shall be thereafter the Chief Justice.

Sec. 3. The Supreme Court shall meet at the Capital commencing on first Mondays in June and December in each year. The Supreme Court shall be a Court of appellate jurisdiction from the District Courts, and original jurisdiction in such cases as may be prescribed by law.

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Sec. 4. The Supreme and District Judges shall have power to issue writs of habeas corpus and other process necessary to the exercise of their appellate or original jurisdiction.

Sec. 5. The District Courts shall have original jurisdiction of all cases, civil and criminal, arising from the trade or intercourse between the several nations, and all cases arising under the legislation of this government as may be prescribed by law.

Sec. 6. Writs of error, bills of exceptions, and appeals may be allowed from the final decisions of the District Courts in such cases as shall be prescribed by law.

Sec. 7. It shall be the duty of the General Assembly to divide the Indian Territory into three districts, which shall be as nearly equal in territory and population as may be practicable, assign one of the three Judges to each district, and provide for the holding of terms of the District Court in each, at such times and places as may be deemed expedient.

Sec. 8. No person shall be appointed a Judge of any Courts, until he shall have attained to the age of thirty years, and be a person of good character and suitable qualifications.

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Sec. 9. No Judge shall sit on a trial of any cause in which he may be interested, or in which he is connected to either of the parties by affinity or consanguinity, except by consent of the parties; and in case of disqualification of any Judge, the vacancy shall be filled as may be prescribed by law.

Sec. 10. All writs and other process shall run in the name of the Indian Territory, and bear test and be signed by the Clerk issuing the same.

Sec. 11. Indictments shall conclude, "Against the peace and dignity of the Indian Territory.

Sec. 12. Each Court shall appoint its own Clerk, whose duty and compensation shall be fixed by law.

ARTICLE VI.

Sec. 1. The General Assembly may propose such amendments to this constitution as three-fourth of each branch may deem expedient; and the Governor shall issue a proclamation directing all civil officers of the Territory to promulgate the same as extensively as possible within their respective districts, at least six months previous to the annual sessions of the National Councils, of the nations parties hereto;

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and if three-fourths of such National Councils, at such next annual session, shall ratify such proposed amendment, they shall be valid to all intents and purposes as part of this constitution.

DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare: --

Sec. 1. That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they shall have at all times the inalienable right to alter, reform, or abolish their form of government as may be lawfully provided for.

Sec. 2. The free exercise of religious worship, and serving God without distinction of creed, shall forever be enjoyed within the limits of this Territory: Provided, That the liberty of conscience shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace, safety and good morals of this Territory.

Sec. 3. No religious test shall be required as a qualification to any office of public trust in

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this Territory.

Sec. 4. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of this privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

Sec. 5. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches, seizures, and intrusions; and no warrant to search any place or to seize any person or thing, shall be issued without describing them as nearly as may be, nor without good cause, supported by oath or affirmation.

Sec. 6. In all criminal prosecutions, the accused shall have a speedy trial by an impartial Jury, of the district wherein the crime shall have been committed; the right of demanding the nature and cause of the accusation; of having the witnesses to testify in his presence; of having compulsory process to procure witnesses in his favor; of having the right to be heard by himself and counsel; of not being compelled to testify against himself, nor to be held to answer to any criminal charge but on information or indictment by a grand jury.

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Sec. 7. All prisoners shall be bailable before conviction, except for a capital offence where the proof is evident or the presumption great.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted; and all courts shall be open, and every person, for an injury done him in his person, reputation or property, shall have remedy as the law directs.

Sec. 9. No person, for the same offence, shall be twice put in jeopardy of life or limb, and the right of trial by jury shall remain inviolate.

Sec. 10. No person shall be imprisoned for debt.

Sec. 11. The citizens shall have the right, in a peaceable manner, to assemble for their common good, to instruct their representatives and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended, unless the public safety should require it.

Sec. 13. All power not herein expressly granted by the nations parties to this Constitution, are reserved

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by them respectively, according to the provisions of their several treaties with the United States.

SCHEDULE OF THE CONSTITUTION.

In order to organize the Government of the Indian Territory, and secure practical operation for the same, it is hereby ordained -- and the provisions of this Schedule shall be of the same binding force as the constitution, of which it is a part -- that it shall be the duty of the Secretary of this General Council to transmit a duly authenticated copy of this constitution to the executive authority of each nation represented in the General Council, and to ask the acceptance and ratification of the same by the councils or people of the respective nations. Upon receiving from such authority, notification of its acceptance and ratification by National Councils, representing two-thirds of the population of the nations represented in the General Council it shall be his duty to promulgate such fact, and to call a session of the General Council from the nations ratifying this Constitution at such place as the present session may designate for its next meeting. It shall be the duty of the General

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Council when so assembled to adopt such measures as may be necessary to secure the election of a Governor and members of the General Assembly, and to fix the time of the first meeting of the said Assembly, whose duty it shall be to perfect the organization of the Government of the Indian Territory, under the provisions of the foregoing constitution; Provided that this constitution shall be obligatory and binding only upon such nations and tribes as may hereafter duly approve and adopt the same.

ENOCH HOAG,
Superintendent Indian Affairs,
President.

G. W. GREYSON,
Secretary.

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CHEROKEE ADVOCATE

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W. P. Boudinot, Editor

THE OKMULGEE CONSTITUTION

The New York Sun comments at some length on the features of the bill introduced into Congress by Mr. Wells to organize the Territory of Oklahoma, and while opposing the bill as being palpably unjust to the Indians, takes up the matter of the Okmulgee Constitution, which it calls a "plausible but injudicious scheme," and one "open to many serious objections," and says:

The Okmulgee Constitution proposed the formation of a Territorial Government, the officers of which should be chosen by the Indians from their own race, practically independent of the United States Government but operating under its sanction, without any modification of the tribal relations already existing among them. It was in fact intended as an alliance of the Indians against the encroachments of

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the whites, and carried into effect would result in the establishment of a barbaric dominion within a civilized republic, subdivided into nearly twenty different nations, all speaking different languages, and each under its individual chiefs."

So here we have the serious objections, which have become common however in the newspapers, ever since Governor Brown's figure of speech about the Chinese wall. But we will let the Sun answer them itself, which it does futher on in the same article, in those words:

"But nevertheless these Indians have rights which should be respected, and these rights the proposed legislation would treat with utter disregard. And this notwithstanding that there is every prospect that the coveted country will be opened up to white settlement, under proper restrictions, by the Indians themselves, if they were permitted to go on in their own way."

Which means that under the liberal laws and regulations of the several Indian Nations, white people are being constantly admitted to citizenship. As we have said before over and over again, any body who will take a little time to read the Okmulgee

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Constitution, can see that no change whatever was contemplated or could be made by it in the laws as they now are regarding the admission of citizens. It is plain why those who would deny the Indian any rights at all, should for the purpose of forwarding their own plans for plundering them, continually misrepresent and malign the motives of those who framed the Okmulgee Constitution. But how are we to account for this hot and cold blowing by the Sun in the matter? What imaginary spectre was therein the constitution to frighten those who are candid and just enough to admit that all will be well if we are allowed to go on in our own way?

There is something in this cry against the Okmulgee Constitution, which apart from the injustice done to us by it, appears palpably absurd when we consider the relation in which we stand to the government of the United States. Every body, it seems to us, ought to know that a general Indian government would be nothing in the way of the operation a law of Congress providing for the establishment of another in its stead. We could then if we deemed the law unjust to us, protest as we are now doing, but that would be all. To pass the bill in Congress and then

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let it have the approval of the President would be all that would be needed, -- the Indian government would be at an end. General Grant of course, like anybody else knows this, and yet it will be remembered that in his message to Congress transmitting the Okmulgee Constitution just after its adoption by the Council, he recommended a compliance with the wishes of the Indians, so far as "consistent with safety." Where was the danger? Did it threaten the Indians themselves? If we could suppose for a moment that the guardian was so solicious for the welfare of the ward as to apprehend danger to the latter from his own acts, then we would either have to consider the guardian as a paragon of gentleness and good intentions, or that the ward was the feeblest and most abject of human kind. Who, whether white or red is willing to accept either of these conclusions?

Where was the danger -- and whom did it threaten? If the Indian nations, over whom the Okmulgee Constitution was designed to operate were enemies and not friends of the Federal Government -- if their life was one of war and not of peace -- if they rejected civilization instead of fostering and seeking it -- if they were powerful instead of being

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weak in numbers, then there might be reason in the cry of danger. It is not necessary to say that the day of Indian coalitions against the power of the United States has passed. But suppose it has not, -- it, could only exist elsewhere among a few to whom war is yet a pastime. But for us -- the people of the proposed Indian territory, though we may still be called barbarians by some, yet even those who thus call us so, must themselves admit that we are sufficiently civilized to know our weakness, in any armed resistance to the Great Government. The danger then is not from war -- that would be too absurd to think of. Before we could seriously think of fighting, we would have to go back beyond a century in time; resume the scalp dance and the warriors' paint, the barbed arrow, and the tomahawk, and leave our farms, and schools, and all our present hopes "to dumb forgetfulness a prey." We apprehend that this talk of ours may provoke a smile as being out of place; but is it any more out of place or uncalled for than the cry of danger to the Great Government from the acts of an Indian Council? But this general fear, whether feigned or real, of a Chinese wall or barbaric dominion, is strongly suggestive to us as showing the wishes and expectations of the mass of the American people: --

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that is that our little nationalities as they are, must in time go down. Some, would overthrow them outright, by the passage of a law opening the country to indiscriminate settlement against the protestations of the Indians themselves. Others would await the consent of the Indians; but all have in view the coming of the time, be it long or short. Hence, every action taken by the Indian Nations in concert, is narrowly watched; because there is the general apprehension that they might by some action of their own, ward off for a long period the extinction of their nationalities. It is worthy of remark that in all the talk against the Okmulgee Constitution as the proposed foundation of a general Indian government, men have contented themselves with merely crying "danger" without ever attempting to point it out. They have taken it for granted that the sole object of the Council was to protect the Indian nations, but never have so far as we know, attempted to show how this self-protection of the Indians would be inimical to the just requirements and expectations of the people of the United States. They did not attempt to show it, for the very plain reason that they could not succeed. The language of the Constitution itself, and the laws and customs of the

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Nations are all against it.

It appears to have been taken for granted, that if the Indian Government had ever gone into operation, it would have been permitted to go on; -- if not so, then all this cry about a barbaric dominion surrounded by a Chinese wall was but an idle waste of breath. The fear was, that the Government of the United States would be just enough to the Indians, not to interfere with their government when established, and that it would permit it to go on as a trial work at least. And there was another selfish wicked apprehension: -- and that was, that the Indian Nations under their own general government, would give no just cause for complaint against them, -- and would not make it necessary for the intervention of Federal authority to protect trade and commerce, and the rights of citizens of the United States; -- and that under this new order of things, the Indian Nations acting together, would be allowed to prepare themselves for the change in their relations with the United States, without having it thrust upon them wholly regardless of their wishes, in the shape of some plundering Congressional bill.

Thus, because an Indian Council, proposed that the Indian Nations should act jointly in forwarding

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their own interests under their treaties and the inter-
course law, -- they could not, they dared not do more,
they are prejudged, and their motives impugned. Their
intention, which in any other people would be consid-
ered a laudable one, is falsified, and then turned against
them to cover and forward the design of the strong to
rob the weak.

CHEROKEE ADVOCATE

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

LETTER OF D. H. ROSS TO EDITOR CHEROKEE ADVOCATE

Mr. Editor. -- The following will show how Indians sometimes do up business among themselves:

While the late Council at Fort Cobb, Indian Territory was in session, Mr. John Howell, Nephew of P. P. Pitchlyn, a Choctaw, but citizen of the Chickasaw Nation, called upon Agent Tatum, and complained that a party of men claiming to belong to Toshowas' band of Comanchees, had stolen twenty-two head of horses from him, and a number from other citizens of the Chickasaw country, and escaped with them. Mr. Tatum at once referred the matter to the Peace Commission, who promptly notified Toshowa of the report, and claimed his active co-operation in redressing the injured party. This Chief, and also Asahabi and Asatoet, his second and third in rank, have long been noted for their probity of character. After a short consultation between these three

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Chiefs, the Commission was informed that they would see into the matter at once. That evening Kits-quip announced that the stolen property was in the "Yar-par-reka" camps, thirty miles distant. Horse Back, (Agent Leavenworth's old enemy,) then presented himself and said, "Give me the authority and I will bring them." The authority was given, the two, Horse Back and Kits-quip disappeared, and next morning at sun rise returned with thirty-two head. Mr. Howel received the horses with many thanks and departed for home, leaving all the parties well pleased with the result.

D. H. ROSS

CHEROKEE ADVOCATE

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

LETTER OF D. H. ROSS TO EDITOR CHEROKEE ADVOCATE

Fort Gibson, I. T.,
Aug. 17, 1872.

Editor Advocate:

Capt. J. James Vann, and Eli Smith, and Dan. H. Ross, Cherokees; Col. Chilly McIntosh, Mico Hutky, and Mico Yahola, Muscogees; Col. John Jasper, and Fushutsy Harjo, Seminoles; Capt. Black Beaver, Tshowa, and Wauloupe, Affiliated bands of the Wichita Agency, -- peace Commissioners to the Kiowa and other Indian tribes of the Plains, -- have discharged the important trust committed to them to the best of their ability and we hope to the satisfaction of all the parties in interest.

Pursuant to the provisions of the resolution of the General Council of the Indian Territory, of June

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last the Commissioners met promptly at the Wichita Agency on the morning of July 22nd, with the exception of the Choctaw Delegation and Mr. David Hodge of the Muscogees.

Having paid our respects to acting Agent, Wm. Howard, (Mr. Richards being absent) and other friends in charge of this most important Agency, and replenished our provision chests with the necessaries of life, we proceeded to the vicinity of old Fort Cobb, twelve miles west of the Agency. Here in a beautiful valley upon the banks of a clear tributary of the Washita, we halted our jaded teams and pitched our tents. The most eligible sight in the bend of the creek, high and dry, beneath the wide-spreading arms of an ancient oak, was selected for the council ground. By noon of the 23rd it had been divested of under brush and presented a cozy, cool, inviting aspect. All things now being ready the Commissioners met and made Capt. Black Beaver temporary chairman. Daniel H. Ross was chosen Secretary and Col Chilly McIntosh permanent chairman, Thus organized the Roll was called, David Hodge, Muscogee, and Mr. Joseph P. Folsom and colleague not responding. The name of Micoo Yahola was by unanimous consent substituted in

place of Mr. Hodge. Thomas Cloud Caboon, Charley Arlescher, Joseph Keetsie and Tarlehalarars were enrolled as Interpreters.

Capt. Black Beaver, Toshowa and Warloupe, special messengers to the Kiowas and other Tribes of the Plains reported that they had spent sixteen days in this service and anticipated a large attendance, the Kiowas excepted. That they, the Kiowas, and quarle Comanches were en route for the Council when one of their young men came in and reported that he had seen seven hundred soldiers moving up the west bank of Red River and a small force from Fort Sill on the east bank. That they had consequently taken a scare were falling back and would probably not attend unless reassured of safety.

On the morning of the 24th, small bands from various tribes began to arrive, and by night the beautiful plain all around was animate with hundreds of horses and mules while all along the banks of the serpentine creek camp fires blazed up and the hum of many voices in various dialects attested the fact that a grand gathering of red men had commenced. Toward night fall Mr. Cyrus Beede, Chief Clerk to Superintendent Hoag, Agent Tatum, and United States

Interpreters, McClusky and Jones, arrived with instruction from Superintendent Hoag to give the Commissioners every needed assistance by by no means interfere with the order of business. The same evening Paso or Dollar, commonly called Pacer, a prominent Apache chief, arrived with a party of about twenty Apaches, Quarle, Nacone, and Yaparrika, Comanches. This party fully confirmed previous reports as to the Kiowas. Impressed with the importance of a conference, in person with these people, the Commission after a free interchange of views with the officials of the United States Government present, decided to make a second effort to induce them to come in. The services of the Apache Chief Paso were accordingly secured, and armed with a safe conduct from the Commission, strongly endorsed by Agent Tatum, this worthy chieftain set out upon his mission, having however just assured us that we should certainly know the result within seven days. On the morning of the sixth day thereafter, 31st of July, Lone Wolf, Fast Bear, and Woman Heart, Kiowa chiefs, and a small party of braves, made their appearance and were warmly welcomed. The next day, Aug. 1st, Kicking Bird, Son of the Sun, Hossing chiefs and White Horse, the noted

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raider, with a large party of Kiowa, Apache Quarle
and Nocone braves arrived, escorted by our Messenger,
Pano. Most heartily were they greeted by all pre-
sent. In the mean time the Arapahoes, headed by Little
Raven, Big Mouth and Spotted Wolfe and their Agent and
the Cheyennes, headed by Little Robe, White Shield and
Little Black Kettle, had come in, been formally re-
ceived according to "Ancient" Indian custom, received
the "peace talk" and responded through Little Robe.
The Cheyennes are a strong tribe and they and the
Arapahoes are the immediate neighbors, friends and
kindred of the Kiowas. One of the leading objects of
the Commission was to encourage and strengthen these
middle men in their efforts to keep the peace them-
selves and induce their brother the Kiowa to do the
same. The most ample opportunities were given the
Commissioners to ascertain the true status of these
tribes, and we take great pleasure in recording our
firm belief that they have been strictly true to their
treaty obligations with the United States Government
and will continue so.

August 2nd was devoted to the formal reception
of the newly arrived brothers, the Kiowas, Quarles
Hacones and Apaches.

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August 3d the Council ground contained within the great ring of one hundred feet, the following personages. Peace Commission and Representatives of the Federal Government in the centre. In the ring, Toshiwa, Asahabi, Asatoet, Piyou, Strait Feather, of the Penny-taker or Wasp Eater Comanches. White Wolf and Horse Back of the Hoonies. Ten Bear and Iron Mountain of the Yahpareker. Kits Quip, Tahhenahquah of the Weeguine; and Red Food and Little Captain of the Danama bands Comanches. Faso or Dollar head chief and Shaking second chief of Apaches. Little Raven, Big Mouth and Spotted Wolfe of the Arapahoes. Esadewa, Wichita, Buffalo Good, Waco, Dave, Tahqarcunnie. Carwarrahuskits, Keetsie, Lone Wolf, Kicking Bird, Fast Bear, Woman Heart, Hossing Son of the Sun White Horse, Kiowas; and many others of less note. Capt. James Vann opened the proceedings with an urgent appeal for peace in which he forcibly depicted the blessings thereof and the horrors of war. Col. McIntosh followed. Night came on and adjournment announced until the next day, the 4th, last day of Council. Every tribe had pledged itself to peace with all the red brethren of the Indian Territory, and all but one to be at peace with the "whiteman," Could we be the means of rescuing this

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brother from his perilous condition? There was but little sleep that night. On the next morning we would propose a plan for a settlement of his difficulty with the Government of the United States. Would he accept it?

Plan -- The unconditional surrender of the white captives, cessation from hostilities, appointment of a delegation to visit Washington, return to their Agency, receive the rations and remain under the protection of their Agent until the return of their delegation from Washington. The release of Satanta now imprisoned in Texas to be left for settlement in Washington.

Ten o'clock Sunday morning, the 4th finally came, and with it a dense assemblage beneath the great oak. Col. Jumper, the able Chief and eloquent orator of the Seminoles spoke in behalf of the Commission. For two hours the Col. enchaind the attention of his audience. At one o'clock a short recess was had, and again we assembled, Col. Chilly McIntosh, Capt. Black Beaver, and George Washington (Caddo) urged the acceptance of the terms proposed to the Kiowas. Speaking ceased. The Kiowas consulted. Lone Wolf then arose and said: "I am ready to do even more than you have proposed on one condition. We were once,

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twice promised the release of Santanta. Let us see his face and we will surrender the captives, all the Government property -- everything, and pledge ourselves to White and Red jointly in a peace which shall never be broken by us." The old (crazy) Ten Bear, (Comanche) thought that Lone Wolf was right, but whatever was done he would agree to, as he wanted to go to Washington himself. Night was upon us. Warloupe, (one of the Commissioners) finally came forward and said: "Lone Wolf is right. Let the Government of the United States fulfil its promise as to Santanta, and every other demand will be promptly met." The bucket of milk was now upset, and by one of our own men, and thus the long Council of fourteen days was dissolved. The Seminole and two of the Muscogee Delegation left at once for home. On the next morning, the 5th, the rest of us went to the Agency, and remained until the 7th. Not satisfied with the final result, the Kiowa Chiefs had followed us to the Agency, and wished to renew the discussion. Kicking Bird, Son-of the Sun, Hossing, and Fast Bear, said that they were not satisfied, that they were in favor of letting their friends manage for them. That they wanted peace. Kicking Bird said that two of the

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prisoners were held by his people, and that he was ready to act in their behalf, if he had any guarantee of safety from the military while so engaged. An interview was had with Mr. Beede, who for the Government proposed a trip by himself and Kicking Bird to Fort Sill to a full understanding with Agent Tatum and the commanding officer. This arrangement was fully agreed upon, but defeated (as claimed by Kicking Bird) by United States Interpreter, Phil Block. It was finally agreed that Mr. Beede should go to Fort Sill, delay the movement of troops for two weeks. That Kicking Bird should at once proceed to his people, and in ten days deliver the two prisoners at the Witichita Agency into the hands of Mr. Beede. And that should anything occur to delay the enterprise, then a messenger should report the fact to Capt. Black Beaver at the Agency. With this understanding we separated.

Thus we have given you a pretty full account of the late council at old Fort Cobb, I. T. In conclusion we will add that we regard this council as a grand success for all the parties in interest. The Kiowas in common with other Tribes of the plains sincerely desire peace. As a matter of expediency

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we believe and earnestly hope that Santanta will be
reprieved, and restored to his people by the United
States Government. Had there been an Agent of the
Government present during the council, fully author-
ized to act in this matter, a most satisfactory
arrangement could have been made. We regret that
Messrs. Parish and Alvord, Commissioners from the
United States Government to the Kiowas, had not
reached Fort Cobb before the council adjourned.
The way has however been well paved for them, and if
successful in getting a fair hearing, we shall ex-
pect soon to hear of a definite and satisfactory
settlement of the Kiowa question.

Very Respectfully,

D. H. ROSS,

Secretary of Indian Peace Commission.

N. B. -- To give you some idea of the number
of Indians who attended the Council we will add, that
one hundred and fifty beaves were consumed, thirty-
five barrels of sugar, and coffee and flour in pro-
portion. That Mr. Beede in behalf of Superintendent
Hoag and his Federal Government was ever prompt in
anticipating and providing for all the wants of the

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great gathering. Always calm, hopeful and prudent,
he won the confidence of all, and contributed greatly
to the success of the Council. Mr. McClusky rendered
valuable aid as Cheyenne and Arapaho Interpreter.
While Mr. Fred Lockley of the Commercial Office,
Leavenworth, Kansas, was ever on hand, noting for
the information of the great world in general, and
especially for the great "World" of New York City.
Clever gentlemen all.

D. H. R.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 17, 1874
Vol. 4, No. 36-192
John L. Adair, Editor

INDIAN MISSION SCHOOLS

The following is kindly furnished us by Rev.
T. K. B. McSpadden.

Mr. Editor:

The good work among the Indians is progressing. This year, however, just closing, has been one of toil and great anxiety. The Indians have been greatly perplexed in relations to their future political and civil condition. How the matter will be settled is a question that gives much concern and extreme anxiety. To solve the difficulty I shall make no attempt; but one thing I most earnestly desire, and that is, that every thing may end for the welfare and happiness of the Indians. For the "red men of the forest" I have profound regard. There are many noble spirits among the Cherokees, Creeks, Chickasaws, and Choctaws, and I have had so many evidences of friendship and affection that I should be heartless

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did I not wish and pray for their prosperity. The Indians are advancing in many respects. There are hundreds of the most intelligent among them, both of the mixed-bloods and full Indians, that are devout Christians, walking worthy of their Christian profession. In agriculture and mechanic arts, too, they are making progress. But perhaps in the education of the young, more marked improvement has been witnessed than in any thing else. Schools now are common in many parts of the Indian Territory. Our Church has two fine institutions, one in the Creek Nation and one among the Choctaws. Prior to the late war we had a number of other schools in progress, which accomplished in their day a vast amount of good. Since 1866 our schools have not all been revived. Indeed, the policy of the Indians as well as that of the Government has materially changed, and much more now is done by national schools, or what we might call public schools. Besides, many of the youth are sent to the States to be educated. Among the Cherokees we have now no distinct schools, but in years gone by we perhaps did more to give their children a general education than almost any other denomination of Christians. As far back as 1822, or fifty years ago, our Church sent missionaries among the Cherokees, who taught schools

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among the natives, and laid the foundation of their future intellectual improvement. Richard Neely, Andrew J. Crawford, I. W. Sullivan, Ambrose F. Driskill, N. P. Scales, F. A. Owen, D. C. McLeod, Allen F. Scruggs, G. T. Henderson, Greenberry Garret, J. W. Hanner, Joseph Miller, G. M. Rogers, W. M. McFerrin, the writer, and others, taught Mission-schools from year to year before the Cherokees removed West. Creek Path, Will's Valley, Chickamauga, the Agency, Oothkeeloga, Pine Log, Chattooga, and other localities, shared the labors of these servants of God. Thousands of Cherokee children were taught the rudiments of an English education, and many of them were well advanced in the higher branches. After their removal West many of our missionaries were engaged a portion of their time in teaching as well as preaching the gospel to the natives. The Rev. John Harrell, the Superintendent of Missions of the Indian Conference, could give an interesting chapter on the subject of education among our brethren of the West.

At present, our preachers are mainly engaged in preaching, and in instructing the children in the Sunday school. We trust the time is coming when we may be able, if it be desirable, to organize schools again

in the Cherokee and Chickasaw Nations. Till such
time our preachers must do all they can by instructing
the children and encouraging the cause of general
education among the people.

J. B. McFERREN, Sec.

CHEROKEE ADVOCATE

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

A BILL INTRODUCED BY MR. SHANKS

Whereas the several treaties between the United States and the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Nations of Indians, concluded in eighteen hundred and sixty-six, provide for the establishment of a United States court in the Indian country, commonly known as the Indian Territory, as follows, namely: The Cherokee treaty, article thirteenth: "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 causes, arising within their country, in which members of the nation, by nativity or adoption, shall be the only parties, or where the

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action shall arise in the Cherokee Nation, except as otherwise provided in the treaty." The Choctaw and Chickasaw treaty, article eighth, section eighth: "The Choctaws and Chickasaws also agree that a court or courts may be established in said Territory, with such jurisdiction and organization as Congress may prescribe: Provided, That the same shall not interfere with the local judiciary of either of said nations," The Creek treaty, article tenth: "The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: Provided, however, That said legislation shall not in any manner interfere with or annul their present trial organization, rights, laws, privileges, and customs." "The Creeks also agree that a court courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide." The Seminole treaty, article seventh: "The Seminole Nation agree to such legislation as Congress and the President deem necessary for the better administration of the rights of the persons and property within the

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Indian Territory: Provided, however, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs." "The Seminoles also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of executing the treaties aforesaid, in the administration of justice and the protection of the citizens of the Indian nations and others lawfully therein, the Indian country, bounded as follows, namely, on the north by the State of Kansas, on the east by the States of Missouri and Arkansas, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, by, and the same is hereby, created, for judicial purposes only, into a judicial district, in which there shall be, and is hereby, established a court, to be styled "The United States court for the Indian country," with such

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organization and jurisdiction as are lawfully held and exercised by the United States district court for the western district of Arkansas over the said Indian country, and such further jurisdiction as shall be hereinafter provided for: Provided, That nothing herein shall be so construed as to interfere with the official duties of the superintendent of Indian affairs or any of the Indian agents in said district. The superior courts of the United States nearest said district court shall have appellate jurisdiction over the same in such cases as may be herein provided for, and from such superior court there shall be an appeal to the Supreme Court of the United States in such cases as may be herein authorized. The said district court for judicial purposes aforesaid shall observe and execute within the district aforesaid the treaties between the United States and the Indian nations or tribes within said district, and the laws of the United States known as the acts "regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," and such other criminal laws of the United States of a general character, and not inapplicable, as are provided for by said act, "to regulate trade and inter-

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course with the Indian tribes, and to preserve peace on the frontier:" Provided, That nothing in this act, or any part thereof, shall be so construed as to impair or abridge in any manner any of the rights the said Indian nations or tribes, or citizens thereof, nor to interfere with the authority of the penitentiary buildings now used by the United States court for the western district of Arkansas shall also be used by the district herein established until otherwise ordered.

Sec. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a judge, marshal, and district attorney for said court, and all other subordinate officers of the court shall be appointed by the said judge; ;Provided, That qualification being equal, preference in said appointments shall be given to citizens of the Indian country. The duration of office of the said judge, marshal and district attorney shall be for years, and that of the other officers appointed by the judge, during his pleasure. The oath of office, the duties, the powers, the emolument and perquisites of said officers shall be the same as those of like officers of the said United States court for the western district of Arkansas.

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Sec. 3. That said court shall be and is hereby, located at Fort Gibson, in the Cherokee Nation, and for that purpose such of the public buildings at that place as may be necessary are hereby set apart, until otherwise ordered, (or unless sooner said post shall cease to be held for Military purposes,) to be selected by the judge of the Court. Said court shall hold annually two regular sessions beginning respectively on the first Mondays of April and October, and shall establish its own rulings ... the transaction of business. It shall have original jurisdiction in the criminal cases arising in said district in which the defendant is not a citizen of any of the Indian nations or tribes of said district and in all civil cases arising in like manner and between like parties, when the amount at issue does not exceed in value the sum of one hundred dollars: Provided, That all of said nations or tribes, and citizens thereof, shall have the right to sue in all the courts of the United States: And provided further, That nothing herein shall be so construed as to affect the public domain of the said nations or tribes, nor to authorize said court, or any other court, to run or extend any process against said public domain; nor to run or extend any process against any property within said district

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that is now or may hereafter be exempt from the process of the courts of said nations or tribes, under the laws of the same.

Sec. 4. That all male persons over twenty-one years of age, citizens and lawful residents of any of the Indian nations or tribes aforesaid, and witness of said court; and all persons of Indian blood lawfully residing as citizens in any of the Indian nations or tribes aforesaid, or who may hereafter so reside, and all white persons adopted as such citizens, or who may hereafter be so adopted, and all colored persons who have been, or who may be hereafter, adopted as such citizens, shall be deemed and held to be citizens of their respective nations or tribes, and shall be amenable to the laws and customs thereof, the same as native-born citizens.

Sec. 5. That the salaries, fees, and mileage of the officers, and the pay for the jurors and witnesses of said court, shall be the same as those provided for like expenses for the United States court for the western district of Arkansas, and shall, with all other necessary expenses, be paid by the United States.

Sec. 6. That the act entitled "An act regulating trade and intercourse with the Indian tribes, and

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to preserve peace on the frontiers," be, and the same is hereby, amended so that all unlawful trespass on or seizure of the lands, timber, or other property of said nations or tribes, or citizens thereof, or any attempt so to do, by an unauthorized person, party, misdemeanor, and against the peace and dignity of the United States, and all persons so offending shall be liable to indictment and prosecution before said court, and, on conviction, shall pay a fine, to be determined by the court, for the benefit of the party injured, and no property shall be exempt from the payment of said fine, and the parties thus convicted shall moreover be punished with confinement at hard labor for a period of not exceeding five years nor less than one year, subject, in the meantime, to such Executive clemency as is usual in such cases. And acts or parts of acts conflicting with this act are hereby repealed.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, May 16, 1874
Vol. 5, No. 1-209
John L. Adair, Editor

THE GRAND COUNCIL

Okmulgee, I. T.,
May 5th, 1872.

Mr. Editor:

The Grand Council convened yesterday according to adjournment. The Superintendent, Hon. Enoch Hoag was not present but wrote instructing his Secretary to convene the Council and proceed with business. In the absence of both the Superintendent and Secretary the members present met at 9 o'clock A. M. in the Council house, and appointed Rev. S. Foreman of the Cherokee Nation, President pro tem of the meeting, and J. A. Scales Secretary. Nothing was done yesterday except to enroll the names of the members present and receive the credentials of the new members. Among the new were R. Bunch from The Cherokee Nation, who fills the

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vacancy occasioned by the resignation of Rev. W. A. Duncan of Flint District, Cherokee Nation, and J. A. Scales, who fills the vacancy occasioned by the death of Col. C. N. Vann, late delegate at large of the same Nation. Sixteen different tribes were represented in Council to-day, showing distinctly the various degrees of improvement and civilization attained by them.

Here in the same Council house were to be seen, men well educated, refined in taste and manners, dressed in the white man's garb, and qualified to appear in any society. Here also were to be seen our red brothers of the prairies, whose chief pride is to look as much like their Creator made them as possible. Hence some of them wear but little clothing especially in warm weather. Some wear pants, shirts, coats and hats like other men, while others still wear leggins and a flap which almost trails the ground, and shave their hair off close to the skin, except a top knot, or a cootler as the Cherokees call it.

The tribes represented in the Council, are the Cherokees, Muskogees, Choctaws, Seminoles, Osages, Quapaws, Sacs and Foxes, Delawares, the Absentee Shawnees, Keechies, Wichitaws, Wacos, Pawnees, Comanches and Caddos. The Cherokees are pretty well

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represented, still it is evident more competent men should have been found. The Creeks are also pretty well represented, but they are divided like the Cherokees, and cannot always get their best qualified men into office. I cannot say much of the Choctaw delegates because I do not know them, Mr. J. P. Fulson I know, he is a lawyer, well educated, shrewd, and a good speaker and writer. He is not here yet but is expected soon. The Seminoles are well represented by a Mr. Brown, a white man, an adopted citizen, and Thomas Cloud, a full blood Seminole. The Chickasaws have no delegates in Council. They had none last winter, because it was said, they were not allowed an equal representation in Council with the Creeks and Cherokees, who count some seventeen or eighteen thousand inhabitants, while they really count some eight thousand.

The town of Okmulgee is a beautiful little place, the name, I am told signifies boiling spring, and was given in memory of a boiling spring in the old Creek Nation in Alabama. At present the town has a lively appearance. The merchants are receiving large supplies of new goods from the east and

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are doing a good business. Although this little village is far out in the west, yet we have enough to eat and some to spare.

Well, I will close, I have hastily put down in this sheet which you can make such use of as you may think best. All well.

GOING SNAKE

CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 4, 1874
Vol. 5, No. 8-216
J. L. Adair, Editor

NEWS ITEM OF GEN. SAM HOUSTON

Gen. Sam Houston, on the morning of the day after the battle, sent a verbal order to me, by Col. Hocley, to make a detail of fifty mounted men, and put Col. Sherman in command of it, with orders to proceed in the direction of Vince's bayou, to cut off the retreat and capture the flying Mexicans. In obedience to the order the detail was made and paraded. I then sought for Col. Sherman, and found him busily employed in the Mexican camp. He declined to take the command; as no time was to be lost, seeing Col. Burleson on the battle ground, I rode up to him and gave him the order as from Gen. Houston. I placed him in command of the detachment, with orders for his government, and it proceeded on its mission. Late at night Col. Burleson returned to camp alone, the detachment having dispersed, and made no prisoners

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Early next morning, about sunrise, attending to some duties and just outside of the lines, close to the guard-fire, where the captured Mexican officers were detained, I saw two men a foot in the prairie skirting the timbers of Buffalo bayou, approaching me. As they came up to where I was awaiting them, I recognized one of them, a very young man, or lad, about eighteen years old, and a member, as I thought, of Capt. Baker's Company of volunteers, with his gun on his shoulder -- his name was Joel Robison. The other was a Mexican, and unarmed, in a coarse dress, and wearing a large Mexican straw hat. The young man stated to me that, as he was coming into camp, the Mexican, whom he supposed to be a common soldier, or follower of the Mexican camp, threw himself in his way, requesting to be taken to camp and see Gen. Houston.

The Mexican immediately accosted me, saying, "Sir, Gen. Houston," and at the same time took from somewhere about his person a letter, and putting his finger upon its address was "Don Ant. Lopez de Santa Anna," and again emphatically said, "Sir, Gen. Houston," I returned the letter, and in an inquiring tone, said to him: "You Senor Don Ant. Lopez de Santa Anna?" He replied quickly in the affirmative. Col. Hackley

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coming up at the instant, I told him who the Mexican said he was, and that we would take him to Gen. Houston. Just at this time we heard a quick and plaintive exclamation from the Mexican officers at the guard-fire of "El Presidente, El Presidente." The prisoner, whose manner throughout was dignified and soldierly, was placed between Col. Heckley and myself, the young man, Joel Robison, with his gun on his shoulder, bringing up the rear. In this manner we passed through Col. Burleson's quarters, at the head of which Gen. Houston's tent was pitched. When we reached that place, we found Gen. Houston outside his tent, at the foot of a large tree, reclining on a pallet, apparently asleep, after extreme suffering from his wound received in the battle, his back being toward us. We ranged along side. I put my hand on his arm to arouse him. The General raised himself on his elbow, and looked up. The prisoner instantly addressed him in Spanish, stating that he was Gen. Santa Anna, and surrendering himself as his prisoner of war. Gen. Houston looked at him steadfastly, and with deep intensity of gaze, for a moment, but made no reply. Turning to me, he requested me to proceed to the guard-fire, and bring from thence before him a young man, one of the prisoners, who was

reported to be Santa Anna's private secretary, and who spoke fluently in our own language. I did so. When I returned the prisoner was seated close to the General. The young man, as soon as he saw the prisoner, at once recognized him as Gen. Santa Anna, and assured Gen. Houston to his identity. The General, desirous of additional confirmation directed me to bring Gen. Almonte before him, who also understood our language, and spoke it fluently. I accordingly proceed on my errand, and whilst bringing along Gen. Almonte, I met Gen. Rusk and Lieut. Zavala. (Gen. Rusk had spent the previous night at Gen. Zavala's house, and just at that time came into camp.) I made Gen. Rusk acquainted with the capture of Santa Anna, that he was then with Gen. Houston, and that I was then taking Gen. Almonte with me to Gen. Houston's quarters, the more fully to identify the prisoner. Gen. Rusk and Lieut. Zavala accompanied me, with Gen. Almonte, and the prisoner was fully recognized and identified as Gen. Santa Anna.

John Forbes.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, July 25, 1874
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John L. Adair, Editor

THE INDIAN TERRITORY

"You'll have a rough time." "Whites are all cut-throats and scape-gallows." "Full-bloods won't talk to you when they can speak English." "Look out for you scalp." "Yankees talk about poor Indian! He's got all he deserves and more, too." "That's the finest country in the world, that Indian nation." These and like replies were made to me, inquiring my way into "the Indian nation," as they call it, after leaving Chetopa, Kansas.

Just after I cross the line I call at the first house for directions and information. A dark-eyed, quiet, pleasant-faced little woman opens the door and asks me in. I find the head of the house taking a comfortable afternoon nap, but he gets out of bed and begins to try to make it pleasant for me. "My wife there is a Cherokee quadroon; married her in

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Missouri; that gives me a right in the nation. Have you seen a copy of our national paper? there is one." I find he is a native of Kentucky and rather intelligent. He asks me to stop with an honest invitation and stay all night with him. I catch myself envying him as I go out, and say over to myself;

"I would court content like a lover lonely,
I would woo her and win her and wear her only,
and never go over this prairie wall
For gold or glory or aught at all."

As I strike across the prairie an exhilarating sense of freedom takes possession of me, and the animal in me feels like kicking up its heels for a run; but soft! -- you are still in sight of civilization. I strike a little white school-house, where some pupils slightly tinged with the Cherokee, are leisurely imbibing the rudiments of civilization. I cross Russell creek, under the guidance of one little Indian, for the farm of Mr. Mills. He has the name of being well to do in Chetopa and of being a very civilized man. I found out the reason -- he is making money. I found him suspicious of strangers. He has got a good thing and he is ... of being disturbed. He is an Englishman, and, to use his words, is a

Shawnee by marriage. He has a farm well stocked; some of his are blooded. I push on across the prairie for Mr. Hereford's. I am welcomed and regaled by a supper of corn bread, pork, coffee and sorghum. It is not what a man treats a guest to, but how he treats him that constitutes hospitality. I ask my bill, the next morning. "Nothing, sir; no, sir; you are welcome to the best we have." That was very civil. I wonder if it wasn't civilization? He was a Missourian by birth, a Cherokee by marriage. The next man I stop with talks "sectionizing," as they call placing the territory under territorial government. "A white man has no show here -- none at all; he's liable to be cheated, murdered." It is death to talk in favor of sectionizing. He describes very warmly the resources of the territory, agricultural and mineral, but finally explains all by saying. "I am going to work for _____ from this on."

I see thousands of wild geese and ducks here on a pond near by; also a dozen swans fly up whose whiteness is immaculate by the side of the Central Park civilized swans. I travel over some prairie, to-day, that is flat, wet and spouty. I find already that all of the Indian territory is not Eden in fertility. I take dinner and have a talk with an honest man. He had

been a western frontiersman, but has married a Shawnee and has settled down to quiet life. (The Shawnees and Delawares have purchased a right in the Cherokee nation.) It's real pleasure to talk to a man that will look you square in the eye, and one that you can know has, as Franklin would say, no "ax to grind." Though his talk I begin to have an exalted idea of Indian civilization. They have political parties, engineered very much in the same civilized way they are in the states. The first and largest is the "Pin party." This is the conservative party of the Cherokee nation; they are in favor of clinging to Indian ways and customs, and prefer a civilization of their own to that of the white man; wish the Cherokee language taught in their schools also. The basis of the party is a secret society that stands in about the same relation to the party that the Union league did to the republican party. It is called the Pin party from the fact that the members of the society once wore pins in the shape of a cross for mutual recognition. The other is the "Radical party," composed largely of mixed-bloods with a sprinkle of whites. A few of these are ultra, wishing citizenship immediately, the majority putting it off for some indefinite time.

I strike across a five-mile stretch of prairie,

most of it bottom-land, and, I should judge, very fertile. In front, two black lines creep over the prairie and mark the trail; on my left, the white barked sycamores mark the course of the Neosho river; on my right, the prairie waves away into rock-crested ridges. I come to a hewed log, double cabin -- a signless tavern-stand. It is where the Texas military road crosses the Neosho. Mine host is a Cherokee quadroon, with a certain kind of easy hospitality unadulterated by avarice. During the evening a young Mr. Coyner (white) and his Cherokee wife came in. Mine host makes it pleasant awhile with his violin, then we talk awhile. Altogether, it was the most civil evening I ever passed in a hotel; perhaps I have passed some more civilized. I ask him my bill, the next morning. "Well, 50 cents, if it's worth anything." I go from here to Prairie City, a station on the Atlantic and Pacific railway, It is a village of three or four houses. There is nothing of the rush here for railroad towns that there is in the states. I am told that when the railroad was first built a number moved to the station that have since moved away. I begin to think that our civilization is a drug that the Indian only takes when he is made to take it. I enjoy the hospitalities

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of a Mr. Hitchcock here; born in the nation but of New England parentage. Yankee traits do not fade in one generation, but they have been greatly modified in him. He teaches part of the time, and takes things quietly and easy.

I hear of a dish here that they call "Co-nah-ha-nu," prepared from Indian corn, which if a white man eat of he longs no more for his home in conventional society. How like Homer's Lotos eaters! The idea as expanded by Tennyson almost exactly describes the whites that have drifted into the Indian nation:

"Let us alone,

What pleasure can we have to war with coil?

Is there any peace ever climbing up the climbing wave?

Let us alone. All things have rest,

Why should we only toil,

We who are the first of things?"

"Out there they toil and suffer -- suffer, labor, toil, Stowing yearly dues of wheat and corn and oil."

(I quote from memory.) Many of these men have drifted here much as Ulysies and his men drifted among the Lotophagi. I have not tasted of their "Co-nah-ha-nu" yet. I strike from here for the Guapaw agency, the

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temporary camp of the Modocs. I call at the house of a Mr. Audrairie of French descent; he has a Cherokee wife and two daughters, rather fine looking. Their beauty is of that soft, dreamy, voluptuous type, much like the Louisiana creole. I cross the Neosho on the Atlantic and Pacific bridge; or, rather, it is Grand river, now, for standing midway on the bridge I can see where the waters of Neosho and Spring rivers and Lost creek mingling glide under my feet as Grand river. On my way to the Modoc camp; I call at the Wyandot mission school, conducted by Mr. Pearson of the Friends society. They have about fifty pupils in the school -- Wyandots, Sineccas, and, I think, some Shawnees. They have a fine farm connected with the school. Agriculture, taught practically to the Indians in their present state, will do more for them than a smattering of the rudiments. A modification of the grange system might help this and increase the agricultural interest. I understand the Delawares are about organizing a grange farther down Grand river. I push on four miles farther and reach the Modoc camp.

About five miles from the junction of Neosho and Spring rivers, forming what is called Grand river, are the present quarters of the remnant of the Modoc

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tribe. Their chief is Scar-faced Charley. To use his words: "I be chief; Bogus Charley, Shack-nastie Jim, and Steamboat Frank help me." The first impression one gets of Scar-face is, Here is a man that you cannot pass your hand through. His camp regulations would do honor to a United States army officer. If a stranger comes into the camp, Ipki, the marshal, is at his heels till he leaves. They have a guard-house made of green oak logs, heavily daubed with clay. Buckskin doctor, their "medicine man," drew a knife on some one; they put him in the guard-house and, the next day, set him to carrying a billet of wood. After he had carried it nearly all day, Ipki marching at his side, young Ensley Jones, the sub-agent, asked Bogus Charley, 2d chief, if he had not carried it long enough. Bogus says, "Call him, we see he got good heart yet." Buckskin doctor sees what they mean and shies off. "He no got good heart yet," says Bogus."

They had been making a great many bows and arrows -- small ones, "play-bows," they call them. One day, one of them playfully drew one on the sub-agent. Instantly an order went from Scar-face that all bows be put in one of the tents. Bogus says, "We know men killed quick that way." When the agent wishes

some men for work all he has to do is to tell how many he wants and they are forthcoming. The sub-agent says they are active and stirring and rather seem to like work. One expression that they seem fond of is, "go quick." The men are tall, well framed, with very small hands and feet. I said to Bogus -- you have to condense when you talk to them -- "Little hands, little feet, little bone, thin skull, big brain." "Ugh!" says Bogus. Through Mr. Jones and family and donations from Philadelphia they are neatly dressed. The women wear little, round, brimless caps of their own braiding. They use shucks now that they cannot get the grass that they formerly made them of. They are said to be remarkable for their truthfulness. They have a contempt for "forked talk." Mrs. Jones said in the only case of a lie that she knew of, the man was put in the guard-house for it.

They seem to have uncommonly clear ideas of the "Great Spirit" and have their own peculiar mode of worship. As Scar-face was conducting us through the camp he says; "You hear sing." We go into the quarters and we see "Medicine man" bending over a half-naked Indian girl, whose face is marked with white streaks and red. A crowd of men and women -- mostly women -- chant, "Y-a-h, yah yah, y-a-h yah yah!" Scar-face first tries to explain by saying, "She sick; no, got bad heart,

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want good one." That night, they were to go through their annual spring ceremony. They chant, two night, then dance the third night, They had made a tent about the size and shape of a large Framont tent for this. Scar-face says, "White man no comy." So I did not get into their mysteries. Their preferences have as much right to regard as those of more civilized people. I asked Bogus Charley about it, the next morning. "We no care for that, -- Buckskin doctor have that -- me no care." Much like a Boston radical would talk of a Methodist revival.

Bogas Charley's account of the cause of the trouble in California: We be at Tula Lake and Lost river. Plenty game, warm country; government, he buy claim; we go Fort Klamath, Oregon, on mountain, cold country. He say he give grub. Give beef once -- no game, hungry -- stay two moons. Captain Jack say, go back Tula lake -- go there, -- settler there -- game gone. Settler say, "Go way." Captain Jack say, "No, both stay -- no grub -- hungry -- kill settler's cattle -- soldier come, drive us back -- fight long time."

Since they have been in the territory there has been, as yet, no appropriation for food or clothing. Suppose the agent had said, "I will not incur the risk

of feeding these people," or that his credit has been good with the men of whom he buys his supplies. Modocs have to eat; they kill cattle; and then another war. I found all hands at work at the agency cutting and making garments. A daughter of Mr. Jones, a visitor, had cut 17 pairs of pants, that day.

Since writing the above I see that the government has made an appropriation of \$10,000 to the Modocs, being \$66 2/3 per head. A St. Louis paper in a commenting on it says: "They get so much for their goodwill to the government."

After leaving the Modocs I passed through a section of country said to be rich in mineral wealth -- silver, lead and copper. It has not been the policy of the government of the Cherokee nation to encourage the development of their mineral wealth. They claim that their removal from their old reservation was hastened by the discovery of gold in Georgia and North Carolina. Some permits, however, of late have been given for the working of some lead and copper claims. I think there is more attention paid to farming than is generally supposed. I passed through a neighborhood, to-day, where in a circuit of five miles there is said to be 2000 acres under cultivation. Fencing is generally good. Plows

and agricultural implements are better than those used in come of the southern states; say South Carolina. I saw some specimens of cotton cloth manufactured from the raw material grown here, -- home-grown, home-spun, home-wove.

I had a wagon ride of some ten miles over the prairie, to-day, and was entertained by the way with some Cherokee songs. The Cherokee is really a musical language. The Cherokee that would not wish it taught in the schools hasn't much national pride. I walk five miles after I am dumped from the wagon for the house of Mrs. Gen. Stand Watie. After I leave the prairie I follow a road walled in by two steep flint ridges for a half-mile. Suddenly I come to the house of Mrs. Watie. It is a log cabin, hidden deep enough in this pictureque glen for the abode of a bandit. Mrs. Watie is not at home, but will be shortly, with Col. Bell, her brother, a man of considerable prominence in the nation -- late independent candidate for chief. In a little while Mrs. Watie comes in and I am genuinely welcomed. She is tall and with but a faint trace of her Cherokee blood remaining. The real lady is born, not made. Her manners did not strike me as manners, but as a part of her -- "native and to the manner born." Her

brother, tall and well-formed, with a profusion of brown hair, only showed the Indian in his erect bearing. A man of intelligence and cosmopolitan views. Her daughter, tall without stiffness, had manners that would pass, the world over. "Uncle Jim, what do you think it would cost to have a good pair of boots made?" "Twelve dollars." "Well I'd give that, and I'm going to have a pair." That came through the chinks in the wall after I had gone to bed. I am happy to say she wore neither switches nor hemp nor stacked hair; it fell on her shoulders. Col. Bell is in favor of allotting the land which is now the common-wealth. His plan, I think, looks to citizenship in the future. The Indians have realized communism in property. The lands are the common-wealth; so are the public funds. Remarkable that what is considered utopian for the civilization of the 19th century has been realized by those we have chosen to designate as savages.

After breakfast I climb the hill that rises, terrace above terrace, in front of the house. I climb the hill and on top of the hill climb a tree from which I overlook Grand river leisurely gliding by two or three of Mrs. Watie's farms. They are rich bottom-lands that never fail to yield well. I go down, talk awhile and

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reluctantly conclude I must push on. Horse creek is two miles distant and is not wadeable. When I am ready to start, a horse is there, saddled, and a little Indian to carry me across Horse creek. Miss Watie calls the little Indian aside and gives him some private instructions. I suspect their nature from something she had just told me in regard to her father. "I never knew him to charge any one stopping with him," she said with pride. I in the saddle, the Indian boy up behind, start for Horse creek. Just before leaving the timber, we come to a dead owl hung up in a tree.

"Was a man shot hur?" says my little Indian. "Shoot twice; hear it plain." "Boys shoot game they don't want, hang it up here." That explained the hanging owl; some profane person had hung it an offering to the ghost. I would haunt that man if I were a ghost. The man was shot for having \$100 in his pocket. I think of what they told me on the Kansas border, but my courage falters not when I remember that I am guiltless of carrying the hundred dollars. We reach Horse creek, Says my little Indian. "Down horse hur." I find it not high, but it would have been rather wicked to wade. After we are across and up on the hill I dismount and put my hand in my pocket for some nickels.

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"No charge you," says little Indian, knew now Miss Watie had charged him not to charge me; but I drop them into his hand. He chuckles, whirls the horse and is off on a run.

My route, to-day, is through a prairie dotted at long intervals by small farms. Away to the right is a prairie walled in by timber. I don't try to follow any road; if I see a house I wish to go to, I go, keeping the general direction. Calling in one house, I find a Shawnee woman and two children. I ask, "How are you getting along?" "Purty well. How you get 'long?" She sopke it heart-felt; I don't think I ever had a salutation take hold of me as that did. In the afternoon three deer run by me within rifleshot. They jump high across the trail, then go leaping leisurely across the prairie to the timber, Just at dusk I reach the house of Parson Ketchum, a Delaware, and member of the grand council. He lives in a large brick house, and has a way of using the word "civilized" quite often. After supper he puts on his beaded buckskin hunting-shirt with a great deal of gusto. However, he is a man of considerable breadth of vision and belongs to a tribe that is almost extinct. He conducted his family worship in the Delaware language and is said to be

quite eloquent in it.

Next morning, I push on down Grand river for Simon's ferry. The ferry keeper was a colored man. There is a colored settlement here. They complain that they do not get their share of the educational fund. I have not been in a negro settlement since the war that was not complaining. It is as chronic with them as melancholy is with some literary characters. It rains, but I trudge on, over hills, across the prairie. See two wolves; get a shot at a large gray fellow as he dashes past me. My revolver only makes him run faster. I stop at a Mr. Scraper's, a Cherokee of some prominence. He is not at home, but take dinner with his family. They are pleasant and hospitable. I spend the night with a Mrs. West, who is a mixture of Scotch and Cherokee. I found her quite a character. The old lady is queenly in presence, and conceals nothing, but literally thinks out loud.

The next morning, I tramp nine or ten miles through flint hills. The road with a little more travel would be a natural pike. Much of the timber-roads are that in this country. These flint hills never will be tillable. The timber is scrub-oak. Along in the afternoon I reach Lewis Ross place, lately sold for the

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Cherokee orphan asylum. The building is 60 feet deep with a 30 foot . The brick are yet good; the stone foundation is good. The wood work is rotten, -- porch sunk down in the center, etc. The property was sold for \$28,000. The chief was administrator on the estate and one of the heirs, it having belonged to his brother. I turned to for a final look as I left it. "Credit Mobilier on a small scale -- evidence of advanced civilization," I said to myself. A mile further on, I come to the Grand Saline -- two large salt springs or wells that are constantly throwing up and out their intensely salty waters. The waters are salt, the salt is saltier. How it compares with other salines I do not know. There were a few kettles simmering away. About four miles from this I struck Ocustgrove prairie, a pleasant little vale dotted here and there with their one story houses. Some are log, some frame.

The evening of the next day, I reach Judge Rattling-gourd, -- so named from the rattling-gourd that they use to keep time with in the old Cherokee dances -- five miles from Tahlequah. I found the Judge a half-breed, quiet, plain and honest, -- too honest for the present political status here, and he has retired from politics. The next morning, I sud-

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denly come on from 50 to 100 houses, mostly one-
storied, grouped around a square on which stands a
large brick building. That brick building is the
capitol, and the houses and the brick building located
on a pleasant stream is Tahlequah, the capitol of the
Cherokee nation. I find pleasant quarters in the
cleanest little hotel I have ever seen, kept by Jesse
Wolfe.

The examination of the national school teachers
was in progress. It was carried on with a great
flourish of trumpets. The common branches alone are
generally taught, yet candidates were examined in the
higher branches and in general literature. Some of
the answers in this were amusing. "What American
authors of note can you name?" "Quackenbos and Webster,"
was the longest catalogue many of them could furnish.
When the appointments came to be made it was difficult
to see what relation the examination sustained to them.
Only those were appointed who were known to be party
tools. The political machinery here seems too like
what it is in the states to merit description. The
carpet-bagger is here, the sealawag is here, -- both
industriously at work.

It is somewhat refreshing to turn from this

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barrenness to the female seminary, conducted by Miss Noyes, and the orphan asylum, conducted by Mr. Walter Duncan. Miss Noyes is a graduate of Mount Holyoke; a Yankee but a cosmopolitan Yankee. She is but 22, but has courage and earnestness, and is working to organize and systematize her school. Park Hill seminary, as it is called, number 30 students. The enthusiasm of Miss Noyes seems to pervade the school. I think there is less frivolity among them than among the school girls of the states. I did not see anything of the handkerchief flirtation nuisance.

Mr. Duncan, a native, in organizing the Cherokee orphan asylum has had no model to work by; but he is endowed with a nature that fits him preeminently to be a father to the fatherless. His plans and methods are original, but they compare very favorably with similar benevolent institutions in New York. The discipline is fine. In moving the children to and from their meals, and the like, he uses the military commands and phrases. The superintendent, the teachers and the matron sit down at the same tables and fare the same as the children. One old Cherokee woman, seeing how the asylum was conducted, said: "We want die now; my children get better mother." It is the

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plan of Mr. Duncan to have a farm connected with the institution and to teach agriculture. At his suggestion the funds do not pass through his hands, -- proof of the slow progress of civilization!

I went into a Cherokee ball, the other night. "Civilization," says Carlyle, "is a matter of clothes." I could not but see that these Indians had donned the clothes -- the costume of civilization -- but the Indian was there still. One fine looking Cherokee, with long, black, straight hair, would now and then throw himself as if he would like to give the whoop. It might have been fogysm, but I could not help wishing that the clothes would fall off and leave the buckskin breech-clout and leggins, that the rattling-gourd and the chant y-a-h ya-ho would take the place of the catgut.

CLAIBORNE ADDISON YOUNG.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, December 19, 1874
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John L. Adair, Editor

THE PEACE COMMISSIONERS

Whatever may have been the anxiety of the people because of the unknown mission of the Peace Commissioners to the Indian Territory, the mystery was fully explained by the Commissioners themselves, at Muscogee on the morning of the 11th instant. Friends, John D. Lang, Rush Roberts, Col., C. B. Fisk and C. G. Hammond, members of the Commission, stated briefly the object of their visit, which was "to learn directly from the Indians themselves what were their wishes in view of the probable legislation by Congress relative to some form of a Territorial government over the Indian country, as recommended by the President in his late annual message, and the extension of the homestead laws to the Indians as advised by the Secretary of the Interior."

Because of the increasing disposition of Congress, as manifested for several years past, to organize the

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Indian nations into some sort of a Territorial government, and other influences which seem to render such a thing inevitable at no distant future, they deemed it to the interest of the Indians to take the initiative themselves in some direction so as to secure the best possible advantages under any circumstance. That the near approach of some decisive legislation by Congress, worked up by various influences and interests, caused them to be extremely anxious that the Indians should do something to assist them to avert the evils that might arise from a want of a preparation to meet the apprehended change. Their object was likewise to see to what extent the different tribes had advanced in the industrial arts and what measures they had at work to effect a higher civilization; to acquaint themselves with the true condition and wants of the people so that they could work to their best advantage.

Expressive of their wishes the representatives of the different tribes, invited to meet the Commissioners, drew up and presented a number of resolutions, protesting against any change in their political status further than warranted by the treaties, and asking for the establishment of a United States Court in the Indian Territory; the

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payment of all dues to the different nations, and the rescinding of all laws making conditional grants of land in the Indian Country to railroads.

Against any innovation in the present government of the different Indian nations, or any measures of Congress looking in that direction, the representatives of the different tribes earnestly protested before the Commissioners. Mr. Samuel Chicote, Chief of the Creeks, Col. John Jumper, Chief of Seminoles, J. Brown, Chickasaw, and W. P. Ross, Chief of the Cherokees, refused to entertain or offer any propositions that the treaties did not warrant. Col. Pleasant Porter, Mr. D. W. Duncan and many others whose names are not remembered, spoke of the unprepared condition of the masses to meet the change; of the unprecedented advancement the tribes represented had made in civilization, and the efforts they were making to prepare themselves to become citizens of the United States; that in a few years more, there being no interruption to the means of progress they had adopted, they would be fully prepared to assume the duties and responsibilities of American citizens.

Mr. Enoch Hoag speaking of the General Council, in substance said, that as a legislative body its purposes

were defeated by the want of a judiciary and an executive head to enforce and administer the laws enacted by it; that the adoption of the Okmulgee Constitution would supply this necessity and organize a general government of Indians, under which the tribal conditions would not be altered; that the constitution was the contemplated result of that portion of the treaties, relative to the General Council; that as an initiative step towards a higher form of government nothing perhaps would prove more effective or give greater security to the people.

The resolutions adopted by the representatives of the different tribes in response to the Commissioners were as follows:

Resolutions expressing the sense of the Cherokee, Muskogee, Seminole and Chickasaw delegations, in response to the views of the United States Commissioners expressed by them in a convention held at Muskogee, Creek Nation, December 10th, A. D. 1874.

Whereas, certain questions have been propounded to the above named nations, through their delegates, by Messrs. C. B. Fisk, John D. Lang, Rush Roberts, and C. G. Hammond, members of the Board of Indian Commissioners, seeking to ascertain the sense of said nations as to the

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propriety of additional legislation by Congress for the better protection of their rights, and the better maintenance of peace within their border: therefore, in answer to said inquiries, be it resolved by the delegates of said nations in joint convention assembled.

I. That said delegations, for themselves and in behalf of their people respectively, desire to express their gratification at meeting with the distinguished members of the Board of Indian Commissioners now present; and their hearty thanks for the words of sympathy and interest in behalf of the Indians, that have been so kindly uttered.

II. That they take occasion to express their thanks to President Grant for his benign Indian Policy, and their admiration of his views on the Indian question, and their gratitude for his steady adherence to the same.

III. That as the authorized representatives of their people respectively, they reaffirm their adherence to the stipulations of their treaties with the United States, and only ask that they maybe fully carried out in good faith.

IV. That they are unwilling to take the

initiative, or to participate in any movement that may lead to a change in their national condition, or of their relations with the United States except such changes as are provided for by treaty stipulations; that they are willing to concede that the nations which they represent, labor under grievances which should be remedied, yet without endangering any rights now guaranteed to them, either in soil; or self-government; among these grievances, they may be permitted respectfully to enumerate the following, to-wit:

1. The objectionable, manner in which the Court of the Western District of Arkansas has exercised its jurisdiction over the Indian country.
2. The delays in paying these nations the moneys which they believe to be due.
3. The grants of land made in the Indian Territory by acts of Congress to certain railroad companies without consulting the views or interests of the Indians; the title to such lands being made contingent upon the extinguishment of the Indian title.
4. The unjust discrimination in railroad tariffs made against the people of this Territory, by such railroad corporations as have railroads in operation over Indian lands.

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5. The failure of the government to adequately protect the Indians against intrusion and trespass upon their lands by unauthorized persons.

6. The injury done the people of this Territory by the constant agitation of measures in Congress, including bills to organize the Indian country into a territory of the United States, which threaten the infraction of rights guaranteed to them and which thus keep them unsettled as to their future, and which entail upon them large and ruinous expense in the defense of their interests.

B. F. OVERTON,

Governor Chickasaw Nation.

D. U. FISHER,

WM. P. BROWN,

B. C. BURNLEY,

JONAH BROWN,

C. E. GOODING,

Chickasaw Delegates.

WM. P. ROSS,

Principal Chief Cherokees.

JAMES VANN,

Assistant Chief Cherokees.

S. H. BENCE,
J. T. ADAIR,
JOHN McINTOSH,
D. W. BUSHYHEAD,
H. DOWNING,
WILSON HAIR,
G. W. WILSON,
JOHN S. VANN,
D. W. C. DUNCAN,
Cherokees.

JOHN JUMPER,
Chief, Seminoles.

JAMES FACTER,
NUL-CUB HARJO,
THOMAS CLOUD,
JOHN F. BROWN,
Seminoles.

SAMUEL CHICOTE,
Principal chief Creeks.

LOCHO HARJO,
D. M. HODGE,
WM. ROBERTSON,
F. W. PERRYMAN,
P. PORTER,

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JOHN HAYNES,

JESSE FRANKLIN,

JAMES A. CLOUD,

TE-MI-GI GURNELS,

Creeks.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 16, 1875
Vol. 5, No. 34-242
John L. Adair, Editor

INDIAN COUNCIL

Muscogee, Ind. Ter.,
Dec. 12, '74.

At the sessions of the Council of the United States Indian Peace Commissioners with the delegates of the Cherokee, Creek, Chickasaw, Choctaw and Seminole tribes, yesterday and to-day, the discussion took a wide range, and was participated in by a large number of the delegates, and must have been an occasion of great interest, judging from the number of Indians outside of the delegation who were in attendance, and the close interest manifested by all in the "big talk." The new church building, just completed, was filled during the session, a few ladies being present, and the presiding officer, General Fisk, found it difficult to repress the bursts of applause aroused by the fiery and earnest eloquence of some of the favorite Indian Warriors.

Commissioner Lang said: "During the early part of my life I became acquainted with your fathers under peculiar circumstances, and have traveled many thousand miles since in your behalf. I know of no abatement of my intense interest for you from that time to this, and it troubles me exceedingly at my age of 75 years to see or know of anything arising against either of you. I call on you to witness, and all in the United States, if there is anything against me in my feelings or acts toward you. This intense interest has brought me here with these other gentlemen whose unselfish desire for your welfare is so manifest. When I saw this interest manifested by this newboard that I should accompany them, and by the President and Secretary of the Interior also, I consented to come. I am united with this board now present -- General Fisk, Colonel Hammond, and Rush Roberts.

In an interview between the members of this board and the President, the latter expressed an earnestness such as I have never seen in him before, that he should, while he had the power, try to have something done to help you. I reiterate that President Grant feels the importance of the matter so deeply that he is determined to make every effort while in power to carry out his plans. I spent an evening with the Secretary of the Interior the night

before I left; he is your friend. The President, Secretary of the Interior, and Commissioner of Indian Affairs, wished us to come here and see what could be done for you, and to interchange views. From knowledge that we have, and the manifested doings of wicked men among the Indians, I wish to do what we can for you and to do it now. I have spent many sleepless nights for you. I dread the future for you. This commission will give more in detail what I and they feel."

Col. C. G. Hammond then said: "I desire to show my appreciation of the good feelings Friend Lang has expressed, having like him lived seventy years and spent the time in industrious work for the good of all. When assembled in Washington our first inquiry was as to the people of this Territory, in what way we could do the most good. If we knew what legislation you wanted we would try and influence that legislation. We came to hear what you want, to hear your views so expressed that we might understand them. If your rights are already protected, if you are as happy as can be, our trip will be in vain. We have heard that you are not as well protected and happy as you ought to be. We want to protect you. We look upon your future, pressed as you are upon all sides by increase of population, with great anxiety.

I know nothing of you but what I heard. I want you to tell us frankly what we can do."

General Fisk, in introducing Mr. Roberts, a member of the board, said also that he was a member of the Christian body of Friends, the Quakers, whose hearts throbbed with interest for the Indian Race.

Mr. Roberts said: "Brother, I appear here with not much to say -- it is not necessary for me to define my position as commissioner. Although I cannot claim to have been long a member of the board, yet several years have elapsed since I first felt an interest in you, and am trying to do you good, although in a different field. I will do all I can for the elevation of the Indians. This is the first time I have had the pleasure of visiting your country. I have met some of you in Washington before. I am willing to work faithfully with my brethren here for you."

Colonel Wm. P. Ross, in behalf of himself and the Cherokee delegates present, said: "I am pleased to remark that we reciprocate your expressions of good will and desire for our advancement, and for that of our people. I move we adjourn for our Cherokee delegates to confer."

Chief Samuel Che-co-te said he was glad to hear

the kind remarks of the commissioners and to know the interest the President and Secretary of the Indian Department took in their affairs. He was pleased to hear of them. He wished to say the representatives of the Muscogees did not know the object of the mission, and they had the same desire as the Cherokees for a conference before they replied.

Major Factor, in behalf of the Seminoles, said they also desired to confer. They were not aware of the wishes of the commissioners when they were summoned to the council. They came hastily, and wished to consult upon the words they had heard.

Judge Fulson, in behalf of the Choctaws, said his people felt grateful to the commissioners. His people appreciated the visit. They were not authorized to speak for those behind, as they were not informed of the wishes of their great father, the President. They needed assistance. They felt crushed and looked to the United States for help. He thanked the commissioners for coming to them.

Colonel John Jumper, for the Seminoles, agreed with Chief Ross in his desire for time to prepare an answer. His nation had treated with the United States, and he asked that nothing might be done to militate

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against those treaties. He wanted to know if it was the desire of Congress that there should be a change in their treaties. He would like a conference.

General Fisk said it was understood by all familiar with the feelings of President Grant, that there could be no radical change that did not receive the approval of the Indians themselves. That they might know their wishes respecting any change was the reason they came.

Major Pleasant Porter inquired, as a representative of the Creeks, the exact change desired by President Grant of them.

Chief Ross desired to know if the commissioners had any other proposition to submit.

General Fisk said he would refer them to the report of the Secretary of the Interior, which presented the views of the President, and hoped they would conform to the views of these delegates.

Commissioner Lang was willing to yield up every thing to their wishes and ways if it would protect them. He said: "I believe it is fully the design of the President and Congress to protect you in your rights, and it is my prayer that the acts of Congress may place you beyond the reach of bad white men and pro-

tect you. With our peculiar political orginazation it may be impossible for you to be fully protected. We fear the Democraatic party will wrong you, and we wish to do what we can before they get into power."

Colonel John Jumper, who is a full-blood Seminoles, said: "Our people who have heard the remarks now know the idea of those who claim to be firends, I think, and understand the remarks in full. There may be some who think them good. -- They do not suit me at all. I am speaking what my heart says, and also for my people. I feel from the remarks that I am on a log in deep water, very deep, on the tip end of the log, and I think I will drown. I think, under the law, my people will drown. I differ with the speaker, -- I can say for myself, I can rely on treaties; they are strong; if not strong enough to protect us, nothing can. If the United States wish to break the treaty they can do so. I will take no action myself to break a treaty. I hope no action will be taken."

Chief Che-co-te said the commissioners had made several remarks and some of them he had understood. They wished to know what the Indians want? The suggestions made by the Secretary of the Interior would only embarrass the Indians. These parties he speaks

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of might originate a bill that would seem to benefit and it may be amended in Congress and then be disastrous. It was eighty-four years since the Muskogee people became related to the United States by treaties. They had looked upon the government as their protector. The United States must see the treaties are not violated. He had known of the United States increasing in wealth and power. The Creeks were glad to know of the prosperity of the white people. They would observe the treaties, and feel that they would be better to remain as they were.

There was a time when the Indians east of the Mississippi River came and made a treaty in which the government promised a home and protection. They desired to be carried out the promises made to their fathers then. When they lived east they loved their homes, their nation, their name; they wished to remain; they agreed to leave them for a home that should be a home forever. In the treaty of 1866 the Superintendent of Indian Affairs, said we should be friends, and he was to preside over our intended councils in the Indian Territory. When the Grand Council was in session they invited the wild tribes of the plains to join them. Great good had been done. The Grand Council had advised the Indians

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to stimulate agriculture, schools, christianity, and industry, and to teach the wild Indians of the plains. The Creeks have good schools, supported by the government of the Indian Nation, and desire to go on and carry out the laws. The Creek Mission and schools were active in promoting Christianity in accordance with their treaties. The wild countries were prospering, and if the Superintendent of Indian Affairs, the Indian Commissioners, and the United States Indian Agent would assist them they would continue to prosper. Muscogee people had but just been educated a little and could not cope with the white men as yet. When the Creeks lived east of the Mississippi their lands were sectionized. They mixed with whites under the laws of the State of Alabama. Under those circumstances they found they could not move. They had tried it. In many instances families lost their homes and all they had, and their title to their land also. When not enlightened and educated, coming in contact with the whites, the ignorant must be the losers. If the suggestions of the Secretary of the Interior were carried out the people feared the same thing would occur again.

He hoped the commissioners would take their side and see that no legislation by Congress was had

to their injury. He yet hoped the American people were honest and that the statesmen who enrolled would be respected.

Colonel Hammond asked, first, had they any evils not redressed -- such as horsestealing, murder, etc., not cured by their government. Second were they as happy as they ought to be; if they had as good a government as the people of Michigan have. Was all peace and prosperity under the present order of things.

Major Factor (Seminole) replied: "I am safe in saying I and my people are satisfied -- we have no trouble; all our Indians are obedient to the law, and as far as I know my Creek and Chickasaw neighbors also. If we have horse thieves we arrest and try them and are satisfied, and for murder also. Turbulent people trouble us occasionally. I am sorry when our brethren make such good remarks that we cannot accept them. Sometimes a child is ignorant of what is good for it, and is contrary. May be we are so. I am a Christian it is my business to report my people peaceable. We make out meat and our bread -- we have churches and schools. The remarks I hear may be good -- they make me feel bad. We have tried to live in peace."

Mr. Bushyhead, Cherokee, Major Porter, Creek,

and Judge Vann made a few remarks agreeing with what had been said by their brethren, and the Council adjourned till 9 a. m. to-day.

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CHEROKEE ADVOCATE

Tahlequah, Cherokee Nation
Saturday, January 30, 1875
Vol. 5, No. 36-244
John L. Adair, Editor

A PETITION FROM THE FIVE CIVILIZED TRIBES

Muskogee, I. T.,

Jan. 10, 1875.

The following protest is being signed very generally by citizens of the Cherokee, Creek, Choctaws, Chickasaw, and Seminole Nations in the Indian Territory for presentation to Congress. It seems to be a very difficult thing for the Indians to get their true views before Congress and the American people, even with the aid of Peace Commissioners appointed expressly for that purpose. As we are convinced the Inter Ocean will print as written, and thus aid them in telling their own story in their own way, we send you a copy in advance of all other papers;

To the Congress of the United States:

The undersigned citizens of the Cherokee Nation, resident in the Indian Territory, respectfully represent

that they have learned with profound astonishment and grief that the honorable Board of Peace Commissioners, represented by Messrs. Clinton B. Fisk, C. S. Hammond, B. R. Roberts, and J. D. Land (the Chairman thereof, Mr. Fisk, being as we understand, Treasurer of the Atlantic and Pacific Railroad Company, which claims large contingent land grants in our country.) have, on their return to the seat of government of the United States, reported that there exists an immediate necessity, on account of the frequency of crime, for the organization of a territorial form of government over the people of this Territory, and that such action by Congress would require only an endorsement of a majority of the inhabitants of the Territory.

It is not necessary for your petitioners to inquire into the means by which the honorable commission arrived at this astonishing conclusion, but we may be permitted respectfully, to enter our solemn protestation against its justness. It is true that crime exists among us -- where does it not exist -- and that offenders sometimes escape the penalty of the law: but we affirm, without fear of successful contradiction, that the one or the other is not of more frequent occurrence in any of the Nations or tribes of

the Indian Territory than in any State or Territory of the United States that, like our own country, has been subjected to the calamities and demoralization attending the late war among your people.

We respectfully deny that there is any considerable number of Indians in any tribe resident in the Territory who desire the establishment of such a government by Congress over the people thereof. There are a few misled or deluded individuals, or persons subsidized and corrupted by the Atlantic and Pacific and other railroad interests, with and against which we have been compelled from year to year to fight for our property rights in our lands, and for our very national existence, who may or do desire such a government; but they form no considerable portion of the intelligence or otherwise of the people of the Territory. You are respectfully referred to the many protests and remonstrances emanating from time to time from the several national councils of the Territory or from their respective duly authorized delegates, and to those of the General Council of the Territory, all of which have heretofore been laid before you as the true exponents of the sentiments of the people of this Territory upon this subject and as the only legitimate source of in-

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formation upon which you can justly base your action toward us -- especially in a question so grave and important, one in which the honor of your government is involved, and upon which the welfare of the Indians, for all time to come, depends.

Against any legislation by your honorable bodies that will directly or impliedly impair or destroy our right, national or individual, that your government has so often by solemn treaties pledged its honor to guarantee unto us. We have not resorted to the usual means by which nations defend their rights, but we have and do rely upon the justness of our cause, upon the honor, faith, and integrity of yourselves and other department, and upon the providence and protection of that God who is your Master as well as ours.

We trust the above simple, manly protest of honest hearts will receive that attention from Congress and the Americans people that the momentous question demands. The love of their home, be it ever so humble; the amor patriae or love of country and place; the love of self-government left by these people, justly inherited from their ancestors, to whom all this goodly land once rightfully belonged, and from which these their legal rightful descendants have been despoiled by the power

of might alone, untempered by a shadow of justice.

Congress has already, it may be unwittingly (if their act be covered by the mantle of charity) or willfully and terribly, wronged the people of the Five Nations, who had bought and paid for every foot of the land within the boundaries of this Territory of the United States, and received a title in fee simple for every acre, running to them and their heirs, in the language of their treaties, "as long as grass should grow or water run," thus taking the whole subject forever out of the hands of Congress. Yet that body, but a few years since, made a grant of these same lands to the extent of twentyone to twenty-three millions of acres to railroad corporations (thus granting that which they had no right to grant, as they had only an impossible reversionary interest in it contingent upon the extinguishment of the Indian title only) -- thus offering a cunning bait to these greedy corporation cormorants to eternally harass the lives of these people, whose only desire is to live at peace and with good will toward all men. These railroad corporations, well knowing there was but one way to extinguish the Indian title, that of dividing their lands in severalty and establishing a Territorial government over them, are constantly at the heels

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of every Congress since that grant was made, besieging them with territorial bills for the Indian Territory, falsely representing the Indians as desiring it, and now come in the Peace Commissioners, whose President is Secretary and Treasurer of one of the very railroads to be most largely benefited by that land grant, and notwithstanding he was present at the late council held at this place and heard every word of protest made then and there (published in the Inter-Ocean) by every Indian in that council who had an opportunity to speak but one and that one subsidized by the very railroad in question -- comes forward and, forgetting the promise he made in that council before he leaves the Territory in his own palace car, the words he and the other Commissioners had heard, taking unto themselves and in the car provided by the Atlantic and Pacific Railroad the very man of all the others in the whole Indian Territory having the least influence with the Indians, whose views would scarcely be indorsed by an Indian of either nation, listen to his wicked counsel, and go away to Washington and represent to the Government of the United States, to the American Congress, and to the American people, through that portion of the press who are either ignorant of the whole matter or are subsidized by these corporations,

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that the Indian people desire and ask for a territorial government, etc., etc. Let him but show one single word uttered by these Indians in favor of what he recommends; one printed or written line ever asking for a territorial government; one single act of the National Council of either nation; one single request of the General Council of all the nations, favorable to the views he has presented as being the views and wishes of the Indian people of this Territory. Then it will be time enough for him to complain "that the press of America have wickedly misrepresented him in regard to the late council."

We leave Clinton B. Fisk to the intelligent judgement of the people, and ask Congress to pause and consider before they do so great a wrong as to alter the character of the government of these people without their consent, in violation of all their treaties, and thus make it possible for these great railroad corporations to gobble the land to which they have but the merest shadow of a title.

TUST-TE-NUCK-E-MARTHER.

THE VINDICATOR

Atoka, Ind. Ter.

Nov. 10, 1875

Vol. 1, No. 34

Caldwell, & Moore, Editors

LETTER TO EDITOR OF THE VINDICATOR

Editor Vindicator:

As there seems to be a great diversity of opinion about the status of the citizens of this territory, and as Col. Boudinot has sent forth to the world his version of affairs, it possibly may not be amiss to "slightly look" at the position of the question now before the people.

1. Do the Creek people have the right guaranteed unto them to regulate their own affairs, and have their officers jurisdiction over person and property within the Creek Nation?

That they have this right is conceded by a higher power than Col. Boudinot, viz: Judge J. C. Parker, of the United States Court, decides that his court has no jurisdiction over the persons or property of the Indians in this territory, except so far as cases arise between citizens of the ter-

ritory, and citizens of the United States, and then only in criminal cases. Thus far then the Creeks were right. Now if Col. Boudinot is not a citizen of the Creek Nation he has no right there except through courtesy. His being a Cherokee don't alter the case any more than if he were an Osage or a white man.

2. The Col. also sings his old song about the Caddo resolutions. It is perfectly plain that those resolutions were intended to be used at the next session of Congress as a lever by which this territory could be thrown open to settlement. For either the Col. is not the lawyer he proclaims himself to be, or else he full well knew at the time of the passage of those resolutions that to establish a United States Court here could only be done by declaring all of us citizens of the United States, for by virtue of establishing the court, such would be the case -- and why? Because no man can serve as a juror in the United States unless he be A CITIZEN OF THE UNITED STATES. So that to establish a United States Court here and giving us the right to set as jurors would by virtue thereof make us citizens.

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Again the Colonel says that the treaties provide for a United States court. Will he please get some good constitutional lawyer to tell where such a provision exists in the treaties? The treaty says the Government of the United States may establish in said territory, &c. Now suppose the Government should say, Col. Boudinot shall be District Judge for the Cherokee Nation, Col. Grayson for the Creeks, Judge Folsom for the Choctaws, Gov. Harris for the Chickasaws, &c. and that they, as such Judges should have original jurisdiction of civil cases arising in their respective districts, and that they should meet once a year at Okmulgee as a supreme bench, and when so assembled should have jurisdiction of all cases of appeal and original jurisdiction of all cases wherein members of the different tribes were interested as plaintiff or defender.

3d. Upon the government doing that, would it not be just as much of a compliance with the provision of the treaty as to establish a United States Court for the whole territory? And not only a compliance with the treaty, but would it not leave the status of the Indian just as it is now, and

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also leave the United States courts to deal with United States citizens just as it does now?

4. The Caddo resolutions protest against the settling of Indians in this territory by the United States Government. When it was a patent fact to lawyer Boudinot that the Government had purchased lands in the territory for that very purpose. Would it not have been better to say Mr. United States, do as you please with your lands, only allow us to do as we please with ours? Again does it not look, when we protest against "Indians" settling here, as if we wished for some other kind of an opening up to settlement?

5. It is claimed that the railroad company had no interest in the establishment of the paper by Col. Boudinot at Muskogee. Why then is it that Reynolds, of the M. K. & T. Railroad Company, has publically proclaimed that the office should be established within the Creek Nation? If the railroad company has no interest in the office or in Col. Boudinot, they exercise a lively degree of charity. But our people know how disinterestedly charitable a railroad corporation is by the liberal manner in which they regulate passenger and freight rates.

As to the Billingsgate that is being hurled at M. P. Roberts and Gen. Shanks it does seem to be out of place, and makes you doubt that a gentleman of Col. Boudinot's culture and refinement, and one for whom I have so high a regard, is really the author of those attacks. To call any man a lick-spittle and a liar in a public print, whilst attempting to refute his arguments, is hardly the courteous thing to do.

The Col. also claims that he is sanctioned in violating the Creek laws in establishing a paper obnoxious to them in their country by G. W. Ingalls. If Maj. Ingalls is here as a partizan of railroads or individuals he ought to follow Commissioner Smith down and out. For his own reputation we hope he is not a partizan, but a disinterested spectator, and will only interfere to protect law and order. But if to the contrary, he is deciding that the civilized tribes, as a law making body, are powerless, and that their edicts must be set at defiance, he may find that before many months rolls over his head, that to mind his own affairs is the best course.

THE VINDICATOR

Atoka, Choctaw Nation, I. T.,
Wednesday, December 22, 1875
Vol. 1, No. 40
J. L. Caldwell,)
J. H. Moore,) Editors

THE INTERNATIONAL COUNCIL

Held at Wicco Creek, Nation,

November, 8th, -15th, 1859.

The International Council of Nations met at
North Fork, November 8th, 1859.

The following nations being present by delegation,
viz: Creeks, Choctaws, Chickasaws and Seminoles. The
hand of friendship was extended and accepted. After
which the council adjourned till 10 o'clock the next
day, (9th).

At which time delegates from the Cherokee
nation were present, and a renewal of friendship by
shaking hands was followed by the pipe of peace being
offered the council by the chiefs of the Creek and
Seminoles nations, and accepted.

Moved and seconded that Gen. Chilly McIntosh
act as chairman pro. tem., and L. LeFlore act as
secretary pro tem.

Council adjourned to meet to-morrow at 10 a. m.

(10th.) Council met at 10 a. m., all the delegates present. Minutes read and confirmed. Went into election of officers -- Elected Joseph Vann, president, and C. LeFlore, secretary.

On motion the compact now in force between the Creeks and Cherokees was read. On motion, a committee of one from each tribe was appointed to draft by-laws to govern the convention--Committees appointed by chairman: Creeks, James Smith; Seminoles, Cho-fo-lop-Harfo; Chickasaws, Colbert Carter; Choctaws, Rev. Allen Wright; Cherokees, D. M. Foreman.

On motion, a committee of two was appointed from each nation to draft a code of International Laws, or a compact to be entered into by the respective nations present.

(11th.) Convention assembled; minutes read and adopted.

Committee on Internal Laws reported to convention the necessity of an additional man from each nation which was adopted, and another appointed.

(12th.) Convention met; minutes read and adopted.

Committee on International Laws reported; "Your committee on drafting the code of International laws beg leave to report that no agreement can be affected on the part of the committee. Therefore your committee beg to be discharged to await the further action of the convention."

Report accepted, and committee discharged.

On motion, a committee of one from each nation was appointed to draft said code of international laws.

(14th.) Convention met, called to order, minutes read and adopted.

Committee appointed to draft a code of international laws submitted their report. Report accepted, and on motion, was submitted to the delegates of each tribe for private consideration, approval, amendment or rejection.

After an interval, the convention was again called to order, and the following code of laws was read and unanimously adopted.

Whereas, The removal of the Indian tribes from the homes of their fathers east of the Mississippi river, has there extinguished our ancient council fires and changed our position in regard to each other; and

Whereas, by the solemn pledge of treaties we

are assured by the Government of the United States, that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever. Therefore, we, the authorized representatives of the several nations in International Convention assembled, in order to preserve the existence of our race, to revive and cultivate just and friendly relations between our several nations, to secure their respective rights and to promote the general welfare, do enter into the following resolutions.

1. Resolved, That peace and friendship shall forever be maintained between the several nations, and between their respective citizens.

2. Resolved, That revenge shall not be cherished, nor retaliation practiced for offences committed against individuals.

3. Resolved, That to provide for the improvement of our people in agriculture, manufactures, and other domestic arts adapted to promote the comfort of and happiness of our respective citizens, a fixed and permanent location on our lands is an indispensable condition.

4. Resolved, That if any one nation commit wilful murder, or other crime within the limits of

any of the nations in convention assembled, he shall be subject to the same treatment as if he were a citizen of that nation.

5. Resolved, That if any citizen or citizens of any nation in convention assembled, shall commit murder or other crime, and flee from justice to the Territory of any other Nation, such criminal shall on demand of the proper authorities of the nation from which he, she or they may have fled, accompanied with reasonable proof of his, her or their guilt, be delivered to the nation having jurisdiction of the crime.

6. Resolved, That in case any person or persons committing murder or other crime, and fleeing into any other nation, and being pursued, the pursuer should have the assistance of the officers of the Nation into which he, she or they may have fled.

7. Resolved, that any citizen of the several Nations represented in convention assembled, may be admitted to citizenship in any other Nation by the consent of the proper authorities of such Nation.

8. Resolved, That the use of ardent spirits being a fruitful source of crime and misfortune, we recommend its suppression within our respectful limits, and agree that no citizen of one Nation shall introduce

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it into the territory of any other Nation and in case of any such violation, shall be dealt with according to the law of the Nation in which the offence is committed. 12. Resolved, That the above resolutions

9. Resolved, That whenever the boundary line of any Nation shall be marked by river, the jurisdiction of the several Nations shall extend to the middle of such river.

10. Resolved, That in case any person or persons shall be guilty of harboring or protecting in any manner any runaway negro, such person or persons shall be deemed guilty of high misdemeanor and shall be dealt with according to the law of the Nation in which such offense is committed.

11. Resolved, That in case any officer of any Nation in convention assembled, advertising estray property, shall furnish a copy to the nearest officer of the adjoining Nation of such advertisement.

12. Resolved, That whenever it may be deemed expedient for the several Nations represented in this convention to meet in International Convention, any of the Nations have the right to call one to meet at some suitable place.

13. Resolved, That the foregoing resolutions

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shall not be so construed as to impair in any manner whatever; the compact already existing between the Creeks, Cherokees and Osages.

14. Resolved, That the above resolutions entered into shall be binding and in full force, from and after the ratification of the same by the proper authorities of the several nations in convention assembled.

15. Resolved, That the proper authorities of the several Nations represented in this convention, notify the other Nations of their actions on the above resolutions.

Done in International convention assembled at Asberry Mission, North Fork, Creek Nation.

JOS. VANN. President.

C. Le Flore, Sec'y.

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STAR-VINDICATOR

Worcester, Ind. Ter.

Jan. 13, 1877

Vol. 3 No. 49

G. McPherson & Co., Editors

REPORT OF THE INDIAN COMMISSIONER

(Continued from last issue.)

I am not unaware that this proposition will meet with strenuous opposition from the Indians themselves. Like the whites, they have ambitious men, who will resist to the utmost of their power any change tending to reduce the authority which they have acquired by personal effort or by inheritance; but it is essential that these men and their claims should be pushed aside and that each individual should feel that his home is his own; that he owes no allegiance to any great man or to any faction; that he has a direct personal interest in the soil on which he lives, and that that interest will be faithfully protected for him and for his children by the Government.

LAW FOR INDIANS

My predecessors have frequently called attention

to the startling fact that we have within our midst 285,000 people, the least intelligent portion of our population, for whom we provide no law, either for their protection or for the punishment of crime committed among themselves. Civilization even among white men could not long exist without the guarantees which law alone affords; yet our Indians are remitted by a great civilized government to the control, if control it can be called, of rude regulations of petty, ignorant tribes. Year after year we spend millions for these people in the faint hope that, without law, we can civilize them. That hope has been, to a great degree, a long disappointment; and year after year we repeat the folly of the past. That the benevolent efforts and purposes of the Government have proved so largely fruitless, is, in my judgment, due more to its failure to make these people amenable to our laws than to any other cause, or to all other causes combined.

I believe it to be the duty of congress at once to extend over Indian reservations the jurisdiction of the United States courts, and to declare that each Indian in the United States shall occupy the same relation to law that a white man does. An Indian should be given to understand that no ancient custom, no tribal regula-

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tion, will shield him from just punishment for crime; and also that he will be effectually protected, by the authority and power of the Government, in his life, liberty, property, and character, as well as if he were a white man. There can be no doubt of the power of congress to do this, and surely the intelligent committees on Indian affairs of the Senate and House can readily propose legislation which will accomplish this most desirable result. I regard this suggestion as by far the most important which I have to make in this report.

Since our Government was organized two questions, or rather two classes of question, have transcended all other in importance and difficulty, viz: the relations of the Government and the white people to the negroes and to the Indians. The negro question has doubtless absorbed more public attention, aroused more intense feeling and cost our people more blood and treasure than any other question, if not all others combined. That question, it is to be hoped, is settled forever in the only way in which its settlement was possible -- by the full admission of the negro to all the rights and privileges of citizenship. Next in importance comes the Indian question, and there can be

no doubt that our Indian wars have cost us more than all the foreign wars in which our Government has been engaged. It is time that some solution of this whole Indian problem, decisive, satisfactory, just and final, should be found. In my judgment it can be reached only by a process similar to that pursued with the negroes.

In the three propositions above stated, will, I believe, be found the true and final settlement of this perplexing subject. However efficient may be the administration of the Indian office, and however faithful the labors of its agents and their subordinates, I have little hope of any marked degree of success until the above suggestions are substantially adopted as a permanent Indian policy. If congress concludes to act on these suggestions, laws should be passed at the coming session to extend the jurisdiction of the courts over all Indians, and to provide for the allotment of lands in severalty in the Indian Territory, and on such other reservations as may be selected as permanent; and an appropriation should be made with which to begin the removal of Indians to their permanent homes.

I trust I may be pardoned for stating that it appears to me that the fundamental difficulty in our relations hitherto with Indians has been the want of a well-defined, clearly-understood, persistent purpose

on the part of the Government. Indian affairs have heretofore been managed largely by the application of mere temporary expedients in a fragmentary and disjointed manner. For a hundred years the United States has been wrestling with the "Indian question," but has never had an Indian policy. The only thing yet done by the Government in regard to the Indians which seems to have been permanent and far-reaching in its scope and purpose, is the dedication of the Indian Territory as the final home of the race. Surely it is time that a policy should be determined on which shall be fully understood by the Government, the people and the Indians. We cannot afford to allow this race to perish without making an honest effort to save it. We cannot afford to keep them in our midst as vagabonds and paupers.

I appeal to the statesmen of the country to give this subject their earnest attention; the sooner it is settled on some wise and comprehensive principle the better for all concerned. Ought we not and shall we not give them at least a secure home, and the cheap but priceless benefit of just and equitable laws?

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Affairs in the Indian Territory are both complicated and embarrassing. By treaty the Government has ceded to the so-called civilized tribes, the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles, a portion of country altogether disproportionate in amount to their needs. The Cherokees number about 13,000, and own 5,031,351 acres, or $279\frac{1}{2}$ acres to each person. The 16,000 Choctaws have an average of 418 acres to each person; the 6,000 Chickasaws, an average of 775 acres; the 13,000 Creeks, an average of 247 acres, and the 1,438 Seminoles, an average of 81 acres. In the aggregate, for a population of 55,438 persons there are set apart 20,794,399 acres, or an average of 376 acres for each individual -- an area nearly equal to the area of the State of Indiana for a population not much greater than that of many agricultural counties in the Eastern and Middle States.

No doubt a considerable portion of land in each reservation is unsuitable for tillage, but most of it is valuable for grazing, and the amount susceptible of cultivation must be many fold greater than can ever be cultivated by the labor of the Indians. But the Indians claim, it is understood, that they hold their lands by sanctions so solemn that it would be a gross breach

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of faith on the part of the Government to take away any portion thereof without their consent; and that consent they apparently propose to withhold. The question is thus directly raised whether an extensive section of fertile country is to be allowed to remain for an indefinite period practically an uncultivated waste, or whether the Government shall determine to reduce the size of the reservations.

The question is plainly a difficult one, and should be considered with calmness, and a full purpose to do no injustice to the Indians. Any opinion thereon is ventured with hesitancy on my part; but I cannot but believe that public policy will soon require the disposal of a large portion of these lands to the Government, for the occupancy either of other Indians or of white people. There is a very general and growing opinion that observance of the strict letter of treaties with Indians is in many cases at variance both with their own best interests and with sound public policy. Public necessity must ultimately become supreme law; and in my opinion their highest good will require these to take ample allotments of lands in severalty, (to be inalienable for at least twenty years, and then only among Indians,) and to surrender the remainder of their

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lands to the United States Government for a fair equivalent. Upon the lands thus surrendered, other Indians should be located as rapidly as possible and should be given allotments under same restrictions.

From the recommendation above made, it must not be understood to be either the policy or purpose of this office to in any way encourage the spirit of rapacity which demands the throwing open of the Indian Territory to white settlement. That country was set apart, half a century ago, as the home of the Indians. The eastern and better portion contains sufficient room for all the Indians now there, and all who will remove thither. The true way to secure its perpetual occupancy by Indians is to fill it up with other Indians, to give them lands in severalty, and to provide a government strong and intelligent enough to protect them effectually from any and all encroachments on the part of the whites.

GOVERNMENT FOR THE INDIAN TERRITORY

The anomalous form of government, if form it may be called, at present existing in the Indian Territory must soon be changed. In some shape or other those Indians must be brought under law and the jurisdiction of

the courts. The idea that that Territory is to consist forever of a collection of independent or semi-independent nationalities is preposterous. If thirty or fifty thousand white men remove and settle in any part of the West, the United States extends over them its laws and establishes a territorial government, preparatory to its admission to the Union as a State; and it can be neither a hardship nor an injustice to the tribes in the Indian Territory, if, recognizing their right to ample compensation for the surrender of lands which they do not need, we place them on a par with whites before the law.

Any such change would undoubtedly be resisted by many among the Indians themselves. In the so-called "nations" are a number of educated, intelligent, ambitious men, who under the present system are leaders of their people, controlling their affairs and the expenditure of their revenue. They very naturally deprecate any change which will endanger such power. They argue with great earnestness that the adoption of a territorial form of government would be followed by an influx of white men into the Territory, and that the ultimate result to the Indians would be the dispossession of homes and pauperism. Such a possibility could, however, be averted by an allotment of land to each Indian, made

inalienable to white men, and providing that no white man should become a citizen of the Territory, or own or lease any real estate therein.

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STAR VINDICATOR

McAlester, Ind. Ter.
April 6, 1878
Vol. 5, No. 8
G. McPherson, Editor

LETTER TO DEAR MAC

March 29th, 1878.

Dear Mac:

I was up at the Committee room again today, when arguments were heard as to the jurisdiction of the Committee under the resolution of the senate to investigate the domestic affairs of the Territory. The delegates claim that they have not, neither has the congress of the United States any right to make such examination, and filed their protests to that effect. Argument was made by Mr. Grafton, who holds a power of attorney for the Choctaws and Chickasaws through Gov. Overton and Col. D. F. Harkins; as to their authority for this we leave that to be answered by the people. The Cherokee delegates say in their argument that if the committee decides that they have jurisdiction under the resolution they will produce

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statistics showing the application of their orphan or school funds, but as to their general fund they would not compromise themselves on that point, as they were unable to show exactly how such funds had been used, as they have no certain knowledge as to whether the records show it or not. The Railroad company introduced the bonds issued by the company in 1873 amounting to \$15,000,000, covering all their franchise or rolling stock, landed interest and in fact all their interests from Sedalia to Denison. This includes the lands claimed by them in the Indian Territory; and as I understand it, they are willing to set aside any claim as to land in the Territory that may be covered by the said bonds or otherwise in order to get a civil form of government over the five tribes through which their road runs, so as to get the same settled up and thus increase their business, and which they claim will repay them for setting aside their claim as predicated in these bonds, and I think if they will do this, and do it before any step is taken to change our form of government, that it will give us all security for our landed interests; and then the next step will be a civil form of government and a division of the lands in several-

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ty; which from present indications here are tending in that direction. In fact from all I can see and hear there is a decided feeling here to give us some specific legislation at the present session of congress that will give protection to the Nations, in their individual persons and property, and without making any discrimination as to whether it be white citizens or red citizens. And I am glad to see this feeling existing, and not as it has been represented by others, that everything is being done in the interest of the railroad company. The object we have been laboring so hard for is now nearing its end, and the whole people will see when it does come who has been their friends and who their enemies. The committee has taken the matter under advisement to report next Friday.

Billie Pusley is enjoying himself but is getting somewhat restless for a return to the far distant West.

I forgot to mention the fact that Col. Roudinot also filed a paper claiming that the committee had jurisdiction under the resolution. I think the committee will decide that they have and the examination will be continued; then we will be able to get at the

bottom facts, and in such a way that it will be official. More anon.

D. M. H.

STAR VINDICATOR

McAlester, Ind. Ter.
April 7, 1877
Vol. 4, No. 9
G. McPherson, Editor

THE INDIAN POLICY

It is to be expected that the visit of the deputation of "Friends" to the President will be immediately followed by an outpouring of brotherly love for Lo and his race. This is usually the result of such conferences, and the thing has been practiced so often in the past that we know exactly what to look forward to in the present case. The public have come to regard the glorification of the peace policy with the Indians as a part of the regular duties of the agents and ex-agents, and there seems to be a feeling of disappointment when the role is not strictly carried out.

But for all that, the history of our dealings with the Indians shows conclusively that we have had altogether too much theory and too little practice, too much policy and too little practicality. If anything was ever an egregious failure, our favorite Indian policy

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has been, and since it has proved its utter inefficiency, it should be at once and forever discarded. By it the Indians of the most gentle as well as of the most savage tribes were placed under the control of the same class of peaceable, irresolute men. With well-disposed Indians the system worked well, with savages of the opposite description it produced no effects save increased lawlessness, and a disposition to render themselves even more intractable than before.

The late administration acted wisely in deciding to take the control of the Indians from the hands of civil agents and place it in charge of military officers. The latter had to be present at every agency anyhow, and since the army was the only part of the United States Government for which the Indians had the slightest respect, it was proper that they should be compelled to look exclusively to the army for their rations, their clothes, and the payment of the annuities due them from the United States. Besides this, the consideration of economy went far to determine the question, since the army officers would be unemployed if not looking after the interests of the Indians, and if they were charged with the entire Indian department, civil agents became supernumeraries.

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For some time, also, the conviction has been growing that, whatever may be the advantages of day-schools and Sunday-schools to whites, the uses of these popular institutions among the Indians are very small, while it is well known that in most instances the offices of "Farmer," "Carpenter," "Blacksmith" and the like have been mere superfluities. It is not conducive to the comfort of a "Farmer" who is trying to initiate the savages into the mysteries of agriculture to feel that he dare not turn back on his dusky pupils lest they brain him with a hoe-handle. So this and similar little inconveniences have combined to render the office a sinecure. So with the other positions on the agencies. Now that most, if not all, of them have been abolished, and a rational plan adopted of punishing depredators as they deserve, it is to be hoped the Government will not interfere. The Indians are more afraid of one officer in uniform than of a regiment of Indian agents, and the reports from the plains indicate that among the agency Indians there is less dissatisfaction in regard to their supplies than has been seen for many years. Let the plan of "letting well enough alone" be judiciously followed.

STAR VINDICATOR

McAlester, Ind. Ter.

May 19, 1877

Vol. 4, No. 15

G. McPherson, Editor

RAILROAD RIGHTS

McAlester, I. T., May 14.

Being frequently asked by citizens of the Territory by what right the M., K. & T. R. R. Company claims so much ground at stations, I avail myself of your columns to give an extract of the United States laws governing the case.

"Volume 18, page 482 United States Statutes:

"Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That the right-of-way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any state or territory, except the District of Columbia, or by the congress of the United States which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization, under

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the same, to the extent of one hundred feet on each side of the central line of said road, also the right to material, earth, stone, and timber necessary for the construction of said road, also ground adjacent to such right-of-way for station-buildings, depots, machine shops, side-tracks, turn-outs and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of the road.

Section. 5 That this act shall not apply to any lands within the limits of any military park, or Indian reservation, or other lands specially reserved from sale, unless such right-of-way shall be provided for by treaty stipulation or by act of congress heretofore passed.

Approved March 3d, 1875."

(See Cherokee treaty 1866, article 11; Creek treaty, 1866, article 5; Choctaw and Chickasaw treaty 1855, article 18, and their treaty of 1866, article 6.)

Many people in the Territory consider the Railroad Company has no rights to any ground except such as they occupy with their tracks. If those persons can find anything in the above law to help them out in their belief they are welcome to it.

R. L. REAM.

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STAR VINDICATOR

McAlester, Ind. Ter.
Sept. 1, 1877
Vol. 4, No. 29
G. McPherson, Editor

EDITORIAL ON THE FIVE CIVILIZED TRIBES

Just as we go to press we learn, through the Ft. Smith Herald, that the Attorney General of the United States has made a decision at which the people of Oklahoma, all the progressive class of them at least, will rejoice; and which will prove to be the very salvation of our country. The decision is "that white labor in the Indian country is not subject to taxation, and that any citizen has the right to employ any laborer, for any legitimate purpose, he sees proper, in the Territory of Oklahoma."

This is not only wise but timely, and the enterprising, progressive people of this Territory; those who are struggling so hard to go ahead and be something, should, in the joy of their hearts, sacrifice a hecatomb and illuminate their country by bon-fires from one end to the other.

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STAR VINDICATOR

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

OKLAHOMA TERRITORY

Editor of the Kansas City Times.

The last number of the Cherokee Advocate, published at Tahlequah by authority of the Cherokee Nation, and edited by one of the most talented and best educated Indians in the country, Mr. P. Boudinot, contains an able article on the "situation" in that Territory. The editor says Gen. Grant was the personal friend of the Indians and his regard for them partook of the nature of his character. The Indians of this Territory were in danger while he was President. He exerted his great authority and power to guard them and their rights when openly threatened. Gen. Grant knew we were not safe in our present position by any means. He knew it and was enough our friend to say so over and over again. He repeated it to our delegates and to the delegates of sister tribes.

"You are in danger," said he, "which you can

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avoid if you will. If it were not for the influence and authority my position enables me to exercise, your country would be already overrun with white emigrants as thick as bees. My desire, as your friend, is to see you permanently such masters of your country that it will be impossible for future administrations or Congress to dispossess you of any part of it.

If you will go to work to confirm your title and your possession beyond the reach of your enemies, I will bring the same influence and authority I have always exerted to guard you, to help you to so confirm your position that you will neither have occasion hereafter to depend on a President nor to fear a Congress. I can assist you while I am President and you can accomplish your own salvation. But it rests with you alone. I only advise and do not compel or even constrain you. If you are satisfied to take your chances with the future as you are, and without greater security than you now have, I am satisfied also. While I am President I will see to it that your rights are not violated. But I cannot answer further. Beyond that the responsibility rests upon you, and not upon me, if things go wrong with you."

This advice of Gen. Grant, the editor says,

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has been unheeded. He accuses the delegates that yearly visit Washington for the ostensible purpose of preventing unfriendly legislation or deceiving the people by their silence, and in not informing the people of the true condition of things. He says the people remained under the impression that they were perfectly secure -- through and by the operation of the treaty with the United States. Gen. Grant wished them to know that it was not so, that he knew it, and that something must be done first to inform the Indians, in order to furnish them with a motive to move for themselves. But the Indians were not informed. It is true, indeed, that some visitors from this Territory did come back with the warning given by the President to all citizens of this Territory. The editor further says: "It is a fact there is now before Congress what there never has been before, and what it is safe to say, there would not have been if Gen. Grant were still President. There is a bill to organize a temporal government over this country, reported favorably by the Congressional Committee, and not a word being inserted to secure the property rights of the Indians, should the bill pass." I have quoted enough to show the unrest and want of security that is felt in the titles to these lands by

the intelligent and progressive element in the Territory of Oklahoma.

Again and again have the true friends of the Indians warned the people of the insecure tenures to their homes while held in common. Notwithstanding all the guarantees in the treaties, the patents to them and claimed to be the fee simple titles to their domain, yet General Grant tells them that their property rights are in danger. Other true friends sound the alarm, while the delegates sent by the people to look after and guard their interests are silent as the tomb.

The writer of this accompanied Gen. Grant on his trip through the Indian Territory in 1875. At Caddo, addressing the members of the Choctaw legislature, the President spoke as follows:

"I have been very much gratified in passing through your country to note so many evidences of progress among your people. I am glad to see you engaged in raising stock, and I think in a country so well adapted as this to that branch of industry you cannot fail to become wealthy and prosperous. I have always endeavored to protect the Indians from wrong and injustice, and to give them every civil right. In future years should I again have the pleasure of passing

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through your country I hope to see great fields of cotton and other products that your soil is so well adapted to produce."

At Muskogee he met the Creek Legislature and spoke to them in the same strain. In private conversation on the train the President frequently expressed his views favoring the allotment of their lands, and providing by law for the citizens of Oklahoma to become citizens of the United States in order that their property rights should rest on a more sure foundation. The President's views have always been sustained by the Board of Indian Commissioners. For ten years Col. H. C. Boudinot, before the committees in Congress, by his pen and public speeches in the Indian Territory and elsewhere, always advocated the policy of individual title to their lands and the right to become citizens of the United States. He, with others, has been abused and misrepresented because they sustained Grant's policy, the best friend the Indian ever had. He has been accused of desiring to sell out his country to railroads, and yet Col. Boudinot never at any time or in any place advocated giving a foot of land to the railroad. It is gratifying to know that the people of Oklahoma are beginning to realize who their true friends

are. Such men as Dr. E. P. Harris and Samuel Downing of the Cherokee Nation, Judge Tolson and Dr. Hailey of the Choctaw Nation, and hundreds of others in the country are advocating individual titles to their lands, and the sentiment in favor of some legislation to protect them in the enjoyment of all their property rights is fast gaining ground in all parts of the Territory of Oklahoma. Such men as Col. Boudinot cannot be ostracized, and he will live to see the triumph of his policy and his people happy and prosperous in the full possession of all their rights.

The day has gone past when the cry of selling out to railroads can have any influence with the intelligent people of the Indian Territory. They are beginning to learn who their true friends are, and they cannot much longer be used as the tools of selfish and unscrupulous men. We ask the allotment of the lands among the people in order that they may have a perfect title, one as good and defensible as that held by the farmers of the New England States, and not the insecure one now held in common under treaties with the United States. What the people want is the establishment of some form of government that will give ample protection to life and property. They want courts to

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be created and held in their own country, so that persons charged with offenses shall not be dragged hundreds of miles away to be tried by the professional jurors -- negroes and dead beats of Western Arkansas. They want the trial by a jury of their own countrymen. They want a delegate in Congress that shall have the right to speak for all the people and for no faction or country. They want an absolute title in fee simple for their lands and homesteads that shall be inalienable for a term of years, to enable them to become accustomed to the new order of things. This Territory of Oklahoma and the Indian country are separate and distinct. The one comprises the land within the limits of the five civilized tribes of the Cherokee, Choctaws, Creeks, Chickasaws and Seminoles, and extends west to about the 96th degree of west longitude. The other is all that country west of 96 and is inhabited by the Comanches, the Kiowas, Arapahoes, Cheyennes and other wild tribes of the plains. East of 96 is a country equal in size to the State of Indiana. West of 96 is ample room to locate all the wild Indians in the country. I would place them there and surround them with civilizing influences, clothe them, educate them and christianize them. For nearly one hundred years these Cherokees,

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Choctaws, &c., have been under the teachings of good and truthful missionaries and teachers. They have made commendable progress and today they are capable of assuming the higher duties of American citizenship. Do not, in heaven's name, drag them down to the level of the savage and untutored Indian by placing the wild Sioux and Comanche within the limits and on the lands of these civilized and educated people. All the fruits of years of patient, self-sacrificing labor would be lost. The contemplated removal of the Sioux and other wild tribes to the Territory of Oklahoma is the greatest act of injustice and cruelty that was ever conceived by any government under the sun. The press and the country should cry out against this act of infamy. It is a solemn obligation resting upon the President and Congress to see that justice is done to the civilized Indians in the Territory of Oklahoma.

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STAR VINDICATOR

McAlester, Ind. Ter.
Feb. 23, 1878
Vol. 5, No. 2
E. W. Folsom, Editor

EDITORIAL ON OKMULGEE COUNCIL

The Indian delegation, in their protest to congress against the passage of a delegate bill, speak of "the general Indian council" -- better known as the Okmulgee council -- as though that burlesque on legislative assemblies was still in existence; when they know it was buried two years ago beyond resurrection. And they know too when it was in existence it amounted to nothing in the world but the commonest kind of a one-horse farce. Even the delegates to it, the more intelligent portion of them at least, are ashamed of it, and the Chickasaws never did have anything to do with it. And this is one of their objections to the passage of a delegate bill, that it would come in conflict with this dead humbug; and their other objections are equally frivolous and as little worthy of consideration.

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STAR VINDICATOR

McAlester, Ind. Ter.

April 6, 1878

Vol. 5, No. 8

G. McPherson, Editor

LETTER TO DEAR MAC

March 24, 1878.

Dear Mac:

This being the Sabbath, and having a little leisure time I will devote it to you and the paper. The weather here at present is, and I learn has been all winter, the most remarkable that has occurred for many years. I see no difference from that of our climate; it looks and feels almost like perpetual spring, and I assure you I am enjoying it very much, having a nice time here.

I have been presented to numerous members of congress and seen the inner workings of the machinery of the government, and now while writing am within a square of the capitol with nothing to screen it from my view; and I will give you a partial description of it, which may interest some of our readers. The capi-

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tol is situated very nearly the center of the city, there being 25 streets east, 27 streets west, 22 streets north and 21 streets south, and is one of the finest buildings in the United States. The entire length of the building is 750 feet, and the greatest depth, including the breadth of the wings, is 324 feet, including the porticoes and steps. The main or central building is 352 feet long by 160 feet wide, consisting of 24 Corinthian columns 30 feet high, exclusive of pedestal. Out of the center of the main building rises the great dome of the capitol, which is 307 feet high by 135 feet in diameter, and on the top of which is a statue of Freedom, represented by the figure of a feminine beauty. The statue is nineteen and a half feet high, weighs six tons and cost \$23,796. The whole weight of the iron used in the construction of the dome is 8,000,200 pounds or 3,575 tons, and all of this work is the finest the mind can conceive. The cost of the whole superstructure, up to date, is \$13,000,000. And then there are the other departments which are separate from the capitol, and at an additional cost; that is the president's mansion, War department, Post-office department, Interior department and other departments that are in

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different parts of the city, some a mile and a half from the capitol. To go on and give a minute description would fill a large sized volume. So with this we will rest.

I saw today the steam street car in operation. This is its second trial trip, and from all indications it has proved a success. Billy Pusley took a ride on it today, and says it was splendid. To-morrow we go before the Committee of the Senate on Territories to tell what we know. Will write more anon.

D. M. W.

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STAR VINDICATOR

McAlester, Ind. Ter.
April 6, 1878
Vol. 5, No. 8
G. McPherson, Editor

LETTER TO DEAR MAC

April 1st, 1878.

Capt. J. R. Anderson, late delegate from this Nation to the city of Washington, since his return home, is trying to get the majority of the members of the legislature to agree to appropriate more money to send Josiah Brown and himself to assist Gov. Overton. If he finds that majority the legislature will be called. That's the way "Injin" money goes!

It's reported in the ring that Gov. Overton will be back home by the 10th inst. MAC, is it not to be feared that when those persons who are summoned from the Choctaw and Chickasaw Nations, to appear before the Congressional committees at Washington, D. C., on their return home, for telling the truth, will be in personal danger? -- as they are already proscribed as enemies to their country.

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It would be better if these delegations would come home and tell their people their true condition, and advise them to allot their lands and divide their money before it's too late. We are satisfied if they would conscientiously own the fact -- they know it's only a question of time when we must change our present form of government. We ask these delegates in all honesty and candor, would it not be better for the people to make the change for themselves, than to lie supinely on our backs and let congress do it for us? More anon,

REX.

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THE CHEROKEE ADVOCATE

Tahlequah, Cher. Nat. I. T.
May 11, 1878
Vol. 3, No. 8
Geo. W. Johnson, Editor

MEMORIAL OF THE FIVE CIVILIZED TRIBES DELEGATION

Through the courtesy of our Delegation at Washington, we are in receipt of a copy of the Congressional Record, in which is printed, in full, the Memorial of the Cherokee, Choctaw, Creek and Seminole Delegations, against any legislation by Congress for the purpose of establishing over this country a Territorial Government of the United States. We give the readers of the Advocate the benefit of the full text of the memorial. It is short, concise, free of unnecessary verbage, and as a legal argument is conclusive. The memorial was presented, "in the House of Representatives, April 22nd, 1878," by the Hon. H. L. Muldrow, Representative for the First Congressional District of the States of Mississippi. This district is

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composed of the counties of Alcorn, Chickasaw, Clay
Itawamba, Lee, Lowndes, Monroe, Oktibbeha; Pontotoc,
Prentiss and Tishemingo. It was once embraced within
the country owned by the Choctaws and Chickasaws.

The First District of the State of Alabama,
embracing Choctaw, Clarke, Marengo, Mobile, Monroe
and Washington counties, now represented in Congress
by Hon. Jas. T. Jones, was also at one time owned
by those Nations.

Messrs. Muldrow and Jones are both members of
the Committee on Territories, of the House of Repre-
sentatives; the committee having charge of the Franklin
"Oklahoma" Bill. They are familiar with the history
of the removal of the "five nations" from the East to
the West of the Mississippi river; and are well
acquainted with many places, including the home where
once sported the Choctaw lad, now represented in the
person of the venerable chieftain, Col. P. P. Pitchlynn.
Like many other good men who have not investigated
for themselves, these gentlemen at one time believed
that the greatest boon which could be conferred upon
our people was to endow them with the rights of
American citizenship, and that the "Franklin Bill"
would accomplish this to the entire satisfaction of

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the Indians. When our Delegation first appeared before Mr. Franklin's Committee on Territories, after the reassembling, after the recess, of Congress in January last, for the purpose of presenting objections to the "Oklahoma" measure, the prospect was blue enough. It was claimed then that, of that large committee, Mr. Henry S. Neal alone stood opposed to it. A gentleman who was in Washington and present at one of the first meetings of the committee, when our Delegates, Messrs. Adair and Ross, filed, in brief, their objections to the "Oklahoma" Bill, and claimed the right to discuss it, and that the same right should be given to the Delegations of the Seminole, Creek, Chickasaw and Choctaw Nations, who were also present, says that he will not soon forget the telltale expressions of surprise, disappointment, distrust and satisfaction exhibited in the countenances of the several members present. It was evident that certain members of the committee felt that they had been misled and imposed upon; and that notwithstanding the announcement of the desire of the chairman to close the discussion and report this bill at an early day; they were determined to more thoroughly post themselves before

joining in any report of a doubtful character, whatever may have been their previous convictions. Conspicuous among these were Reed of Maine, Aldrich of Illinois, Riddle of Tennessee, Jones of Alabama, and Muldrow of Mississippi. The last named gentleman states that it was a proposition which affected the Indians chiefly; that he was a young member, and would be frank to say that he did not fully understand the interests involved, and therefore, for his own information, was in favor of the fullest discussion and time for investigation. He wanted to know precisely what the Indians themselves wanted, what would be their interest, and to what extent Congress had the right to act for them, before committing himself to any policy which might prove a failure to both Indians and whites. From that hour, Mr. Muldrow applied himself to the study of the history, past and present, of the five principal Nations of this Indian country; and is to-day, probably better informed on the political status, rights and wants of these Nations than any white man in Washington, excepting W. A. Phillips, M. C. of Kansas, and J. E. Luce of Arkansas. As a result of his investigations Mr. Muldrow, as is well known, has arrived at the conclusion.

that Congress cannot legislate away any of the rights of the Nations of this Territory without their full and free consent; and inasmuch as no consent has been given, any present legislation looking in that direction is premature. This was the proposition of our good friend, Mr. Henry S. Neal, when four months ago he stood as the only breakwater in the House Committee on Territories, between our people and the Territorial "Oklahoma" maelstrom. In these views of Messrs. Neal and Muldrow, it is believed in Washington that their entire committee now concur, excepting only the chairmen, Mr. Franklin, of Missouri, and Mr. Cravens, of Arkansas. Having done our Indian Delegations the kindness to present their memorial, and secure its publication in the Congressional Record, may we not hope that Mr. Muldrow will now do the cause they represent, the greater kindness by securing and presenting a report adverse to the Bill, which is the cause of so much interest to our people. We earnestly trust that such adverse report will be made; and if made, we predict that it will give lasting fame to the young Representative from

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Mississippi, or whoever else introduces it. Mr. Muldrow is reputed to be, comparatively, a young man; neither tall nor portly, is handsome in figure, elastic in his movements, with sparkling eyes pleasing countenance, evincing great goodness of heart, yet firmness, and even stubbornness, of purpose in a just cause. This is his first term in Congress. His speech, delivered a few evenings since in the House of Representatives, is regarded as one of the best of the session. He is said to be exceedingly liberal in his views, and very popular with all parties; and furthermore, is regarded as one of the coming politicians of the South.

From the foregoing it will be seen that through the perseverance and good management of our Delegates, Messrs. Franklin, Dorsey and Cravens, the border States Congressmen, and their allies, E. C. Boudinot, the apostate Cherokee, Gardner G. Hubbard, the railroad bondsman, & Co., have again been brought to grief in their designs against the life and prosperity of this Territory. Notwithstanding their exultant shout of confident success a few months ago, they have lived to see, if reports be true, their boasted majority of

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eleven to one dwindle away into an insignificant minority of two to ten. And yet, with these telling odds against them it is said that these territorializers boast that they will make "Oklahoma" a success the next Congress.

We are not surprised why our white neighbors, who have no rights here, should covet our little homes, flocks, running brooks, veles, mountains, forests, rivers and prairies. But why any Indian who is entitled to a "pro rata," common, life interest in this estate, with right of the transmission to his offspring, should desire a change, and such change as the Franklin Bill proposes, is a mystery to us past finding out. What is the compensation for which these men, Dorsey, Franklin, Cravens, Hubbard and Boudinot, labor? What excuse for their persistent efforts to disorganize and break up our little Indian governments?

Mr. Gardner G. Hubbard may find some excuse and comfort for his cold blooded and villainous misrepresentations of our people, in the fact that he represents in his lank, cadaverous person, some fourteen million dollars' worth of railroad bonds, the payment of which is predicated upon the homes of

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our people, and which he wants secured, suffer who may.

Messers. Gravens, Franklin and Dorsey may comfort themselves with the reflection that, though we and our wives and little ones be driven hence to perish, our humble estate will be administered upon by Missouri and Arkansas, who, would probably come in for the lion's share of what is left by the railroads.

Col. H. C. Boudinot may comfort his soul with -- what? with the reflection that in the general break up of his people, he may secure a few more eligible lots in the town of Vinita, and a few more acres of land upon the common domain, none of which he will ever have the moral courage to attempt to occupy while a Cherokee, or shadow of a bare-footed, impoverished Cherokee, lingers in that section, to remind him of the ruin he helped to bring upon a once happy people; and in addition to these, the solacing conviction, that while he lives he will carry, to be read of all men, and shunned and despised of all true patriots, a mark more conspicuous and damnable than that emblazoned upon the forehead of the murderer Cain, by the hand of offended Deity;

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and with all the additional consolation that while he might have been, like the Adairs, Rosses Downings, Benges, Walkers, Duncans, Scrapers, Spearses, Chambers, and a host of other honored names, a true man and support to his Nation, he preferred to class himself with such men as Benedict Arnold, the traitor, and like him to entail treachery upon and to the hurt of others who may be of his blood and bear his name, although they have neither hand nor sympathy in his stupendous crimes.

INDIAN CHIEFTAIN

Vinita, Ind. Ter.

March 7, 1889

Vol. 7, No. 26

John L. Adair, Editor

OKLAHOMA BILL

Editor Washington Post:

Your issues of the 25th and 27th instants contain articles entitled "The Oklahoma Bill," which tend to create a sentiment adverse to the nations we represent, by attributing the opposition to that bill to certain so called "cattle Barons," and contain a covert threat that unless our property is surrendered upon the terms of the bill it will be taken by force and bloodshed.

As representatives of the Cherokee and Chickasaw nations we have protested against the appropriation of our property without our consent, and the crippling of our national revenues in violation of the solemn guarantees of the United States maintained in our treaties. We want it fully understood that individual interests, if any there be, are insignificant, as compared with

what can only be designated as the spoliation of our property by the operation of this bill.

You have been egregiously imposed upon if you believe that there is any considerable body of honest settlers so lawless in their character to desire with or without law to invade our country and appropriate our property. There may be a lawless people in the employ of the railroad and town site companies that are ready to make such a show, but they will scatter to the winds as soon as they are unmistakably advised that the United States stands ready to fulfill its treaty obligations with us.

It will be a disgraceful day when the United States, with all the prowess of its arms, acquired during the past century shall be compelled to surrender to the Pawnee Bills and their boomers. We do not expect legislation involving the honor of the United States in respect to treaty obligations can ever be induced by the threats of this lawless element of society.

The so-called Cherokee outlet which this bill proposes to take, virtually without our consent, is a part of our patented lands and now yields us an income of \$200,000, which is the main

support of our common school system, and it was guaranteed by the United States that "never in all future time should it be included in any state or territory." We necessarily view with alarm this proposed legislation invading our rights, particularly when it is backed by railroad and town site companies so powerful as even to influence public sentiment to assist in the spoliation of our property.

J. B. MAYES, Principal Chief.

D. W. BUSHYHEAD,

C. J. HARRIS,

Cherokee Delegates.

G. E. HARKINS,

I. D. COLLINS,

Chickasaw Delegates.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, April 2, 1898
Vol. 6 No. 8
A. L. Kates, Editor

THE FIVE TRIBES IN CONGRESS

War talk and war measures have right of way, and have intervened to postpone consideration of all measures and matters of minor importance. The whole week has been devoted to appropriation bills, measures for the relief of the survivors of the Maine disaster, measures for the equipment of the army, navy and coast defences.

The Curtis bill is exactly where it was at the writing of my last communication. The only explanation is: It has not been reached. It has however, by no means been lost sight of. Those directly behind it, notwithstanding their interest, in pending matters of national and international import, are on the alert and watching at every turn, hoping to rush in and secure its passage, during a lull in the general storm of excitement that prevails. In this they may or may not succeed during the coming week. It is understood that when the pending Naval Appropriation bill is

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disposed of, there will be a "regular order," which means a call of the committees, in which event the desired end could be attained.

By reason of the present international complications I would say to the people of the Indian Territory that nothing can be foretold with any degree of certainty, and this applies to the Curtis bill. Should the House settle back to its normal temper and conditions its early passage would be assured.

The Indian Appropriation bill, with its many amendments of vital importance to the people of the Indian Territory occupies exactly the same attitude toward international matters that now claim the attention of Congress. As stated in communications of the past two weeks, it is in conference. The conferees of both House and Senate have been appointed, and nothing remains to be done but to get together and settle the disagreement of the two Houses. As it is, the meetings of the committee have been postponed from time to time, at the suggestion of the members on the part of the Senate, on account of their disinclination to enter actively upon the consideration of minor matters at this time. It is now suggested that they will hold their first meeting early this week.

The report of the House Indian Affairs Committee

on the "Omnibus Claim Bill" has been presented, and the bill placed on the House calendar. The report was written by Mr. Little, upon instructions from the committee, and amends the bill as it passed the Senate by adding the claims of the Delawares for money due them from the United States under treaty of 1854; the claims of the Peorias for lands and monies due them under treaties of 1854 and 1867; the claim of the Seminoles for arrears of interest due from the United States; and the claims of the loyal Creeks and Seminoles for property destroyed during the war.

The section of the Senate bill authorizing the intermarried whites of the Chickasaw, Choctaw and Cherokee nations, is amended by adding the following:

"Provided that nothing herein shall impair or disturb any rights acquired by such persons acquired by virtue of the findings of the Commission to the Five Civilized Tribes or the United States Courts in the Indian Territory under jurisdiction conferred by act of Congress of June 10th, 1896."

The last section is also amended by providing that the decision of the Court of Claims shall be final.

In discussing the necessity of disposing of these many claims and contentions by reference to the courts, the report says:

"Your committee are of the opinion that the several questions sought to be transferred to the Court of Claims for adjudication are of that character that can be settled with more satisfaction in a court, upon judicial investigation, than in a legislative body; involving as they do, intricate and complicated questions of law and fact. * * * They are questions of long standing and have been the fruitful source of much contention and dissatisfaction, and they demand a speedy and just settlement. Their determination must precede the allotment of tribal lands in severalty or any just distribution of the funds belonging to said tribes or nations. Your committee therefore recommend the passage of the bill."

Capt. Frank Strong is the general agent of the Department of Justice, and under his immediate control is the machinery of the courts of the Indian Territory. I last week called upon him to ascertain just what will be the policy of the Department as to the erection of the three large central jails in the districts of that country. His expressions may be regarded as final and conclusive. He said:

"We submitted an estimate of \$100,000 to the Appropriation Committee, with a recommendation that the three central jails be erected. The committee held that

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they had no jurisdiction and refused to act. The matter is ended for the session. The plan of leasing jails from individuals will be continued for the present. Many question the wisdom of the government expending that amount of money in the erection of jails, in view of the probable early reorganization of that country, but we felt the outlay would be fully justified by the immediate necessity for them, and the almost certain continuance of the present court system for a number of years."

The teachers of the Choctaw nation are making every effort to secure relief from what they term a great hardship. They are paid in warrants, and are not able to draw money out of the Choctaw treasury on them, being forced to sell them at a ruinous discount. They have prepared a detailed statement of their grievance, specifying the manner in which they are imposed on by speculators. This statement has been sent to a prominent member of the Indian Committee and by him filed with the Secretary of the Interior, with a request that the Department look into the matter and grant such relief, if any, as may be in the power of the government.

The three cent per mile passenger fare bill, which has passed the Senate, was taken up by the House Indian Affairs Committee Thursday. Judge Little moved that the

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bill be reported favorably. The motion was lost and the bill referred to a sub-committee composed of Sherman, Curtis and Lewis. In former sessions of Congress this is the way the bill has died, but Judge Little secured a promise of a report from the sub-committee at an early date. Their report will be adverse, but Judge Little hopes to secure its rejection by the committee, and a recommendation for the passage of the bill.

Mr. Broderick, of Kansas, has introduced a bill "to establish a United States Court at Nowata, Cherokee Nation. The bill provides that court shall be held at this point by the Judge of the Northern district, and that two terms shall be held each year at such times as he may indicate.

The bill suggested and urged by some of the town-site delegates "Authorizing cites and towns in the Indian Territory to secure, by condemnation and otherwise, lands necessary for public improvement," passed the Senate early last week. The report accompanying the bill, contains the following:

"They (the cites and towns) ask, under the provisions of the bill reported by your committee, authority to connect their communities with adjacent streams, from which they will be enabled to draw abundant supplies of fresh water,

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and construct sewers through which they may rid themselves of unsanitary accumulations. The measure is proposed in the interest of the health and comfort of the people of the Indian Territory, and it is the opinion of the committee that it should become a law."

It came to the House Indian Affairs Committee at its Thursday's meeting, and at the instance of those interested in its passage, was called up for report. The clearly understood policy of the Committee to ask no further legislation until after the passage of the Curtis bill was suggested, and the measure was laid on the table.

This only emphasizes the situation heretofore indicated: The Curtis bill has right of way, and will retain it until it is disposed of in the House. The committee will neither ask nor allow any further Indian legislation until that measure is passed upon.

The grist of Indian Territory railroad legislation for the week is as follows:

The House Indian Affairs Committee has favorably reported a bill "granting additional powers to railroad companies operating lines in the Indian Territory."

The Senate Indian Affairs Committee has favorably reported a bill: "Granting right of way to the Gainesville, McAlester & St. Louis Railroad Company."

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Senator Allen has introduced a bill "granting to the New Orleans & Oklahoma City Railway Company right of way through the Indian Territory." The proposed line is to extend along the most practical route from Oklahoma City to Sherman, Texas, by way of Tishomingo, Chickasaw nation.

Judge Little has introduced a bill granting an extension of charter to the Fort Smith and Western Railway Company.

It is probably not known that Judge Little the ranking Democratic member of the House Indian Affairs Committee, has had some early Indian experiences that are both thrilling and amusing. The appearance of the delegation of twenty-four stalwart braves of the Kiowa, Comanche and Apache tribes in Washington last week, to protest against the confirmation of the Jerome treaty, by which their reservation is to be sold to the government and opened for settlement, has recalled memories of nearly three decades ago.

In 1869 Judge Little, who was then a stout lad of some 18 or 19 years, together with a friend, took a contract to transport government supplies from Ft. Smith to Medicine Lodge in the Apache country. I will let him tell the rest:

"After one of our long and arduous trips as we were some miles from the Lodge, we saw a body of horsemen bearing down upon us. As they came nearer we saw that they were Comanche Indians, in full paint and feathers and riding with the wind. I had read of Indian massacres, and every circumstance seemed to corroborate the book. They dashed up, brandished their bows, shot several arrows into the ground at the horses' feet as a signal to stop, and surrounded the wagons. I asked the leader what was wanted. I expected him to answer, "Blood," and proceed to take it. He articulated one of the few English words an Indian always has for just such emergencies as the present one.

"His reply was short, epigrammatic, and withal highly gratifying to us: "Sugar."

"I knew the object of their informal call. I grasped a hatchet, beheaded a barrel of sugar, and they fell to. When they had eaten something like half a barrel they remounted and rode away. I re-headed the barrel and drove on to the Lodge."

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, April 9, 1898
Vol. 6 No. 9
A. L. Kates, Manager

THE FIVE TRIBES IN CONGRESS

Nothing can be said about the Curtis bill that would not be a repetition of my communications of the past two weeks. It awaits consideration and passage. The delay is due to the war situation. The minds of Congress and its members are engrossed with international matters, and until they are disposed of pending Indian Territory legislation must wait and will wait.

Mr. Curtis was called home last week on account of the death of his father. He obtained a leave of absence of ten days, but it is thought that he will return sooner. His absence does not affect the status of the bill, or its chances for consideration. Should the business of Congress admit of its being called up, arrangements have been made for its management on the floor of the House.

I now write of a rumor. It is only a rumor and entitled to consideration only as such. The legislative

atmosphere in Washington is peculiarly adapted to the propagation, development and transmission of rumors, and they are wafted about, and steal in and out like the evening zephyrs about which the poets love to write. This particular rumor is quite a well developed one and it is said to be based on expressions of those who are in a position to both know and act, in pending Indian Territory legislation.

It is this: That the eastern idea of the Indian and his country is to put the whole Indian Territory, towns, farm, mineral and grazing lands, and all, under the lease system, so that an adequate, and perpetual fund may be created for the support of the Indians; and that when the Curtis bill reaches the critical legislative stage, a systematic and determined effort will be made to bring about this end.

That the lease system is the eastern idea, there can be no doubt, but as to whether the eastern idea can or will either prevail or seek to prevail, is the question. Up to this time the eastern Members and Senators have been inclined to say to those of the two committees, who have a personal knowledge of the needs of the Indian Territory: "We neither know nor care very much about affairs down there. You know what is needed for the

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protection of all people and interests, and whatever you agree on will meet our approval."

I have made careful and guarded inquiry among the eastern members of the committee to get, if possible, expressions that would indicate whether or not they entertained such a purpose as is indicated by the rumor. My inquiries develop rather the absence of any purpose on their part; and a desire to acquiesce in whatever may be proposed by Senators Pettigrew and Jones, and Congressmen Curtis and Little. This, so far as it goes, tends to confirm the forecasts made, from time to time, since the meetings of the sub-committee at the beginning of the session.

But while this is true, there is another phase of the situation it would be well for the people of the Indian Territory to bear in mind. It is neither rumor nor conjecture, but a fact, that the question of resubmitting the treaties, will be seriously considered by the Senate. If this idea prevails and is acted upon, as indicated in a former communication, the Curtis bill will be passed in the alternative, and the treaties modified so as to practically parallel it in operation.

The townsite delegates here with whom I have talked, would not seriously oppose this. The treaties would operate

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to give title at once, and they are of the opinion that they would be preferable, even with some additional hardships, to the delay and vexation that would necessarily attend the operation of the present Curtis bill.

Among the Eastern Senators upon whom I called to-day was Senator Platt, of Connecticut. He ranks next to Senator Pettigrew on the Indian Committee, was a member of the sub-committee that drafted the Curtis bill, has, in years past, made a number of trips to the Indian Territory as a member of special investigation committees, and has for many years been prominent in Indian Territory legislation. I asked him for an expression of opinion on the Indian Territory situation in general, and the Curtis bill in particular.

He said in substance: "As I am advised, the Senate has, as yet, taken no position on what ought or ought not to be done with the Indian Territory, and it is unfair for anyone to assume that we have. We have simply put the question aside and will not seriously consider it until the Curtis bill comes to us. You may say that I prefer a settlement of all questions and interests by agreement with the Indians, so that all questions of title may be ended once for all. As to whether or not I would contend for this is another question. I have never stated that I would insist

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on the adoption of the lease system."

It has been practically determined by the committees of both the Senate and House that there will be no legislation for the reorganization of the judiciary of the Indian Territory, at this session of Congress.

There are bills pending for the establishment of courts at Tishomingo and Nowata, and what is known as the "Judges Bill" is in the possession of Senator Pettigrew, but has not been introduced. It is not his purpose to do so, as indicated by his interview of last week.

Congressman Broderick, of Kansas, is third on the Judiciary Committee in the House, and when asked about the outlook for court legislation, he said:

"The matter was taken up and discussed this week by our sub-committee to whom these matters are referred, and it was practically determined to pass the whole question over to the next session. The Attorney General thinks this should be done. If the Curtis bill passes it will be late in the session and it will doubtless make complete revision of the judicial system of the Territory necessary, and this cannot be intelligently done in the short time there will be to the end of the session. I introduced a bill for a court at Nowata, but I told them at the time that I did not think it could be passed at this

session,"

With the "Judges bill" in Senator Pettigrew's pocket in the Senate, and the Tishomingo and Nowata bills held up by the sub-committee in the House, it would seem that the outlook for additional court legislation is not promising.

When the General Deficiency Appropriation bill reaches the Senate, Senator Berry will offer an amendment as follows:

"That the United States pay expenses of transportation of 274 Creek Indians at \$30.00 each; and subsistence for twelve months to 160 Creek Indians, at \$25.00 each, in accordance with a list appended to a letter of the Commissioner of Indian Affairs of June 18th, 1888."

This claim on the part of the Creeks is based on the 7th article of the treaty of 1820, and the 12th article of treaty of 1832, wherein the United States agreed to pay certain expenses of transportation and subsistence. The amendment contemplates the payment of those not included in former payments.

Hon. S. M. Rutherford, of Muskogee, Ex-Marshal of the Northern District; Col. W. J. Watts, of Wagoner, attorney for the "Intruders" of the Cherokee Nation; Judge M. M. Beavers, of Chickasha, Ex-Commissioner; and Col. C.

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M. Campbell, Clerk of the Southern District, have returned to their several homes. This leaves the Indian Territory delegation in Washington considerably reduced, but it is understood that a number of the delegates will return when the Curtis bill reaches the Senate.

Senator Baker's bill "authorizing cities and towns to secure, by condemnation and otherwise, lands necessary for public improvements" passed the Senate on Wednesday of this week.

The town of Wagoner and her representatives are strongly urging the passage of the bill, as it is understood that a company is organized and ready to begin work on municipal improvements, as soon as Congressional authority can be secured.

It is quite certain however, that this nor no other Indian Territory measure will be allowed to pass the House until the Curtis bill is disposed of. This is based on the positive statements of those having that class of legislation in charge, in that branch of Congress.

Members of the Indian Committees are in receipt of resolutions adopted at a citizens' mass meeting held at Vinita recently. The resolution begins by suggesting that its framers are, without regard to race or color, in favor of the allotment of lands and all the natural

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resources and appurtenances, the establishment of a government that will afford ample protection to every citizen, and that to smoothe the way to this object, and to soften the asperities of the people, they call attention to certain objections to the Curtis bill.

The objections enumerated are that it does not eliminate the land grant of the M. K. & T., Ry.; that provisions is not made for confirmation of town lots purchased from the Cherokee Nation; that under its provision the town limits may be indefinitely extended so as to take in outlying improvements; that the 157,000 acres claimed by the Delawares is to be set apart.

They are also opposed to the passage of Senate bill No. 4105 which seeks to give the Supreme Court jurisdiction to pass upon the tribal rights of the nations, and suggests that it is preferable to have all questions settled by legislation.

The resolutions are signed by J. H. Merrell, Chairman, and Isaac Mode, Secretary.

The week's grist of Indian Territory railroad legislation is as follows:

The following bills have become laws, by the signature of the President:

An act granting right of way to the Nebraska,

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Kansas & Gulf Railway;" "An act granting right of way to the Denison, Bonham & New Orleans Railway," and "An act extending the charter of the Denison & Northern Railway."

The House Indian Affairs Committee has favorably reported Mr. Callahan's bill granting right of way to the Missouri, Oklahoma & Texas Railway, through the Indian Territory.

The Senate Indian Affairs Committee has favorably reported Judge Little's bill granting extension of charter to the Fort Smith & Western Railway.

One of the constant sources of diversion to the Indian Territory people in Washington, both Indian and white, is the persistent association of them with the aboriginal savage of last century, by those of the east whose ideas of the Indian are based on both ignorance and romance. They persist in wrapping the regulation blanket around our Indian Territory people, be the weather ever so hot, and their protestations ever so vigorous. They ram the "peace pipe" into their mouths despite their defensive plea that its use was discontinued some three or four generations ago. They insist in substituting the moccasins, leather breeches and feather head dress of the Indian of their imagination, for the modern up to date

rigging with which our people are wont to bedeck themselves. But this is not all. The acme of their officiousness, and the apex of the affectionate superintendence is reached, when they address him as "Poor Lo" and trot him up before the "Great Father."

The "Great Father" may be very well for the unsophisticated Kiowa or the uninitiated Ute of the far west, but the Choctaw or the Cherokees of the good year 1898 knows him to be a myth and a monumental one.

The Washington "Post" of some days ago contained an item to the effect that a member of one of the Indian delegations from the Territory started out for a pow-wow at the Capitol. In preparation for the "pow-wow" so that article states, Poor Lo discarded all moccasins of his ancestors, and arrayed himself in a pair of beautiful russets. Deciding that the russet color was not the thing he ascended the stand of a boot black and insisted that they be blacked. Still not satisfied, he stopped where some painters were at work and dobed his shoes a color to suit his taste. "Then," concludes the article, with blanket and feathers, he proudly tramped on to make his congressional call."

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April 6th, 1898.

A \$20,000 Seminole indemnity item has been presented to the Sundry Civil Appropriation bill now under consideration in the Senate.

The amendment was presented by Senator Quay, of Pennsylvania, and provides that the Secretary of the Interior investigate the burning of the two Seminole boys some months ago and pay to their heirs and representatives such damages as they have sustained.

The claim for indemnity is based on the 18th article of the Seminole treaty of 1856, wherein the United States guarantees indemnity in the event of such acts of violence to the tribe or individual members thereof, as the one complained of.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, April 23, 1898
Vol. 6 No. 11
A. L. Kates, Manager

THE FIVE TRIBES IN CONGRESS

The Curtis bill passed the House Thursday after a consideration of just two and one-half minutes. This result is what has been predicted by the friends of the measure during the long weeks that have elapsed since it went on the House calendar: That its consideration meant its passage.

So much has been said and written about the "Curtis bill" since its introduction at the beginning of the present session of Congress, that the very sound of its name is like a familiar strain of some well known air, and I daresay a short description of just how it passed, and why it came to be passed at this particular time, would be interesting to those who have followed its progress along the rough and rocky legislative road with so much concern.

Thursday was the day following the passage of the war resolutions. For many days the House had been under a

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tension and strain of excitement scarcely paralleled in this generation, and after the culmination which resulted in the presentation and passage of a measure that will almost inevitably lead to an international conflict, there was a relaxation. The House was dull almost to stupidity. Many members were absent recuperating after the exhaustive seige through which they had passed; many had followed their resolutions over to the Senate to observe the warlike demonstrations of that body; and most of those whose sense of duty impelled them to be in attendance were smoking and yarning before the cloak room grates, or sprawled out full length on the capacious and luxurious lounges that fringe the areas in the rear of the seats. An air of indolence prevailed. It was the calm after the storm.

After the House had droned along for a hour or so after the reading of the journal, passing unimportant bills by unanimous consent, some one called for the "Regular order." This means a call of the committees for the passage of committee bills.

In an instant Messrs. Curtis, Little and Sherman were on the alert. The House decided to take up the "Regular order." They dived into the innermost recesses of their desks, fished out thumworn copies of the last print of the Curtis bill, arranged pages and bundles of

data and argument before them for emergencies, and awaited developments.

"The Clerk will call the first committee," announced the speaker.

The Public Lands Committee came first, and Chairman Lacey called up and passed sundry bills.

The Judiciary Committee came next and its handsome Chairman General Henderson, of Iowa, carried several measures through the gauntlet of the House, and one step nearer coveted destiny -- the Statute book.

The Coinage, Weights and Measures Committee came next. Chairman Stone of that committee is now a candidate for the Governorship of Pennsylvania, and he had evidently been giving close attention to political matters, for he offered no bills, and surrendered the place of his committee.

The Clerk read: "The Committee on Indian Affairs."

Chairman Sherman, the rosy checked, round faced, good tempered New York Yankee, took the floor and called up the "Curtis bill." In doing so he suggested that the reading of it be dispensed with, and the Report of the Committee be read for the information of the House. To this Mr. Dockery, of Missouri, objected and demanded that the bill be read in full.

The clerk droned through its twenty-seven sections

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in something less than forty minutes.

Chairman Sherman again took the floor and briefly explained the progress of the bill through the various committees and sub-committees to the calendar of the House.

When he concluded, on every side were cries of "vote". The House voted and the bill passed.

The Curtis bill will go to the Senate, and be referred to the Indian Affairs Committee. Its destiny will be practically in the hands of Senators Pettigrew, Jones and Platt the ranking members of that committee, as indicated in former communications. They announce their purpose of taking the bill up for action as soon as it can be done.

I can state further that it is the purpose of the Senate to amend the various provisions of the bill so that, under parliamentary practice, it may be thrown into the hands of a Conference committee composed of members of the Indian Affairs Committees of the two Houses. It is in this committee where whatever legislation is passed will be finally agreed on.

As stated in detail in my communication of last week, the question of amending the treaties and resubmitting them for ratification will be seriously considered.

On Thursday the House passed Judge Little's bill

"Declaring the Federal jail at Fort Smith, Arkansas, a national prison."

The substance of the bill is as follows: "That the Federal jail at Fort Smith, Arkansas, * * * is hereby declared to be a national prison for the confinement of persons convicted of crimes and misdemeanors in the United States and Commissioner's Courts in the Indian Territory, in cases where the term of imprisonment does not exceed one year."

The report accompanying the bill contains the following; "The Federal jail referred to in the bill has a capacity for the safe keeping of more than 500 prisoners, and the great lack of prison accommodations in the Indian Territory renders the use of this jail as a prison for short term convicts expedient and economical."

The passage of the bill approaches the solution of a question that has been before Congress and the Department of Justice for some time.

Judge Little's first effort was to have the jail declared a national prison by direct action of the Department, but not being certain of their power to do this, they suggested the introduction of this bill, and when it was referred to them, they strongly recommended its passage.

Judge Little has also been pressing the Department to surround the jail with an iron fence, and otherwise improve the premises. He this week secured a promise from the Attorney General, to recommend an appropriation for fencing and other improvements, not to exceed \$5,000.

Desiring to send prompt and reliable information to those of the Indian Territory who just now " * * * Feel that swelling of the heart, you ne'er can feel again" for land and country and national honor, I have made every effort to get some indication from Mr. Brownlow, of Tennessee, as to just how and when and to what extent he expects to press his recently introduced bill for the organization of Indian Territory Militia.

Mr. Brownlow seems to be a very nice gentleman, but my opinion is, after discussing the matter with him, that he belongs to the "peace-pipe" brigade, of whom I have heretofore written.

He stated that he had introduced the bill at the instance of some one whom he did not remember, and that he had assurances of its favorable consideration, and that he would press it to passage as soon as the actual necessity arises.

My idea now is that the military statute of the Territory, if fixed at all, will not depend upon legislation

but Departmental action. The procedure was indicated in my letter of last week: Nothing will be done until actual war. In that event each state and Territory will be called on for a regiment, as now estimated. The territory will be placed on a footing with the states, and allowed to furnish a regiment. A mustering officer will be detailed from the War Department to accept such as desire to volunteer. As to whether or not companies already organized will be received and allowed to retain their present organization, is a matter of detail that cannot now be determined. Further I can say: In the event of war Judge Little will take a personal interest in the matter, and make every effort to get the Indian Territory placed on an equal footing with the states.

The Indian Territory representative at the Jefferson dinner Wednesday night, given in honor of William J. Bryan, the Democratic leader, was Mr. S. T. Bledsoe, the big bodied, big hearted, whole souled and able townsit delegate from Ardmore. Too much cannot be said of the able, conscientious and effective manner in which Mr. Bledsoe has served his people during the present session of Congress.

The Senate on Wednesday passed the bill amending the charter of the Gainesville, McAlester & St. Louis

Railway. It was called up by Senator Chilton, of Texas.

Senator Jones, from the Senate Indian Affairs Committee, has favorably reported the bill "To Establish a United States court at Tishomingo, Chickasaw nation," and it has been placed on the calendar.

The committee in reporting the bill, added the following amendment: "That the Judge of said court is hereby authorized to appoint two additional United States Commissioners, with like powers as other Commissioners in said Territory, one to be stationed at Stonewall, Chickasaw nation, and one at Colbert, in said nation; and to appoint such additional deputy marshals for said Commissioners courts as may be necessary."

Now that the jam has been removed from the legislative stream, it is expected that the current of Indian Territory legislation will move on.

For six weeks the Curtis bill has blocked all other Territory measures, and for three weeks the Cuban and Spanish question has blocked the Curtis bill. The deadlock has now been broken. The House has acted on our international complications and passed the decision up to the Senate. Almost immediately thereafter the Curtis bill passed, as has been predicted by its friends, all through the long weeks of waiting.

The measure next in importance to the people of the Indian Territory, now pending in the House is the "Omnibus Indian Claims bill," by which it is proposed to refer to the Court of Claims, for final adjudication, all the claims and controversies among the various tribes of Indians, and between them and the United States.

The original draft of the Curtis bill provided that these controversies be arbitrated by a committee to be chosen from the House and Senate Indian Affairs Committee, but upon consideration, it was determined that all the questions were fit subjects for judicial investigation and determination, and they were all included in the bill above referred to.

The Cherokee delegation are giving special attention to the claim of the Delawares, included therein. They will make a strong effort to get the bill amended that either party may appeal to the Supreme Court of the United States. The other claims included in the bill are: The Mississippi Choctaws; the Freedmen of the Choctaw and Chickasaw nation; the white intermarried citizens of the Choctaw, Chickasaw and Cherokee nations; the Chickasaws and Seminoles for arrears of interest; the Seminoles and Creeks for property of loyal citizens, destroyed during the war.

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The present status of the bill is: A favorable report was authorized by the House Committee, but the report was withheld, until the disposition of the Curtis bill. It will doubtless be taken up and pressed to passage now, without delay.

April 21st, 1898.

The Curtis bill has gone to the Senate Indian Affairs Committee. An early consideration of it is promised.

I to-day called on Senator Jones, to get some general expressions in regard to it, for the people of the Indian Territory. Those who know the relation of Senator Jones to Indian Territory legislation, and the position he occupies in the Senate, can fully appreciate the force of what he says.

He said: "The bill will be considered just as soon as the committee can reach it. I have not polled the Senate or the Committee, and would not like to predict what Indian legislation will pass. I can state what I am in favor of. I favor the amendment and resubmission of the treaties."

Senator Platt is known to prefer that all Indian legislation be based on treaties. With Senator Platt

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passively, and Senator Jones actively, for the treaties;
and Senator Pettigrew willing to agree to anything that
will secure an abolition of the tribal governments, and the
allotment of the Indian lands, the probabilities of the
resubmission of the treaties are by no means remote.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, April 30, 1898
Vol. 6 No. 12
A. L. Kates, Manager

THE FIVE TRIBES IN CONGRESS

Washington, April 26, 1898.

The people of the Indian Territory can fight if the nation fights. That point has been determined by the passage of the Hull-Hawley Volunteer service bill which was finally agreed on by the two Houses Saturday, and is now before the President for approval. Under its provisions the President is authorized to call into service, in time of war, troops organized in the several states and territories, under the direction of the Governors. In conformity to the bill just passed the President will at once call for a volunteer force of 125,000 men, to be organized in the several states and territories.

As originally drawn the bill made no provision for the Indian Territory. Judge Little went at once to Chairman Hull of the committee and implored him to give the people of that country recognition. Chairman Hull

responded briefly and unreasonably:

"There will be more people from the states who want to enlist than will be wanted. I cannot consider the amendment you suggest."

This was new logic, or the manifestation of no logic, at all. The District of Columbia was recognized by the bill. It is a special jurisdiction and so is the Indian Territory. It has no relation to the regular state and territory governments. Neither has the Indian Territory. The two stand upon an equal footing as to their relations with the general government, and according to the suggestions of the Adjutant General of the War Department, should be given equal privileges for service in the coming war. This Judge Little suggested to Chairman Hull, but to no avail.

Judge Little said no more, but prepared an amendment as follows. "Add, after the words 'District of Columbia' these words: 'And the Indian Territory'." Also: "And any company, troop, regiment or battalion from the Indian Territory shall be formed and organized under such rules as shall be prescribed by the Secretary of War."

When the bill came up in the House for consideration he offered the foregoing amendments and said: "Mr. Chair-

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man: This country to which my amendment applies embraces a large territory -- as large as many of the states of this union. It embraces a population of 400,000, more than 300,000 of whom are whites and 80,000 Indians. I know from communications received from these people that they are anxious to bear their part of the burdens of this war, if one is to come. * * * * There is no Governor of this Territory, but according to the amendment it is left to be organized under such rules and regulations as the Secretary of War may prescribe. I insist that these people ought to have an opportunity to participate in the struggle that is to come. They are as brave and courageous as you will find in the states of this union, and are loyal to the flag of our common country. They have no Representative on this floor to speak for them, but knowing many of these people personally, I bear cheerful testimony to their courage and loyalty, and I feel that this is the momentous period in our history that I can speak for them; and in any regiments that may be formed in that country you will find the white man and the Indian standing side by side, vying with each other as to who shall render the most loyal service to the country and do the highest acts of courage on the field of battle. Shall they be denied this privilege? I hope not, Mr. Chairman, and if allowed

to participate in the coming conflict, when the war is over and the roll of honor is called you will find the troops from the Indian country standing side by side with the gallant sons of the states of this union. Let the amendment be adopted and place these people on a footing of equality with the people of the several states, and give them this opportunity to add new glory and additional fame to our national arms, and you will have done simple justice."

The amendment was agreed to and become a part of the bill.

When the call of the President becomes operative, the War Department will accept the services of volunteers from the Indian Territory, under the following provision of the bill:

"All men received into service in the volunteer army shall, as far as practicable, be taken from the several states and Territories, the District of Columbia and the Indian Territory, in proportion to their population."

The Curtis bill has slept a week in the Senate. It has not yet been taken up by the Senate Committee, nor can any certain forecast be made as to when it will be considered, but the general idea is that it will not be

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long delayed. Those interested in Indian Territory legislation are directing their attention to the question of "how" and not "when" it will be considered. Its passage through the House without a dissenting voice or vote indicates clearly and conclusively that there is a desire to legislate and radically legislate. The question now is: Will it be the treaties, the Curtis bill, or both?

Senator Jones has stated positively that he favors the amendment and resubmission of the treaties. Senator Platt is known to have a strong desire to proceed by treaty, in all Indian legislation, where it can be done. Senator Pettigrew will act along any line that may seem best, when that line leads to an abolition of the tribal governments, the allotment of the lands, and the erection of a territorial or state government. The members of the House Committee will not seriously oppose the treaties, if properly amended. Some of the townsites representatives who are here, would be willing to accept the treaties, with the amendments suggested in my communication of two weeks ago. With this alignment of the forces behind Indian Territory legislation the probability of the early resubmission of the treaties is great. The change in sentiment within the past three weeks has been almost wonderful. Up to that time it was taken for granted that the treaties were permanently retired.

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It will be remembered that up to that time all estimates and reports were based upon the action of the House. Since that time the pendulum has swung to the Senate, and contemporaneous with the swing of the legislative pendulum, the treaty sentiment has revived. This would indicate that the Senate has all along been inclined to the treaties, and that the sentiments of its members were latent and passive, during the House discussions.

I this morning talked the situation over full with a prominent Indian Delegate and one of the framers of one of the principal treaties. He made the following statement:

"I realize, and my people realize, that this is perhaps the last time the Indians will have an opportunity to treat. While I have contended at all times, for a ratification of the treaties as they stand, I am willing to accept any amendments that does not involve a sacrifice of principle, and meet in the spirit of compromise, those who have in their hands the settlement of the chaotic conditions that exist in our country. The members of both Houses of Congress have been extremely courteous to me, and I am confident that they are the friends of the Indian, and hope to act for his best interest. During the past few days I have talked quite generally with those

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who control Indian Territory legislation, and I am confident that the treaties will be adopted and resubmitted to the Indians."

The "Omnibus Indian Claims Bill" heretofore frequently referred to, has been reported from the House Indian Affairs Committee and placed on the House calendar. The report was prepared by Mr. Little.

Senator Platt, of Connecticut, has prepared an amendment and will offer it to the General Deficiency Appropriation bill when it reaches the Senate, providing that the Secretary of the Interior shall pay to Wilkinson Call the sum of \$7,500 out of the interest money due the Cherokee Nation. Call is an Ex-Senator from Florida, and is the Washington attorney employed by the Cherokee delegation to secure a decision from the Supreme Court of the United States, on the general treaty rights of the Cherokee Nation, and the amount suggested in the amendment is for the payment of his services as such attorney.

General A. H. and R. C. Garland, attorneys for Watts, Hubbard and others, known as the "Cherokee Intruders" have presented to Congress a voluminous brief on the questions involved in the pending Indian Appropriation bill.

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The prominent arrivals in Washington this week are Capt. J. P. Grady, Marshal of the Central district, of South McAlester, and Col. M. M. Edmiston, of Vinita. Col. William M. Cravens and daughter, of Ft. Smith, also arrived.

Senator Jones has introduced a bill "Authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas river at or near Webber's Falls, Indian Territory." The bill has been referred to the Committee on Commerce. Practically the same bill was some weeks ago introduced in the two Houses by Congressman Little and Senator Jones, authorizing the individuals who constitute the present company to construct the bridge, but it developed that Congress would not grant the charter, in the absence of incorporation. The promoters incorporated under the laws of Arkansas, and the bill will be pressed to passage.

Mr. Sherman's bill, "Granting additional powers to railroad companies created by the laws of the United States and operating lines in the Indian Territory," passed the House on Monday. The bill empowers companies operating in the Indian Territory to lease connecting lines, subject to the obligations of the several companies imposed upon them by their charters. The discussion of the bill

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developed that it was an invitation to "pooling" of parallel and competing lines, about which so much has been said in Congress in recent years. An amendment was adopted providing that the privileges conferred by the bill should not authorize the "pooling" of parallel and competing lines.

The Committee on Indian Affairs has favorably reported a bill introduced by Mr. Broderick, of Kansas, "Providing for the sale of the surplus lands of the Pottawatomie and Kickapoo Indian Reservations."

The week has witnessed quite an advance in the railroad legislation for the Indian Territory.

Perhaps the most important move was the passage through the House of Judge Little's bill granting extension of charter to the Ft. Smith & Western Coal Railroad Company. The charter is extended to December 31st, 1900.

Mr. Cowherd, of Missouri, has introduced a bill amending the charter of the Muskogee, Oklahoma & Western Railroad Company. The amendment refers to the manner of locating right of way, and filing plats thereof.

On Thursday the Senate Committee on Indian Affairs favorably reported a bill amending the charter of the Texas & Mexican Central Railway Company through the Indian Territory.

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A bill has also been introduced by Mr. Cowherd
to extend the charter of the Fort Smith and El Paso
Railway Company.

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THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, May 14, 1898
Vol. 6 No. 14
A. L. Kates, Manager

EDITORIAL ON MELVIN CORNISH

It is with regret that we have to announce the discontinuance of Washington correspondence under the head of "The Five Tribes in Congress." Hon. Melvin Cornish who has been furnishing this correspondence has been called to his home at Greenwood, Ark., by serious illness of his family. These letters have kept our readers fully informed of all matters in Congress interesting to the residents of the Territory.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, Dec. 3, 1898
Vol. 6 No. 43
A. L. Kates, Manager

INDIAN INSPECTORS DUTIES

Muskogee, I. T., Nov. 26,

The duties and powers of the United States Indian Inspector for the Indian Territory, which office was created by the passage of the Curtis bill, have been defined in the following letter, which has just been made public by the Inspector:

Muskogee, I. T., Nov. 23, 1898.

To whom it may concern: Notice is also given that, with the exception of royalties on coal, asphalt and other minerals in the Choctaw and Chickasaw nation (which are made payable to the United States Indian Agent,) other revenues accruing to the Choctaw and Chickasaw nations, such as timber royalties, permit and merchants' taxes, etc., are payable direct to these nations, and are to be collected by officers properly designated by the principal

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chiefs of said nations, respectively.

The Creek nation having failed to ratify their agreement with the United States Government, as embodied in the act of June 28, 1898, and the Cherokee nation not having made any treaty affecting any of the provisions of the said act of June 28, 1898, all revenues, royalties, taxes, etc., accruing to those nations should be paid into the United States Treasury through the United States Indian Agent at Muskogee, I. T., as provided in section 16 of the act of Congress, approved June 28, 1898; and all persons from whom such royalties, revenues or taxes are due to said Creek and Cherokee nations are hereby respectfully notified to forthwith render an account or statement of the same, under oath, and to forward such amounts due the respective nations since July 1, 1898; also any and all accounts so due prior to July, 1, 1898, and remaining unpaid, to the United States Indian Agent at Muskogee, I. T., and to hereafter make monthly remittances of such revenues, etc., and in the same manner.

All such remittances should be made payable to D. M. Wisdom, United States Indian Agent, and be in the form of St. Louis exchange, express or postal money order.

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Very respectfully,

J. GEORGE WRIGHT,

United States Indian Inspector for Indian Territory.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter'y.
Saturday, April 1, 1899
Vol. 7 No. 8
A. L. Kates, Manager

HOW TO ALLOT BY THOS RYAN

The Secretary of the Interior has issued the following amendments to the rules and regulations of October 7, 1898, governing the selection and retention of prospective allotments of lands in the Indian Territory.

The rules and regulations made by the Secretary of the Interior October 7th, 1898, in order to better comply with and carry into effect the agreement between the United States and the Choctaws and Chickasaws, proclaimed at Atoka August 30th, 1898, are hereby modified to read as follows:

Each Choctaw and Chickasaw citizen, except Freedmen, may select in manner provided in said rules, in lieu of the two hundred and forty acres therein specified, one hundred and sixty acres of land as a homestead, from any lands upon which he now owns the improvements, or from

any lands not occupied or in the possession of any other citizen.

Any citizen holding land in excess of that to which he and his family are entitled under the act of congress of June 28, 1898, who fails or refuses to make selections for himself and family of lands which they may hold under said act, within four months after the commission shall have located its offices within said tribes, will be deemed to have elected to hold the forty-acre sub-division upon which his residence or most valuable improvement is located, and the contiguous land in amount to which he and his family are entitled as provided in said act; or the same may be selected and set apart to him and his family by the Commission to the Five Civilized Tribes.

Any citizen desiring to make selections of lands occupied by another citizen shall be required to give such occupant ten days notice of the time of filing his application, and if upon hearing of evidence adduced by both parties, the commission is satisfied that such lands are held by the occupant contrary to the provisions of sections 16 and 17 of the act of congress, June 28, 1898, certificates of selection shall be issued to the said applicant, subject to the right of appeal, as in

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other cases.

No citizen will, however, be permitted to select lands for a homestead which by reason of the location, are in value more than his pro rata share of the value of the whole lands of said tribes.

Choctaw and Chickasaw freedmen may each select forty acres in manner aforesaid.

Citizens making selections of homesteads, and Choctaw freedmen making selections of forty acres, as herein provided, shall receive patents therefor, as provided in said agreement proclaimed August 30, 1898.

After all citizens and freedmen have made selections as aforesaid, they may thereafter remain in undisturbed possession of other lands held by them. so far as permissible under the act of congress of June 28, 1898, except pasture lands held contrary to the Choctaw and Chickasaw laws, until general allotment of the lands of said tribes.

THOS. RYAN,
Acting Secretary.

Washington, March 18, 1899.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, Jan. 11, 1901
Vol. 1 No. 42
A. M. Havermale, Editor

NEWS ITEM OF TAMS BIXBY

A Washington special to the St. Louis Globe-Democrat, dated the 4th, says: Tams Bixby made the prediction privately today that if the Dawes Commission is permitted to administer the affairs of the Five Civilized Tribes in its own way, the commission can complete its work within two years. The commission has been criticized for the slow progress, but these criticisms are made without knowledge of the facts," he asserted. Mr. Bixby said that in his opinion future large appropriations will not be necessary. While he declined to state what he meant by "interference," it is supposed that he had reference to the Interior Department. It is claimed in defense of the Dawes Commission that the restrictions imposed by the department are responsible for the chaotic conditions of affairs

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of the Five Civilized Tribes. Mr. Bixby departs
for the West tomorrow. He will stay in Minnesota
a few days to look after his Senatorial boom, recently
launched.

THE WEBBERS FALLS MONITOR

Webbers Falls, Ind. Ter.,
Friday, March 29, 1901.
Vol. 2 No. 1
(Editor's name not given)

NEWS ITEM OF COMMISSIONER JONES

Commissioner Jones of the Indian bureau says that the act conferring citizenship upon the Indians of the Indian Territory, is creating a great deal of confusion and annoyance. This bill was passed in the closing hours of congress and was never submitted to the Interior Department for a report. While there is no direct objection to the provisions of the act, the precipitous manner of its enactment is involving matters in a great deal of unnecessary embarrassment for the department, as well as the Indians. Commissioner Jones, as an example, cites the case of loyal Seminoles. The money due these Indians for property confiscated during the civil war, which was made payable to the survivors and the heirs by the last congress, and would have been paid in a few weeks, is subject to further

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delays by the new status given these Indians under the act in question. It is probable instead of the money being paid over to the enrolled beneficiaries, it will be necessary to appoint administrators for each individual entitled to receive a share of money. This is only one of a number of things that are arising to complicate things. The commissioner says a mistake was made in not deferring the operation of the act until the Indians had received their allotment of lands. -- Dennison Herald.

You may be sure if any more schemes can be devised to rob the Indian the present administration will discover and profit by them.

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STILWELL STANDARD

Stilwell, Ind. Ter.

Feb. 21, 1902

Vol. 2, No. 20

Augustus E. Ivey, Editor

EDITORIAL ON D. H. JOHNSTON ET AL

Gov. Johnston of the Chickasaws, Gov. Porter of the Creeks, and Gov. Buffington of the Cherokees are in Washington looking after matters pertaining to their respective tribes.

Gov. Pleasant Porter of the Creek nation, does not feel so "pleasant" toward the land grafters in his country who seek to plunder and rob the Creek people by illegally leasing their lands. He is now in Washington, D. C., prodding the grafters.

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THE SALLISAW STAR

Sallisaw, Indian Territory
Friday Evening, September 11, 1903
Vol. 8 No. 51
J. W. Anderson, Editor

RESOLUTION OF THE GOVERNORS OF THE
FIVE CIVILIZED TRIBES

The press of the territory and elsewhere will be requested to give the fullest publicity to the resolutions adopted by the convention of the governors of the five civilized tribes held in Eufaula. The executive committee appointed by the convention has had the resolutions printed in pamphlet form and will send them broadcast over the land. They fully represent the Indian's desire on the statehood question. The resolutions are as follows:

Whereas, the United States government in the several treaties with the five civilized tribes under which the present tribal governments were organized, guaranteed that the limits of no state or territory should ever be extended over the territory now occupied by the five civilized tribes without their consent, and in the act of congress of June 28, 1898, (30 Stat.,

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495,) agreed that the lands now occupied by the five civilized tribes should when prepared, be admitted as a state of the union, and

Whereas, we believe that the Indians of the five civilized tribes are opposed to any territorial form of government for Indian Territory, either now or hereafter and to any legislation by congress, whose object is the absorption by Oklahoma of the Indian Territory, in whole or in part, and

Whereas, we feel that some method should be adopted whereby the Indians of the five civilized tribes may, by popular vote, determine whether or not they are in favor of statehood for Indian Territory, separate from Oklahoma, after the expiration of their tribal governments;

Therefore, we, the chief executives and representatives of the five civilized tribes, assembled at Eufaula, Creek nation, May 21, 1903, do hereby make the following recommendation:

1. The chief executive of each nation shall, in his next message to the general council of his nation, recommend legislation authorizing the chief executive to call an election to decide whether or not the members of his nation are in favor of an inter-

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national convention. This convention shall be composed of twenty delegates from each of the five civilized tribes, and shall be held for the purpose of framing a constitution for a state government to succeed the several tribal governments which expire by treaty provisions on March 4, 1906. The chief executive shall also recommend that the general council prescribe a plan for selecting delegates to the constitutional convention. The general council of each nation shall instruct its delegates to incorporate in the constitution a provision prohibiting the sale of intoxicating liquors within the boundaries of the state to be formed out of Indian Territory.

2. We recommend that the citizens of each nation vote for the constitution.

3. We recommend that each nation hold said election not later than December 20, 1903, and that said election be held in the same manner as other elections are held in the several nations, the votes cast in each nation shall be certified by the precinct officers and forwarded to the chief executives. The chief executives of the five nations shall constitute a board of commissioners, who shall canvass and count the votes cast in each nation and issue proclamation of the result not

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later than January 4, 1904.

4. If a majority of the qualified voters of the five nations are in favor of a constitutional convention, the convention shall be held. We recommend that the international convention be held not later than February 1, 1904.

5. We recommend that the general council of each nation at its next session memorialize congress for independent statehood for Indian Territory to become effective March 4, 1906, and that such memorial be transmitted to congress, the president and the secretary of interior.

6. We further recommend that the general council of each nation address a memorial to the various religious and temperance organizations of the United States requesting them to assist the Indians of the five civilized tribes in their efforts to prevent the annexation of Indian Territory to Oklahoma and secure an independent state government for Indian Territory under a constitution which will protect the Indian from the baleful influence of intoxicating liquors.

7. Knowing that the non-citizens of the Indian

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Territory, not members of either of the five civilized tribes, prefer independent statehood for Indian Territory and realizing that the efforts of the non-citizens and the Indians will cause congress to favorably consider our demands, we recommend that the non-citizens hold a convention and ratify the convention and ratify the constitution framed by the convention of the five civilized tribes or propose whatever amendments they deem proper. Should amendments be proposed by the non-citizens, their convention shall appoint a committee of two persons from each nation, this committee shall meet a like committee appointed by the convention of the civilized tribes and these two committees shall constitute a conference committee of twenty persons who shall adjust all differences in the constitution.

8. The president of the constitutional convention of the five civilized tribes shall appoint two delegates from each of the five nations. These ten delegates shall invite the co-operation of a like number of delegates appointed by the convention of the non-citizens and the two delegations shall take the constitution adopted by the conference committee and proceed to Washington and urge congress to pass an enabling act authorizing the people of the Indian Territory to vote

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upon the ratification of this constitution for the
members of the House of representatives of the United
States and for all elective offices provided for by
said constitution.

GREEN McCURTAIN,
Chief Choctaw Nation.

P. PORTER,
Chief Creek Nation.

T. M. BUFFINGTON,
Chief Cherokee Nation.

P. S. MOSELEY,
Gov. Chickasaw Nation.

HULEBUTTA MICCO,
Chief Seminole Nation.

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THE NOWATA ADVERTISER

Nowata, Ind. Ter.
September 23, 1904
Vol. 10 No. 26
Frank B. Long, Editor

AN INDIAN MUMMY ON EXHIBITION

Lawton.

Dr. T. H. Brewer of this place had on exhibition at the county fair an Indian mummy, which was found a year ago last May in a cave at Elk Mountain, in the Wichitas. It has been in the possession of the doctor ever since. He believes the child to have been dead about seventy years, and thinks it was of the Aztec race.

THE CLAREMORE PROGRESS

Claremore, Ind. Ter.,
Saturday, Sept. 2, 1903
Vol. 13 No. 32
A. L. Kates, Editor

NEWS ITEM OF QUANAH PARKER

Lawton.

Chief Quanah Parker, of the Comanches has gone to visit each family of his tribe and explain the law concerning Indian taxes. Heretofore they have paid no tax whatever and they don't understand the new order.

Chief Parker says it will take him until far into the winter to make the round and that the Indians cannot pay until in the spring. He asks the county commissioners to extend the time till then and promises every cent will be paid. They do not pay on allotments nor improvements thereon, but only on personal property, earned or purchased by themselves, as the government retains no interest in such effects.

MARBLE CITY ENTERPRISE

Marble City, Ind. Ter.,
Saturday, Sept., 30, 1905
Vol. 1 No. 41
E. Bee Guthrey, Editor

NEWS ITEM OF ALEX POSEY AND TAMS BIXBY

Muskogee, I. T.,
Sept. 26.

(Special.) Tams Bixby, commissioner to the five civilized tribes, returned yesterday from a vacation trip in Minnesota. Mr. Bixby states that the Tahlequah land office will be removed to Muskogee in the course of a few months, but says there is nothing in the report that the removal will occur within thirty days. Mr. Bixby says that the work of the Tahlequah land office has fallen off considerable in the last few weeks, and that filing has almost been completed here. The Cherokee field parties have been called in, and the greater part of the work in the Tahlequah office relates to contest matters, Field parties in other parts

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of Indian Territory, sent out from the main office at Muskogee, have also been called in, and the force of the commission is gradually reduced each month. There are only two men in the field. Alex Posey in the Creek nation, looking up lost Creeks and closing up some matters relative to the filing of babies, and a man in the Choctaw nation performing similar duties.

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MARBLE CITY ENTERPRISE

Marble City, Ind. Ter.,
Saturday, March 3, 1906
Vol. 2 No. 11
E. Bee Guthrey, Editor

THE TEXT OF INDIAN APPROPRIATION BILL

The following is the text of that part of
the Indian Appropriation bill referring to the
annual appropriation for Indian Territory:

"For pay of Indian agent at the Union
Agency, Indian Territory, three thousand dollars.

"For special clerical forces in the office
of the United States Indian agent, Union Agency,
and miscellaneous expenses in connection with enter-
ing of remittances received on account of payments
of town lots and issuance of patents, and convey-
ing same, ten thousand dollars.

"For clerical work and labor connected with
the sale and leasing of Creek and the leasing of
Cherokee lands, thirty thousand dollars.

"Removal of intruders, Five Civilized Tribes:
For the purpose of removing intruders and placing

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allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

"That the Secretary of the Interior be, and he is hereby authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Indian Territory, and for the purpose of carrying this provision into effect, the sum of ten thousand dollars, or so much thereof as is necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated.

"Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of smallpox in the Indian Territory, during the fiscal year ended June thirtieth, nineteen hundred, all accounts to be first examined and approved by the Secretary of the Interior as just and reasonable before being paid.

"To enable the Secretary of the Interior to carry out the provisions of the Act approved April twenty-first, nineteen hundred and four, for the

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removal of restrictions upon the alienation of lands of all allottees of the Five Civilized Tribes, eighteen thousand dollars.

"For general incidental expenses of the Indian Service in the Indian Territory, and for pay of employees, eighteen thousand dollars.

"To carry out the provisions of section ten of the supplemental agreements with the Creek Nation, as ratified by the Act of June thirtieth, nineteen hundred and two, and section thirty seven of the Cherokee agreement, as ratified by the Act of July first, nineteen hundred and two, eight thousand dollars.

"For clerical and incidental expenses of the United States inspector's office, Indian Territory, in accordance with the provisions of section twenty-seven of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled, 'An Act for the protection of the people of the Indian Territory, and for other purposes,' ten thousand dollars.

"To enable the Secretary of the Interior to investigate, or cause to be investigated any lease

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of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud, or in violation of the terms of existing agreements with any of the Five Civilized Tribes, as provided by the Act approved March third, nineteen hundred and five, ten thousand dollars.

For the maintenance strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the Department of the Interior, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

"For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, exclusive of salaries and expenses of Commissioners, two hundred thousand dollars. Said appropriation to be disbursed under the direction of the Secretary of the Interior.

"For permanent annuity per second article of treaty of November sixteenth, eighteen hundred

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and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars.

"For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and ninety-five, six hundred dollars.

"For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars.

"For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per cent per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and

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thirteenth article of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents.

"In all, thirty thousand and thirty-two dollars and eighty-nine cents.

"Provided, That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Chas. F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon, on the principle of quantum meruit, in such amount or amounts as may appear equitably due therefor, which judgments, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation and the Attorney General shall appear and defend the said suit on behalf of said Choctaws."

THE CLAREMORE MESSENGER

Claremore, Cherokee Nation, I. T.
Friday, October 19, 1906
Vol. 12, No. 42
Clark Smith, Publisher

GERONIMO TELLS STORY OF HIS LIFE

Geronimo, untamed man killer, unreconstructed savage, wily, blood-thirsty and cruel, now an aged, hopeless, helpless, dying prisoner, has told the complete story of his life. His autobiography, which has been edited for him by S. M. Barrett, with full permission and consent of the war department, is about to be published. It makes a long, weird and intensely interesting story, as will be noted by portions reproduced here, says the New York Herald.

Mr. Barrett, after gaining the confidence of the old Apache, led him to tell of his birth, his early days and his warfare on other Indians and palefaces.

Of his battles with Miles and Crook, of what he calls the injustice done to the Indian, the old savage writes:

"Perhaps the greatest wrong ever done to the

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Indians was the treatment received by our tribe from the United States troops about 1863. The chief of our tribe, Mangus Colorado, went to make a treaty of peace for our people with the white settlement at Apache Tejo, N. M. It had been reported to us that the white men in this settlement were more friendly and more reliable than those in Arizona, that they would live up to their treaties and would not wrong the Indians.

"Mangus-Colorado, with three other warriors, went to Apache Tejo and held a council with these citizens and soldiers. They told him that if he would come with his tribe and live near them they would issue to him, from the government, blankets, flour, provisions, beef and all manner of supplies. Our chief promised to return to Apache Tejo within two weeks. When he came back to our settlement he assembled the whole tribe in council. I did not believe that the people at Apache Tejo would do as they said and therefore I opposed the plan, but it was decided that with part of the tribe Mangus-Colorado should return to Apache Tejo and receive an issue of rations and supplies. If they were as represented, and if these white men would keep the treaty faithfully, the remainder of the tribe would join him and we would make our permanent home at Apache Tejo.

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I was to remain in charge of that portion of the tribe which stayed in Arizona. We gave almost all of our arms and ammunition to the party going to Apache Tejo, so that in case there should be treachery they would be prepared for any surprise. Mangus-Colorado and about half of our people went to New Mexico, happy that now they had found white men who would be kind to them, and with whom they could live in peace and plenty.

Claims Comrades Were Slain.

"No word ever came to us from them. From other sources, however, we heard that they had been treacherously captured and slain. In this dilemma we did not know just exactly what to do, but fearing that the troops who had captured them would attack us, we retreated into the mountains near Apache Tejo.

"During the weeks that followed the departure of our people we had been in suspense, and, failing to provide more supplies, had exhausted all of our store of provisions. This was another reason for moving camp. On this retreat, while passing through the mountains, we discovered four men with a herd of cattle. Two of the men were in front in a buggy and two were behind on horseback. We killed all four, but did not scalp them;

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they were not warriors. We drove the cattle back into the mountains, made a camp, and began to kill the cattle and pack the meat.

"Before we had finished this work we were surprised and attacked by United States troops, who killed in all seven Indians -- one warrior, three women and three children. The government troops were mounted, and so were we, but we were poorly armed, having given most of our weapons to the division of our tribe that had gone to Apache Tejo, so we fought mainly with spears, bows, and arrows. At first I had a spear, a bow and a few arrows, but in a short time my spear and all my arrows were gone. Once I was wounded, but by dodging from side to side of my horse as he ran I escaped. During this fight we scattered in all directions and two days later reassembled at our appointed place of rendezvous, about 50 miles from the scene of this battle.

Fought With Rocks and Clubs.

"About ten days later the same United States troops attacked our new camp at sunrise. The fight lasted all day, but our arrows and spears were all gone before ten o'clock and for the remainder of the day we had only rocks and clubs with which to fight. We could do little

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damage with these weapons, and at night we moved our camp about four miles back into the mountains, where it would be hard for the cavalry to follow us. The next day our scouts, who had been left behind to observe the movements of the soldiers, returned, saying that the troops had gone back toward San Carlos reservation.

"We went on toward Old Mexico, but on the second day after this United States soldiers overtook us about three o'clock in the afternoon and we fought until dark. The ground where we were attacked was very rough, which was to our advantage, for the troops were compelled to dismount in order to fight us. I do not know how many soldiers we killed, but we lost only one warrior and three children. We had plenty of guns and ammunition at this time. Many of the guns and much ammunition we had accumulated while living in the reservation, and the remainder we had obtained from the White Mountain Apaches when we left the reservation.

"The troops did not follow us any longer, so we went south almost to Casa Grande and camped in the Sierra de Saharipa mountains. We ranged in the mountains of Old Mexico for about a year, then returned to San Carlos, taking with us a herd of cattle and horses.

Horses and Cattle Seized.

"Soon after we arrived at San Carlos the officer in charge, Gen. Crook, took the horses and cattle away from us. I told him that these were not white men's cattle, but belonged to us, for we had taken them from the Mexicans during our wars. I also told him that we did not intend to kill these animals, but that we wished to keep them and raise stock on our range. He would not listen to me, but took the stock. I went up near Fort Apache and Gen. Crook ordered officers, soldiers and scouts to see that I was arrested. If I offered resistance they were instructed to kill me.

"That night we held a council of war; our scouts had reported bands of United States and Mexican troops at many points in the mountains. We estimated that about two thousand soldiers were ranging these mountains seeking to capture us.

Interview with Gen. Crook.

"Gen. Crook had come down into Mexico with the United States troops. They were camped in the Sierra de Antunez mountains. Scouts told me that Gen. Crook wished to see me and I went to his camp. When I arrived Gen. Crook said to me, "Why did you leave the reservation?"

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I said: 'You told me that I might live in the reservation the same as white people lived. One year I raised a crop of corn, and gathered and stored it, and the next year I put in a crop of oats, and when the crop was almost ready to harvest you told your soldiers to put me in prison, and if I resisted to kill me. If I had been let alone I would now have been in good circumstances, but instead of that you and the Mexicans are hunting me with soldiers. He said: 'I never gave any such orders; the troops at Fort Apache, who spread this report, knew that it was untrue.' Then I agreed to go back with him to San Carlos.

"It was hard for me to believe him at that time. Now I know that what he said was untrue, and I firmly believe that he did issue the orders for me to be put in prison or to be killed in case I offered resistance.

"We started with all our tribe to go with Gen. Crook back to the United States, but I feared treachery and concluded to remain in Mexico. We were not under any guard at this time. The United States troops marched in front and the Indians followed, and when we became suspicious we turned back. I do not know how far the United States army went after myself and some warriors

turned back before we were missed, and I do not care.

Capt. Lawton in the Field.

"Soon Gen. Miles was made commander of all the western posts, and troops trailed us continually. They were led by Capt. Lawton, who had good scouts. The Mexican soldiers also became more active and more numerous. We had skirmishes almost every day, and so we finally decided to break up into small bands. With six men and four women I made for the range of mountains near Hot Springs, New Mexico. We passed many cattle ranches, but had not trouble with the cowboys. We killed cattle to eat whenever we were in need of food, but we frequently suffered greatly for water. At one time we had no water for two days and nights and our horses almost died from thirst. We ranged in the mountains of New Mexico for some time; then, thinking that perhaps the troops had left Mexico, we returned. On our return through Old Mexico we attacked every Mexican found, even if for no other reason than to kill. We believed they had asked the United States troops to come to Mexico to fight us.

"South of Casa Grande, near a place called by the Indians Cosoda, there was a road leading out from

the town. There was much freighting carried on by the Mexicans over this road. Where the road ran through a mountain pass we stayed in hiding, and whenever Mexican freighters passed we killed them, took what supplies we wanted and destroyed the remainder. We were reckless of our lives, because we felt that every man's hand was against us. If we returned to the reservation we would be put in prison and killed; if we stayed in Mexico they would continue to send soldiers to fight us; so we gave no quarter to any one and asked no favors.

"After some time we left Cosoda and soon were reunited with our tribe in the Sierra de Antunez mountains.

Skirmishing Every Day.

"Contrary to our expectations the United States soldiers had not left the mountains in Mexico, and were soon trailing us and skirmishing with us almost every day. Four or five times they surprised our camp. One time they surprised us about nine o'clock in the morning, captured all our horses (19 in number) and secured our store of dried meats. We also lost three Indians in this encounter. About the middle of the afternoon of the same day we attacked them from the rear as they were passing through a prairie -- killed one soldier, but lost none

ourselves. In this skirmish we recovered all our horses except three that belonged to me. The three horses that we did not recover were the best riding horses we had.

"Soon after this scouts from Capt. Lawton's troops told us that he wished to make a treaty with us; but I knew that Gen. Miles was the chief of the American troops, and I decided to treat with him.

"I sent my brother Perico (White Horse) with Mr. George Wrattan on to Fort Bowie to see Gen. Miles and to tell him that we wished to return to Arizona; but before these messengers returned I met two Indian scouts -- Kayitah, a Chokonon Apache, and Marteen, a Nedni Apache. They were serving as scouts for Capt. Lawton's troops. They told me that Gen. Miles had come and had sent them to ask me to meet him. So I went to the camp of the United States troops to meet Gen. Miles.

Gen. Miles' Promises.

"When I arrived at their camp I went directly to Gen. Miles and told him how I had been wronged and I wanted to return to the United States with my people, as we wished to see our families, who had been captured and taken away from us. Gen. Miles said to me: "The president of the United States has sent me to speak to

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you. He has heard of your trouble with the white men, and says that if you will agree to a few words of treaty we need have no more trouble. Geronimo, if you will agree to a few words of treaty all will be satisfactorily arranged.

"Then he talked with me for a long time and told me what he would do for me in the future if I would agree to the treaty, I did not hardly believe Gen. Miles, but because, the president of the United States had sent me word I agreed to make the treaty and to keep it. Then I asked Gen. Miles what the treaty would be. Gen. Miles said to me: 'I will take you under government protection. I will build you a house. I will fence you much land. I will give you cattle, horses, mules and farming implements. You will be furnished with men to work the farm, for you yourself will not have to work. In the fall I will send you blankets and clothing, so that you will not suffer from cold in the winter time.

"There is plenty of timber, water and grass in the land to which I will send you. You will live with your tribe and with your family. If you agree to this treaty you shall see your family within five days.'

Agreed to Make Treaty.

"I said to Gen. Miles: 'All the officers that

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have been in charge of the Indians have talked that way, and it sounds like a story to me; I hardly believe you.' He said: 'This time it is the truth.' I said: 'Gen. Miles, I do not know the laws of the white man, nor of this new country where you are to send me, and I might break their laws.' He said: 'While I live you will not be arrested.' Then I agreed to make the treaty. Since I have been a prisoner of war I have been arrested and placed in the guardhouse twice for drinking whisky.

"We stood between his troops and my warriors. We placed a large stone on the blanket before us. Our treaty was made by this stone, and it was to last till the stone should crumble to dust; so we made the treaty, and bound each other with an oath.

"I do not believe that I have ever violated that treaty, but Gen. Miles never fulfilled his promises.

"When we had made the treaty Gen. Miles said to me: 'My brother, you have in your mind how you are going to kill men, and other thoughts of war; I want you to put that out of your mind and change your thoughts to peace.'

"Then I agreed and gave up my arms. I said: 'I will quit the warpath and live at peace hereafter.'

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"Then Gen. Miles swept a spot of ground clear with his hand and said: 'Your past deeds shall be wiped out like this and you will start a new life.'"

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THE WELCH WATCHMAN

Welch, Ind. Ter.,
Thursday, Jan. 24, 1907
Vol. 6 No. 17
Scott Thompson, Editor

EDITORIAL ON RESTRICTIONS REMOVAL

The removal of restrictions upon the sale of allotments in the Indian Territory, is proposed in an amendment to the Indian appropriation bill offered in the senate in Washington Friday by Senator Long of Kansas. The amendment reads as follows:

On and after July 1, 1907, all restrictions upon the alienation, leasing or incumbering of the lands, except homesteads of all allottees of Indian blood, except minors, of either of the five civilized tribes, and all restrictions upon the alienation of all land of allottees not of Indian blood are hereby removed.

The amendment was offered as a substitute for a provision of the bill adopted by the house. This provision appropriated \$25,000 to enable the secretary of the interior to pay the expenses of passing upon application of allottees for the removal

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of restrictions. It is believed that the members of the Indian committee will vote unanimously to report the amendment and that the senate will adopt it. Senator Long also offered an amendment relating to the fee of \$150,000, paid Chas. Lamb and other St. Louis lawyers in the Eastern Cherokee case. It authorizes Frank J. Boudinot and other Cherokees who have charged that Secretary Hitchcock illegally caused the fee to be paid, to start proceedings in the court of claims with right of appeal to the United States supreme court to obtain a judicial determination of the facts. The payment of the fee has been brought before the house by a resolution offered by Representative Stephens of Texas. It directs Secretary Hitchcock to send to the house a statement presenting the facts. The charges were filed with the Indian Territory committee, but that committee decided that it has no authority to investigate them. Secretary Hitchcock asserts he merely certified to the payment of the fee and that he did so in compliance of a mandate of the court of claims.

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THE WELCH WATCHMAN

Welch, Ind. Ter.,
Thursday, Feb. 7, 1907
Vol. 6, No. 19
Scott Thompson, Editor

EDITORIAL ON INDIAN BILL

The senate Friday began the consideration of the Indian bill. Many amendments were reported by the senate committee to the house bill and the reading of the bill for the adoption of these was ordered. Unimportant amendments were agreed to, but many were passed over for discussion. Among these were the amendments effecting citizenship and property rights of the five civilized tribes, involving the removal of restrictions for alienation of lands and the sale and leasing of mineral lands. It is expected the amendment will be debated for many days. The first amendment reached which conferred jurisdiction on the court of claims to hear and report the findings of fact to congress concerning the claims based upon the Indian treaties or acts of congress diminishing the Indian reservation, brought into discussion by Senator Curtis of Kansas.

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A large number of amendments were ruled out of
the bill as general legislation.

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THE DAILY OKLAHOMAN

Oklahoma City, Oklahoma

Jan. 27, 1907

Vol. 18, No. 243

Stafford, Editor

PORTRAITS OF INDIAN CHIEFS

Special to the Oklahoman.

Guthrie, Okla. Jan. 20

The uniting of Indian Territory with Oklahoma territory in statehood removes the last particle of that vast domain, which in the early part of the last century was set aside by congress as an eternal home for the red man. Little by little this vast domain of the Indian has been encroached upon until nothing is left excepting the individual allotment of the members of the various remaining tribes. At one time the Cherokee outlet extended as far west as the Pacific coast. Today it remains in memory only.

The work of the constitutional convention, now in session here, is the last to perform before

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the land of the Indian passes forever from the tribal governments to that of a state, ruled by a white man's government. Sitting in this convention are delegates , who are the descendants of Indians -- a number of them having considerable Indian blood in their veins -- as well as numerous squaw-men, whose children are in part of Indian blood. All these facts have led to a determination, upon the part of the convention, irrespective of politics, to honor the Indian in various ways.

INDIAN PORTRAITS HUNG

During the first week of the convention a resolution was passed unanimously, providing for the hanging of portraits of prominent Indians on the walls of the convention hall, representatives of the Osages and the Five Civilized Tribes -- the Cherokees, Creeks, Seminoles, Choctaws and Chickasaws. Soon afterward a number of these portraits were brought in, and today the faces of Chief Isparheecher and McIntosh of the Creeks, McCurtain of the Choctaws, and General Stand Watie, the noted Cherokee warrior, are looking down upon the convention,

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as if watching the proceedings.

The names of numerous famous Indians were perpetuated in christening the new counties, including Sequoyah, the author of the Cherokee alphabet; Adair, in memory of William Penn Adair, second chief of the Cherokees; Mayes, for ex-Chief Mayes of the Cherokees; McIntosh, a former Creek chief; McCurtain and Johnston, present chiefs of the Choctaws and Chickasaws, respectively; Apushmataha, a Choctaw chief who fought under General Jackson; LeFlore, in honor of Greenwood LeFlore, a Choctaw chief in Mississippi; Love, for ex-Chief Sobe Love of the Chickasaws; Carter, for Judge Ben Carter, an illustrious Cherokee-Chickasaw jurist.

RECALLS MANY FAMOUS CHIEFS

The list of Indians, above given, recalls the life and deeds of a number of warriors and chiefs, who in their time were the most prominent in their race and in many instances were friendly to the white men. This is especially true in the case of the former Creek chief, Ispahhecher, who died two years ago at the age of 90. He had been

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prominent in Creek affairs for three-score years and had been connected with every treaty of importance between the United States government and the Indians during that time. Just prior to his death he was chosen to represent his tribe in Washington in some matters of great importance. He was the most remarkable full-blood chief of the past half century.

Born back in Alabama in the old Creek nation, Isparheecher came to the territory with his tribe a few years later, and became prominent when the civil war began between the north and south as a leader among his tribesmen for the union cause. He served with distinction and later was honored with several positions of trust by his tribe, including the offices of chief and chief justice. He remained always the leader of the loyal Creeks, by which name is known those Creeks who refused to join the confederacy.

Having been elected a judge of one of the Creek district courts, Isparheecher served until 1883, when Sam Checotah, one of his bitterest enemies, was elected chief of the tribe and he promptly removed Isparheecher from office. Then followed what is known in Indian history as the "Isparheecher war." Believing he had been unjustly dealt with,

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Isparheecher gathered his forces about him and with the stars and stripes flying as his banner, he marched overland through the Creek nation, and but for the timely intervention of United States troops he would have undoubtedly captured the Creek capitol. The chief and his men were compelled by the United States troops to remain in camp practically prisoners, at Fort Gibson until they would promise to return to their homes and live in peace. Afterward Isparheecher was elected chief justice and governor of his tribe and nation.

Isparheecher was six feet tall and weighed over 200 pounds. He knew absolutely nothing of the English language and was strictly honest, unearthing a number of frauds on the Creek nation, while he was governor.

WAS A FRIEND OF JACKSON.

Apsuhmataha was one of the most noted war chiefs of history and also one of the most eloquent. He was born about 1764 in what is now Mississippi, and was a typical full-blood, with no trace of

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foreign blood in his veins. Throughout his life he was known as the white man's friend. He was six feet, two inches in height, of powerful frame and great strength, and was beyond doubt the most remarkable man the Choctaw tribe ever produced.

The wonderful eloquence of Apushmataha turned the tide against Tecumseh, the famous Shawnee chief, in 1811, when the latter sought to arouse the Choctaws to join with the Shawnees and other tribes against the Americans in the War of 1812. Apushmataha fought in many battles under General Jackson and commanded a brigade under him at the battle of New Orleans, having in his brigade 700 Choctaw warriors. In 1817 he again fought under Jackson's standard in the famous Pensacola campaign against the Seminoles. During the Creek war in 1814 Apushmataha led 800 Choctaws at the battle of Horseshoe Bend.

Apushmataha died in Washington, D. C., on Christmas day, 1824, his associates surrounding his bed. He requested General Jackson: "When I am dead, fire off the big guns over me," and this wish was carried out. He is buried in the Congressional Cemetery at Washington, a monument designating him

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as the white man's friend.

Apushmataha was always very proud. When questioned regarding his parentage he denied that he had a father or mother, but proceeded to describe in the most eloquent language a fearful but grand storm in the forests of Mississippi. He concluded: "Then the cloud burst and the wind rose; and mid falling rains and howling winds, lightning's gleam and thunder's roar, in wild confusion blended, a blinding flash blazed athwart the sky as if to view the scene, then hurled its strength against a mighty oak -- an ancient monarch of the woods that had for ages defied the storm with his boasted power and cleft it in equal twain from utmost top to lowest bottom; when lo! from out its riven trunk leaped a mighty man, in stature, perfect; in wisdom, profound; in bravery unequalled -- a full fledged warrior. 'Twas Apushmataha."

THE AMERICAN CADMUS

Sequoyah was a wonderful man. He was born in the old Cherokee nation in Georgia, in 1763, removed to the Indian Territory in 1836, and died somewhere near the present Texas Panhandle country

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in 1843. The place of his burial is still a disputed question. He has been justly styled the American Cadmus, being the only person on the western continent, so far as known, who has invented an alphabet, consisting of 86 characters, said to be the most perfect in the world. He lived for a number of years near Muldrow, I. T., but was still in Georgia when he invented the Cherokee alphabet. He was an uneducated man, the son of a full-blood squaw and of George Geist, a German trader. After inventing the alphabet he first taught his little daughter and then others. The first Cherokee paper, using this alphabet, was published at New Echota in 1831. The Cherokee Advocate is still being published at Tahlequah with the use of the Sequoyah alphabet.

IN MEMORY OF LEFLORE

The portraits of but two Indians hang in the Gallery of Fame, in the Mississippi capitol -- these are portraits of Apushmataha and Greenwood LeFlore. The latter, like Apushmataha, was a Choctaw and succeeded to the chieftaincy of the tribe

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when Apushmataha died in Washington in 1824. LeFlore was a half-breed, his father being Louis LeFlore, a French-Canadian voyager, and his mother the daughter of a Choctaw chief. Greenwood LeFlore was born in Mississippi in 1800, and was educated at Nashville and in Paris, where he became a close friend of the Napoleons. At the age of 24, he was elected chief of the Choctaws and remained such until death, although he remained in Mississippi when the Choctaws were removed to Indian Territory. He called his Mississippi Mansion, which was said to be the handsomest in every respect ever erected within that state, "Malmaison," after the retreat of the Empress Josephine in the forest east of Paris.

On LeFlore's plantation he owned 2,000 negro slaves and cultivated 12,000 acres of land. He protected his tribe against white aggression; established schools and made good laws; suppressed witchcraft and sorcery; abolished the old Mosaic law of a life for a life, and introduced trials by jury for homicide. He prohibited the sale of liquor and sentenced his own brother to be flogged for furnishing whisky to the Indians. He introduced many other reforms among his tribesmen.

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WAS A CONFEDERATE GENERAL

Stand Watie, whose portrait graces the walls of the convention hall, was a Cherokee confederate general and was chief of the confederate Indians from 1862 to 1865. He was noted for his skill as a soldier and commanding officer.

Jack McCurtain, the Choctaw chief, whose portrait is also on the convention walls, was the first governor of liberal ideas of this tribe, after its removal to the territory. Under his administration the real progress of the tribe began. He was the leader of the Tuskahoma party, later the McCurtain party, composed of the intermarried whites and educated Indians, who advocated an invitation to commercial development. He also secured for the negro the right to vote.

In addition to Ispahcheher the Creek nation is represented on the convention walls by D. N. and William McIntosh, chiefs of the tribe. D. N. McCurtain, signed the treaty in Georgia which resulted in the removal of the Creeks to the territory, and for this he was afterward assassinated at night by the Snake band of the tribe. The chieftainship went, by

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custom, to the next eldest male descendant, but William McIntosh refused the honor and asked that the chief be elected. At this election he was chosen chief.

Other Indian names given new counties, in the new state, form quite a list in themselves. Ottawa, Tulsa, Seminole, Okfuska, Cherokee, Muskogee, Delaware and Choctaw counties were named after Indian tribes. Cooweescoowee was a former county of the Cherokee nation. Atoka county is for a Choctaw word, meaning many waters. Pontotoc was a county in the old Choctaw nation.

The most western county of the new state, that joining to Colorado and New Mexico, was named "Cimarron," an Indian name meaning "the wanderer," and thusly applied to the Cimarron river. "No man's Land," of which Cimarron county is a part, was organized as a territory, in 1887, and was known as the Territory of the Cimarron. There is no name in Oklahoma history more historic than the Cimarron.

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THE MULDROW PRESS

Muldrow, Cherokee Nation, I. T.,
Friday, Oct. 4, 1907
Vol. 10 No. 26
E. A. Miller, Editor

A TRIBUTE TO THE INDIANS

The Guthrie Leader pays the following beautiful tribute to the Indians of the five civilized tribes. Now that statehood has been ushered in, the picture is more striking:

"Sealed are the rolls of Indian citizenship. The long struggle for a place on the immortal document, the last of its line in the five nations, ended March 4, 1907. It really was a solemn event. To the Indian it marks a sharp line between a glorious past and a hopeful future. It is an impassable line now and stands as a character of Indian blood.

"The roll of citizens was not a new thing. It had long been maintained by the government. What was new was that it was to be closed forever.

"The white man even at this distance can not appreciate the solemnity of these events. Even the Indian, ever stolid, evinces very little of the

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deep emotions that stirs his soul. The fact that the tribal officials and many others were at Muskogee to witness the closing scenes of their national history is evidence enough.

"But far away in his hut, or standing beside his pony, else leaning against some stalwart oak, that had been the sanctuary of his noble fathers, is the fullblood. His imperturbable spirit gives no sign of the thought within. But one might guess it.

"Perhaps never in all the history of the world has there been a more touching event, than the voluntary dissolution of the five nations. History will account the people of Oklahoma as little less than brutes if ever they betray the confidence the Indian has placed in them.

"His was a noble line of ancestors. Savage they were at times and even cruel, but in human beings cruelty begets cruelty, and the Indian has not been without a cause. Brave he was even unto death. He was true to a friend, but a two-edged sword to an enemy. To petty crimes against property, he stooped not. To him the man was ever above the dollar. In the fulfillment of his duties, as he saw them, he was unflinching.

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"Of such parentage is the Indian race of the grand new state. The qualities his fathers possessed, savored with the salt of the new life under changed conditions, should bud beauteous flowers and bear golden fruitage. The persistence and intelligence in the fathers that conquered in the bushes and on the war path, should make good under the twentieth century life in the new state -- his own and advanced and chosen nation perpetuated in unity, fraternity and prosperity."

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THE WELCH WATCHMAN

Welch, Craig County, Okla.,
Thursday Morning, Nov. 21, 1907
Vol. 7, No. 7
Scott Thompson, Editor

EDITORIAL ON THE FIVE TRIBES' CHIEFS

The chiefs of the Five Civilized Tribes have been called to Washington to confer with the department of the interior, relative to the closing up of the affairs of the tribes and to talk over new conditions arising by reasons of statehood. Chief Moty Tiger of the Creeks, Chief Rogers of the Cherokees, Douglas Johnston of the Chickasaws, Green McCurtain of the Choctaws, John Brown of the Seminoles and the Chief of the Osages left for Washington Nov. 20. This will be the first time the chief executive and the governors of the five civilized tribes will meet in Washington.

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THE DEWEY WORLD

Dewey, Oklahoma
Wednesday, Jan. 1, 1908
Vol. 2 No. 43
W. E. Dixon, Editor

REMOVAL OF RESTRICTIONS

"The interior department has under consideration the question of removal of restrictions that will relieve the present situation and protect the fullblood Indian as far as possible."

This was the statement made to the Phoenix by J. Geo. Wright, commissioners to the Five Tribes, who returned from Washington yesterday. Mr. Wright has been conferring with the department relative to Indian affairs.

Mr. Wright submitted the plans for the removal of restrictions to the department for the consideration. What the plan is, or the details of it, he declined to say at this time. The present condition of affairs will work a hardship on the state if continued. Very little Indian land is taxable. To leave conditions as they are would make conditions unbearable, and on the other hand the department

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argues that the wholesale removal of restrictions
would prove disastrous to the Indian. -- Phoenix.

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THE UNION REVIEW

Ardmore, Oklahoma
Friday, April 25, 1908
Vol. 1, No. 32
J. K. ARMSTRONG, Editor

REMOVAL OF RESTRICTIONS

Washington,

April 23.

Senator Gore has introduced a copy of the bill of restrictions passed by the House in the hope that the Senate committee would take it up and make a report on it before that body. The bill, it is believed, will be considered by the senate committee on Indian affairs by Saturday morning, and then in all likelihood it will be reported.

In order to modify the measure to suit the ideas of Senator Curtis and McCumber the passage of the bill may be fought out on the floor of the senate, for these two gentlemen believe the bill as passed by the house is entirely too broad.

Senator Gore hopes, however, to get all the opposing elements together and to arrive at a common understanding and he declared this afternoon that the

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chances for the passage of the bill before the senate adjourns, is particularly bright.

THE UNION REVIEW

Ardmore, Oklahoma
Friday, May 1, 1908
Vol. 1, No. 33
J. K. ARMSTRONG, Editor

REMOVAL OF RESTRICTIONS

Washington, Ok.,

April 28.

With slight amendment the McGuire bill providing for the removal of restrictions from Indian lands of former Indian Territory was recommended for passage today by the senate committee on Indian affairs. The bill in the main met the approval of the committee and its passage during the week is practically assured.

The bill provides that all lands, except those of Indians of more than half blood, shall be shorn of restrictions. All oil, mineral and gas leases may be terminated by agreement between the lessees and lessors, and lands from which restrictions are removed are subject to taxation and all other civil burdens.

All minors and their property become subject

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to the jurisdiction of the state courts, the interior department retaining power to investigate the conduct of guardians and curators. Appropriations of \$90,000 for carrying on investigations and bringing suits on behalf of Indians by the department are provided.

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THE UNION REVIEW

Ardmore, Oklahoma
Thursday, July 2, 1908
Vol. 1, No. 45
J. K. ARMSTRONG, Editor

NEW RULES GOVERNING SALE OF INDIAN LANDS

Muskogee, Ok.

June 24.

Jesse Wilson, assistant secretary of the interior, today issued the new regulations under which leases and sales of Indian lands will be made and the estates of minors administered.

A regulation provides for a complete change of the system now in use by the Indian agent. All field parties and special men in the field will be discontinued. In their places will be fifteen district agents with two or three counties in each district. These agents will travel over their districts and assume a general supervision over all Indians whose lands are restricted, giving especial attention to minor allotments. They will have an office and remain there two days each week and spend the remainder of their time

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in the field.

Once a month they will examine the records in the county seat to see if any Indian land has been sold or incumbered. Applications for removal of restrictions will be made to them and they will make sales of land where the secretary approves the removal of restrictions, and the sale will be made on the spot, under sealed bids, the Indian turning over the deed, and the purchaser the money. This obviates having the deed and the money held in Washington for months at a time.

For the first time a provision is made whereby the Indian, with the recommendation of the district agent, may sell his land, taking part of the money in cash and a first mortgage security for the rest of the money. When a restricted Indian makes application to sell his land a notice of the sale is posted in every district agent's office and at every courthouse in the Five Civilized Tribes.

Each of the district agents will have a clerk and stenographer, and more assistants, if necessary.

The districts designated are:

District No. 1. -- Office at Vinita, comprising Craig, Mayes, Delaware and that part of Ottawa county within the Cherokee nation.

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District No. 2. -- Office at Nowata, comprising Washington, Nowata and Rogers counties.

District No. 3. -- Office at Sapulpa, comprising Tulsa and Creek counties.

District No. 4. -- Office at Okmulgee, comprising Okmulgee and Okfuskee counties.

District No. 5. -- Office at Checotah, comprising Wagoner, Muskogee and McIntosh counties.

District No. 6. -- Office at Westville, comprising Cherokee, Adair and Sequoyah counties.

District No. 7. -- Office at Antlers, comprising Pushmataha and Leflore counties.

District No. 8. -- Office at McAlester, comprising Pittsburg, Haskell and Latimer counties.

District No. 9. -- Office at Holdenville, comprising Hughes and Seminole counties.

District No. 10. -- Office at Atoka, comprising Pontotoc, Coal and Atoka counties.

District No. 11. -- Office at Pauls Valley, comprising McClain, Garvin and Murray counties.

District No. 12. -- Office at Chickasha, comprising that part of Grady, Stephens and Jefferson counties within the Chickasaw nation.

District No. 13. -- Office at Ardmore, compris-

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ing Carter and Love counties.

District No. 14. -- Office at Tishomingo, comprising Johnston, Marshall and Bryan counties.

District No. 15. -- Office at Hugo, comprising Choctaw and McCurtain counties.

The district agents appointed were unofficially announced tonight as follows:

H. C. Curry, U. S. Cochran, John Cordell, J. E. Dyke, S. S. Cole, Charles Knapp, David Shelby, W. H. Angel, William A. Baker, S. A. Nites, Hugh Pitzer, Frank Robb, Fred S. Cook, J. H. Cobb and Thomas J. Ferrar.

Victor M. Locke and J. E. Tiger were appointed assistant agents and W. W. Bennett and J. A. Carter Cook were named supervisors of agents. The agents draw \$1,800 per year and expenses. The supervisors draw \$2,000 and expenses.

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THE DEWEY WORLD

Dewey, Oklahoma
Thursday, Sept., 10, 1908
Vol. 3 No. 27
W. E. Dixon, Editor

STATEMENT OF QUANAH PARKER

Chief Quanah Parker and Geronimo famous Comanches will assist the sportsmen of Lawton and all Oklahoma in their entertainment of the American League of sportsmen which will meet in annual convention at Lawton in October.

"Chief Quanah Parker and his Indians will be glad to meet the sportsmen in their big powwow" says Chief Parker. "We want to help entertain them, Geronimo says he will be there, too. You say governors and delegates there? Indian chiefs always glad to see messengers from white governors. We will come.

"Sportsmens want to hunt," he continued. "Col. Andrew say that they chase wolf and rabbit on military reservation. We all help hunt. If they wanted to hunt at fort all right, if not, then they come to Quanah Parker's home, and hunt there.

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"Maybe so all want to see Indians dance.

Maybe all Comanches and Apaches dance. Indians glad
to see big game long time. No kill it off meat and
buffalo. We want to see big game long time. No
kill it off. We help sportsmen bring more.

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THE FORT GIBSON POST

Fort Gibson, Oklahoma
Thursday, May 13, 1909
Vol. 9 No. 467
J. S. Holden, Editor

EDITORIAL ON CHIEF ASA DEKLUGIE

Chief Asa Deklugie, a nephew by marriage of the late Geronimo, war chief of the Apaches, who now legally heads the entire Apache prisoners of war at Fort Sill, left Saturday night for the Mescalero reservation in New Mexico, where he hopes to find conditions favorable to a transfer of the Apaches from Oklahoma to that reservation. While several of the Apaches desire to remain under the protection of the War Department at Fort Sill the greater portion of their 250 war prisoners are united upon the movement to secure their liberty and be permitted to take up allotment in the Western Territory, where the older ones of the tribes once held supremacy. The new chief will return in ten days with his report for the Government as well as for the tribe.

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THE FORT GIBSON POST

Fort Gibson, Oklahoma
Thursday, June 3, 1909
Vol. 9 No. 9
J. S. Holden, Editor

DECORATION DAY

Decoration Day was not formally observed in the beautiful National cemetery at this place, last Monday, while memorial day. But Superintendent May was on hand all the same and decorated the 2,472 graves of the Nation's honored dead, with small American flags for each while with the large flag in center of the officers circle, flying on high to the breeze, midst grand green foliage of stately trees, with south, green swards lined with long rows of white stones that marked the graves of the silent dead, was a soul-inspiring and impressive sight. They sleep their last sleep, they had fought their last battle -- no sound can awake them to glory again.

"The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and gallant few.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn round
The Bivouac of the Dead."

Besides some of our own, a number of Muskogee people visited this silent city of the dead, among the number, being Mrs. Mary Kessell, wife of Richard Kessell, cashier of the Indian agency at Muskogee, and her guests, being Mrs. Frances K. Haskins, wife of Rev. B. F. Haskins, who was Chaplain of the 62nd Illinois Infantry; Mrs. M. G. Cook, veteran, Bell M. Haskins, and Master Raymond Cook. The editor of The Post escorted the party. Mrs. Haskins, is 83 years old and very spry for her age. It was their first visit to Fort Gibson, of which they had heard so much, and which they enjoyed.

There are a number of noted people buried here, among the number being John P. Decater, a brother of Comodore Decater, who died here in 1832; Billy Bowlegs, the celebrated Seminole chief; Gen. Sam Houston's Cherokee wife, Tahlihana; Major Elliott, who, with his command, was killed, at the battle of the Wichita, under Gen. Custer; Mary Elizabeth Mix, the noted female scout; "Vivia," The mystic, and others.

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THE FORT GIBSON POST

Fort Gibson, Muskogee Co., Okla.,
Thursday, March 31, 1910
Vol. 18 No. 38
J. S. Holden, Editor

NEWS ITEM OF CUSS IVEY

For the life of us we can not see why Governor Haskell reappointed Bert Chandler, of Vinita, as a member of the Board of Public Affairs of this state after he had been "spewed up" by the senate and failed of confirmation. The governor is certainly not acquainted with Bert's political history during the tribal governments of the Indians. -- Gus Ivey's paper.

Just that way, Mr. Ivey; but as you are aware, Gov. Haskell is credited with "ways that are dark and tricks that are vain" and this may be one of them. Then how about Tom Owen resigning a State Judgeship and taking Crump's place as county judge? ney? Don't understand that either, eh?

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CAPITAL-DEMOCRAT

Tishoming, Johnston County, Oklahoma
Dec. 23, 1920
Vol. 12, No. 40
W. C. Geeks, Editor

EDITORIAL ON CHOCTAWS AND CHICKASAWS

Washington, Dec. 17.

A favorable report was made today by the House Indian Committee upon the Hastings bill, carrying out the recommendation of the special committee on Indian affairs which makes the superintendent of the five tribes at Muskogee Third Assistant Secretary of the Interior, with general supervision over all Indian tribes, schools and agencies in the State of Oklahoma. Any person aggrieved by a decision of the official would have an appeal to the department in Washington within thirty days.

The committee today adopted the motion of Representative Carter of Oklahoma and reported the bill, under which, it was stated, 95 per cent of the business of the five tribes in Washington would

be eliminated.

CAPITAL-DEMOCRAT

Tishomingo, Johnston County, Oklahoma

April 28, 1921

Vol. 12, No. 40

O. C. Creeks, Editor

APPOINTMENT OF V. M. LOCKE

Washington, April 30.

Victor M. Locke, Jr., is to be superintendent of the five civilized tribes, it became definitely known Saturday and his nomination will be sent to the senate in a few days.

No change has been made in the remainder of the slate as agreed upon by Senator Harreld and Attorney General Daugherty. The decision settles Oklahoma appointments in a way to give recognition to each of the warring factions and should be satisfactory to all, in the opinion of Senator Harreld. "It is eminently satisfactory to me," said the senator.

Harreld, it was learned, demanded recognition of the slate for Harris either in the person of Disney or Cooper. The administration agreed to give the place to

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Cooper and Harreld's endorsement of Disney was withdrawn. It was left absolutely to the department to make the appointment of Superintendent of the five tribes and Locke was decided upon.

Harreld did not indorse Locke because he felt it was too long a jump from Disney to an indorsement of his opponent.

Herreld today was made chairman of a subcommittee of the committee on post offices and post roads, having charge of the appointments of all post masters in Oklahoma, Missouri and Iowa. Every postmaster appointment to these states will come through his hands.

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CAPITAL-DEMOCRAT

Tishomingo, Johnson County, Oklahoma
April 28, 1921
Vol. 12, No. 40
O. C. Geeks, Editor

NEWS ITEM OF V. M. LOCKE

Seats at the republican pie counter have been shifted again, according to the latest reports received in Muskogee, and L. G. "Hell Roaring" Disney has suddenly found himself at the end of the line crying, "Waiter, bring me the Superintendency of the Five Civilized Tribes."

But the waiter can't hear him, according to the "dope" and it's getting too late to change seats again as the pie has been cut so far as the Indian agency job at Muskogee is concerned.

The man who is sitting directly in front of the pie counter is Victor M. Locke, Jr., of Antlers, the reports have it, and republican leaders of Muskogee today said there is little doubt that Locke will succeed Gabe Parker as superintendent within a short time. His appointment is expected to be announced before long.

Roscoe Cate Withdraws

Backed by Jim McGraw, formerly republican national committeeman of Oklahoma and recognized in Washington as probably the real republican leader in the state. Locke has made rapid strides during the last few days and is going stronger all the time.

His stock was boosted several thousand points when Roscoe Cate, republican attorney of Muskogee, withdrew throwing his support to the Antlers applicant. Cate is said to have carried the support of McGraw in his vest pocket and when he decided he didn't want to continue in the race that support went to Locke.

A War Veteran

Disney is still fighting for the position but isn't making much headway, according to the "dopesters."

Locke is 45 years old and is a one-fourth blood Choctaw Indian. Reared in the Choctaw Nation not far from Antlers he went into the Indian service

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when a young man and worked for years as a field clerk in various parts of the state.

He was private secretary to Green McCurtain, governor of the Choctaw nation. When McCurtain died Locke became chief of the Choctaws and served in that capacity until the out-break of the war.

He had been in the state militia service for years, and had served in the Spanish-American War, but left the state to gain higher military honors. Volunteering in the regular army he reached the rank of major before the armistice was signed.

Cooper Shelved

Last fall Locke was elected on the republican ticket to the state legislature from Pushmataha county, the first republican to be elected for years.

In his race for the superintendency Locke has the backing, according to information received here, of the American Legion of the state, McGraw and the Indians themselves. He is very popular with the Indians of the Choctaw nation.

Information on other appointments to be made here is still slight, it was reported today.

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Henry Coper, of Stigler probably will not be appointed
United States marshal. He is said to have been re-
placed in the running by Schad Weller, of Vinita.