

Indian Chieftain.

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VINITA, IND. TER., OCT. 1, 1896.

JUDGE SPRINGER'S court convenes here next Monday morning.

BARRING THE INDIAN CHIEFTAIN. There are no better local newspapers published in this territory than the Arrow at Tahlequah. Its local news columns are especially full.

From the Muskogee Times we learn that trouble is expected at the inauguration of Green McCurtain at Tusahoma. Jackson men are armed and ready for the fray. The agent has been notified and will take a hand, using troops if necessary.

The information has gone out that Ft. Gibson is to be reoccupied, permanently, by the war department. Having abandoned this post and turned buildings and grounds over to the Cherokee authorities it is difficult to see where authority is found for summarily taking it back at will. We doubt if the United States has any intention of again establishing a post here. The policy now is to mass the troops near large centers and not to scatter them.

It may be that many of our readers are disappointed in not seeing a list of citizenship cases disposed of by the Dawes commission printed in THE CHIEFTAIN, but we must explain by saying that none can be given out at present. About the 15th of this month we will print a list of all cases passed upon by that time, probably two thousand or more. For the present we must be content to await the action of the commission, but in due time all will appear.

The answer of the Creek delegates to the propositions of the Dawes commission indicates very clearly that the Indians are not in favor of any of the propositions offered, and that they will only be accepted under protest. The sentiment in the Creek country is not very different from what is in the Cherokee nation, and in the other tribes of this territory. If they must accept allotment and a change of government, then they are willing to go to work and make the best of it, but it must be distinctly understood that they are unalterably opposed to any interference whatever.

The land upon which the towns are builded in the Cherokee nation is just like all the rest of the common domain—undivided common property with the title vested in the Cherokee nation. If the land should be divided on a cash basis, say each citizen is entitled to \$1500 worth of the land, then let the holders of town lots take their lots out of their allotments at a just valuation. Town lots are more valuable in proportion to area than other lands, but no exorbitant price should be put upon them on that account. But whatever title is made must emanate from the Cherokee nation, as there the title rests at present.

DR. TALMAGE struck the nail squarely on the head last Sunday in his sermon in Washington City when he said: "During the last six presidential elections I have been urged to enter the political arena, but I never have and never will turn the pulpit in which I preach into a political stump. Every minister must do as he feels called on to do, and I will not criticize him for doing what he considers his duty; but all the political harangues from pulpits from now until the 3rd of November will not in all the United States change one vote, but will leave many ears stopped against anything that such clergymen may utter the rest of their lives."

BETWEEN the Dawes commission and those for whom it is working there is no longer any room for misunderstanding. The commission has had ample opportunity for posting itself thoroughly as to the work before it, and the Indians themselves now have every reason to believe that the commission is their best friend and their benefactor. If this be true, (and there is no doubt of it) then every barrier should be broken down, and the freest and fullest confidence exercised on both sides. With this state of affairs, there is no necessity of renewing the fight in Washington again this winter against the reports and work of the commission.

SOME of our exchanges are getting red in the face howling for a delegate in congress from this territory, but as yet we have been unable to see the sense or the expediency of such a move. The treaty provision for a delegate was meant for the Indians and not for the

non citizens who were not supposed to be here. Thus far we have heard of no Indian of any note giving support to the scheme. The five tribes have stood very much in their own light in not having had a delegate on the floor of congress long before this, to represent them; but just how the non citizen element in this country are going to get a congressman under the present state of affairs does not yet appear. A representative of what? A representative of whom? There is little doubt but what if we wait a little, the conditions will have changed here so we will be entitled to a delegate from this territory, but at present it is difficult to see what can be done in that direction.

SOME two years ago the women of this town inaugurated an active crusade against the gambling dens of the place, which were running in full blast. They requested that they be closed and were answered with the sneer that they had paid their money to the city authorities and proposed to run. Finally the whole fraternity (that could be caught) were prosecuted before United States Commissioner McClure, and in a single night the lights went out in the upper story of every saloon in town, and a score or more wax-fingered gentlemen left town. Now this thing is going to have to be repeated, and it ought to be done quickly. Those institutions, we are informed, are run on some sort of a license obtained from the city government—not exactly a license but it operates the same way; a fine is agreed upon and they are allowed to run. Of course these fellows engaged in this business will get mad whenever anything is said, but THE CHIEFTAIN makes the protest, nevertheless. God pity the community, town, city, state or nation that submits to the domination of the element that keeps these institutions going.

WHY MORE TIME?

Up to the present the common citizens of the five tribes have been told by their leaders, and by their delegations to Washington, that it would not be wise to listen to the Dawes commission. Now that the commission is rendering some very valuable service to the Indians in the citizenship matter, and doing more for them than they could possibly do for themselves, the tide of public opinion is setting in toward letting the commission settle all our difficulties. But our Indians for revenue only are getting alarmed at the popularity of the commission and must do something to check its work, so they say "the Dawes commission is all right; they are our friends, but then we must have time; this is too sudden; at a more convenient season" we will call upon the commission. But all the citizens of this country are not to be fooled all ways. They have not forgotten that the Indian delegation fought the Dawes commission tooth and nail, inch by inch, congress after congress, and that it is not through their good offices that the commission is now doing such commendable work; nay, but it was against the protest of our own delegations, that the commission was continued or allowed to proceed at all.

But why do they ask for more time? What do they promise if let alone five or ten years longer? If let alone they can probably in that time exhaust the public funds, and get a better cinch on the public domain, and drive the common Indian further and further to the wall, and get deeper in debt, and get another crop of intruders on hand, and hold this country for these people a while longer, and when all the opportunities for plundering it are passed—why then, listen to the Dawes commission.

DAWES COMMISSION CONFERENCE.

The commission on the part of the Cherokee nation met and conferred with the Dawes commission here Tuesday. The Cherokees were all present except Mr. Pann, and the members of the Dawes commission were all on hand save ex-Senator Dawes, who is expected about the 15th inst.

Ex-Chief D. W. Bushyhead is chairman of the Cherokee commission and Robt. B. Ross, Clem V. Rogers, Robin Pann and Di-gi-ni Waters are the other members. The Dawes commission presented a series of propositions in writing for the consideration of the Cherokee commission, and after an informal and free discussion of the conditions to be dealt with, they adjourned. The Cherokee delegation departed for Tahlequah on the early morning train Wednesday, where they will continue to consider the propositions submitted to them.

The conference was not public, and the propositions submitted by the Dawes commission are not yet to be made public. When the Cherokees shall have formulated their answer, then it is likely both will be given to the newspapers for

the information of the people. The Cherokees have an earnest, capable committee whose hearts seem to be thoroughly in their work, and who seem fully to realize the gravity of the situation, and are disposed to act as promptly as the circumstances seem to warrant.

TARRY YET A LITTLE.

It is now understood to be the fixed policy of the Cherokees and also of the other tribes or nations in this territory, to adopt a line of action in dealing with the Dawes commission, that will cause as much delay as possible in putting into force the proposition of the United States government, with reference to the final abolition of the tribal governments. It is confidently asserted that by a uniform system of negotiations, and by adopting the same tactics the five tribes may remain invulnerable, and retain their tribal autonomy for a number of years. This sentiment seems to be well nigh universal amongst the Indian leaders, and it is presented to the common Indian in such a plausible manner as to be a very persuasive and attractive argument against accepting the overtures of the Dawes commission. The idea is to show a disposition to ultimately agree with the commission in every important detail—but not yet. They say to the commission, do let us run this thing a little while longer, we are getting pretty well fixed, and the poor Indian is not quite ready to accept the burdens and duties of United States citizenship, by and by we will be ready and accept everything you offer.

THE CONFERENCE.

The Dawes Commission and Creek Commission Met in Eufaula By Appointment.

According to appointment all of the Dawes commission except Mr. Dawes were in Eufaula Wednesday, the 23rd, to meet the Creek Indian commission for a conference on the subject of proposed changes in government, land tenure, etc.

The Creeks consumed all the morning and part of the afternoon considering the following propositions as a basis of negotiation which had been submitted to them by the Dawes commission. The commission to the five tribes appointed by the president under section sixteen of the act of congress, approved March 3, 1893, and the act amendatory thereto, approved March 2, 1895, propose to treat with the Creek nation on the general lines indicated herein to be modified as may be deemed best after conference with any commission appointed by the council of said nation with full authority to treat.

That there be an equal division of all the lands of the tribe amongst all its citizens, except such town lots and mineral lands as are not susceptible of equal division, and that the United States put the citizens in possession of the land set apart to them.

That the town lots and mineral lands be disposed of in such manner as may be agreed upon and the proceeds divided equally amongst the citizens, or used for such other purposes as they may desire.

That provision be made for laying off town sites and the incorporation and government of towns in the nation.

That the jurisdiction of the tribal courts be transferred to such United States courts as have been or may be established within the limits of the territory.

An equal division by the United States amongst the citizens of all invested funds not devoted to schools or charitable purposes or other such other disposition of these funds as may be desired by the Creek nation.

The settlement of any other matters between the Creek nation and the United States within the authority of this commission.

The present tribal government to continue in existence until after the lands are divided and the citizens put in possession of their lands, after which the United States may establish a government for the territory.

A. S. MCKENNON,
FRANK C. ARMSTRONG,
A. B. CABINES,
W. M. MONTGOMERY,
U. S. Commissioners.

After full consideration the Creek delegates submitted the following questions to the Dawes commission:

EUPAULA, I. T., Sept. 23.
The Honorable Dawes commission, to the five civilized tribes, Gentlemen:

We have the honor to acknowledge the receipt of your communication of the 14th inst, submitting to us propositions hereinafter specified, and respectfully submit the following questions:

Referring to proposition first, we desire to learn what you mean by an equal division of lands. Do you refer to an equal amount of land per capita, or do you refer to an equal distribution as to quantity and value of lands? Who do you mean by term "citizen?" Are adopted citizens by the treaty of 1866 to be included in this class? What length of time will be required for completing allotment and putting each citizen in possession of his land? Would you consent for the tribe to allot the lands as the members thereof may desire? Would you agree to place the adopted freedmen of our nation upon the same terms with the freedmen of the Choctaw nation with reference to allotment of land?

Referring to your second proposition, we desire to learn what disposition you think should be made of our town lots and mineral lands.

Do you not think that property can be protected and controlled by the tribal government more satisfactorily than by the United States government? Do you not believe that an Indian would look after his own interest better than a white man would for him? Do you not believe that the United States government is under obligations to aid the Indians in protecting this property from intrusion as much as from intrusion upon the lands belonging to them?

Cannot the tribal government control this property by providing municipal governments over towns and by collecting ground rentals for the use of town lots?

Referring to your third proposition, we desire to know how you desire town sites should be laid off in our nation and who should provide municipal governments for them?

Referring to your fourth proposition, we desire to know how a transfer of our tribal courts to U. S. courts could be made without destroying our tribal government? What would then be our status with reference to tribal authority? Would this not destroy our right of self government? Would it not deny our citizens the right of being tried by a jury of their peers?

Referring to your fifth proposition, we have no question to ask only to know why the United States government so persistently refuses to let us have the \$400,000 asked for last congress?

Referring to your sixth proposition, we desire to know what claims for indemnity or property destroyed by the civil war to all citizens would be made by your government in the event negotiation should be effected? Would you agree to recommend to your government a unification of the five tribes and their admission into the union as a state? Will you agree to recommend to congress to allow the tribe a reasonable time to prepare for statehood?

Replying to your seventh proposition, we desire to know what kind of a government you wish to establish over us in lieu of our present government?

In conclusion we would state that our people are very much opposed to an allotment of our country, but desire to continue to hold their lands by tribal patent. They are also very much opposed to a destruction of their tribal government and rely implicitly upon their treaties between them and the United States government for protection and security from any invasion of these guarantees.

We desire to educate and enlighten our people in the white man's method of civilization and are employing every means in our power to reach that end. Many of our people are wholly ignorant of the English language and are incapable of taking care of their lands or to exercise the duties of United States citizens.

We have ever accorded a willingness to the wishes of the United States government in all former demands upon us and we are willing to comply with such other wishes or demands as the condition and interest of our people would justify; and we feel that the government should not insist upon any immediate changes which would disturb our present relations but should extend to us time for preparation for the changes that shall be required.

We believe the conditions complained of in our nation are not so bad but what they can be regulated without the destruction of our tribal government. We believe the rate can be destroyed without burning the barn.

We are very respectfully,
W. A. SAPULPA,
JOHN REED,
HOTULKA EMARTHIA,
ROLIN BROWN,
CUNCHARTY MICCO,
Creek Commissioners.

The commission replied that they would take the enquiries into consideration and make reply by mail within a few days and as the tribal council met on Okmulgee on the 1st Tuesday in October the whole matter could then be submitted and acted upon by the Creek government.

Instructions to the Census Takers.

The "Act to provide for the taking of the census" is your paramount guide.

Before enrolling anyone as a citizen, be sure that person is "a legal and bonafide citizen of the Cherokee nation."

To ascertain this fact, swear the applicant for enrollment to his or her citizenship or to that of his or her family.

If not satisfied with the statement given, swear some one else and question for further information or corroboration.

In cases of doubt consult the transcript of citizens, their name, age, sex, nationality as numbered on the census of 1880.

For others admitted since, see the transcript roll of such admitted by the national council and the several commissions on citizenship.

There is no question as to the right of enrollment of such Delaware or Shawnees whose names appear on the rolls furnished you.

The same rule applies to Cherokees, whites or freedmen whose names are found upon the census of 1880, or their descendants, or upon the transcript roll of their descendants. Always satisfy yourselves as to the identity of persons.

Heads of families, whether male or female, Cherokee, Delaware, Shawnee, white or freedmen, must appear at the head of their respective families.

tion's respective roll, and note the fact under head of remarks.

In case a Delaware, male or female, or vice versa, is married to a Delaware or a Shawnee, enroll their children with the nation it is claimed they are of, and the parents with their respective nationalities, and the whole family with the nation—Delaware or Shawnee—as may be determined. Under head of remarks say which parent is Delaware and which Shawnee.

Carefully observe in every case of intermarriage as referred to above, to enroll each of different nations, so intermarried, with his or her nationality, using corresponding numbers, in the separate nationalities, for reference and identification. This is done under the head of remarks.

For convenience and correctness enroll first in families and copy on the proper roll, each with his or her respective nationality, and use corresponding numbers.

In carrying out the above instructions there may not be sufficient room under head of remarks and more be needed. In such a case use for explanatory notes as many lines across the page and immediately under the subject to be explained, as may be needed, but economize space as much as possible.

At each precinct three whole working days are allowed you, but if more is needed to finish the enrollment at that place, three more may be taken. If less than six days are required, it is your duty to move on to the next precinct without unnecessary delay.

Don't neglect to make a minute, under head of remarks, of any person who shall, while under oath, evade to answer a direct question or shall make a false statement as to his or her citizen rights or those of others.

Note absent members of a family, where and why, under the head of remarks.

Be sure to enroll all citizens by their given names. Initials are not sufficient.

Be sure to get the right name and spell it correctly.

Under head of remarks state where persons were born.

Persons offering themselves for enrollment, whose names do not appear upon the "Authenticated rolls of 1880," and can show sufficient reason why they do not appear thereon, are to be enrolled with his or her nationality, Cherokee, white, Delaware, Shawnee, freedmen, and under the head of remarks give reasons.

The census to be taken by you is "for the use and reference of the government" of the United States. It is therefore highly important that you exercise the utmost diligence in the performance of what the law requires of you and of what is expected of you by your fellow citizens.

Don't be careless as to the manner of your writing. Let it be neat, plain and easily read.

COURT OF APPEALS.

Hands Down Many Important Decisions at the Late Session.

The U. S. Court of Appeals, sitting in this city, with all justices present, handed down decisions in the following cases:

Wm. F. McBeaves vs. Purcell National Bank. Appeal from the U. S. court for the Southern district, at Ardmore, C. B. Kilgore, judge.

Opinion by Justice Lewis: The situs of a debt created by a general bank deposit, is in the jurisdiction of the residence of the bank.

A voidable judgment of a United States commissioner is not subject to collateral attack. Judgment affirmed.

Wm. Carter vs. United States, appeal from U. S. court of Southern district, at Ardmore, C. B. Kilgore.

Opinion by Justice Lewis: An indictment will not be quashed because it was returned by a grand jury not composed in part of Chickasaw Indians.

Members of the five civilized tribes are competent to serve as grand jurors in the courts of the territory. Judgment affirmed.

Barton Bros. vs. J. F. Ferguson, appeal from the U. S. court for the Southern district, C. B. Kilgore.

Opinion by Justice Lewis: The marshal's return on a writ of attachment is prima facie evidence of the value of the property attached.

Payment of a promissory note to payee, after assignment to another, collateral security is no defense in a suit of the assignee against the maker. Reversed and remanded.

Martin vs. Berry. Appeal from U. S. court for the Southern district, C. B. Kilgore, judge.

Opinion by Justice Lewis: Default judgment may be taken on or after the fourth day of the term, where no defense has been made, notwithstanding said cause may have been set down for trial at a later date.

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Smith-McCord Dry Goods Co. Appeal from Northern district, Wm. M. Springer, judge.

Opinion by Justice Lewis: judgment affirmed.

Geo. S. Gaines vs. U. S. Appeal from Southern district, C. B. Kilgore.

Opinion by Chief Justice Springer: Application for rehearing sustained and judgment affirmed.

John M. Grady vs. Chas. Newton, appeal from Central district, C. B. Stuart, judge.

Opinion by Chief Justice Springer: Motion to dismiss. Appeal overruled.

H. L. Green vs. Purcell National Bank, appeal from Southern district, C. B. Kilgore, judge.

Opinion by Chief Justice Springer: Judgment affirmed.

Henry Gaines vs. W. J. Leslie, appeal from Southern district.

Opinion by Chief Justice Springer: judgment affirmed.

Tom Martin vs. Stratton, White & Co., appeal from Southern district.

Opinion by Chief Justice Springer: judgment affirmed.

Armour Bros. Banking Co. vs. J. P. Addington, appeal from Southern district.

Opinion by Chief Justice Springer: a judgment taken in a foreign jurisdiction upon a judgment obtained in this jurisdiction does not satisfy the judgment in this jurisdiction. Payment alone is satisfaction of a judgment.

Reversed and remanded and cross appeal dismissed without prejudice.

London, Liverpool and Globe Insurance Co. vs. Kearney & Wise, application for mandamus to compel judge of southern court to sign bill of exceptions. Refused.

D. Appleton vs. C. R. I. & P. Ry. application for mandamus to compel judge of Southern district to sign bill of exceptions. Refused.

Adjournment was taken until Oct. 6th, when opinions in cases argued and submitted at the June

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