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GRAND JURY

SYSTEM ABOLISHED IN MINNESOTA BY POPULAR VOTE.

Has Outlined Its Purpose and is a Relic of Dark Ages—Other States Furnished the Example and Are Working Well.

St. Paul, Minn., Dec. 31.—By a vote of 121,000 the constitutional amendment directing the legislature to abolish the grand jury system was adopted in Minnesota.

Wisconsin and North Dakota courts are working without grand juries, and it was the satisfaction in these states that prompted the last legislature to submit the constitutional amendment to the electors.

Attorneys argue that the grand jury has outlived the purpose for which it was created in England, and should never have been adopted in this country. The grand jury, it was held, heard but one side of a case—the prosecution. The frequent "quashing" by the courts and acquittals by trial juries led the legislature to take action.

There will be no change in the trial procedure except that the grand jury will be eliminated. The committing magistrate holds the preliminary examination. If the evidence warrants it, the prisoner is bound over to the circuit court. The county attorney then files information with the court, and the case is placed on the calendar for trial. These details in the procedure will have to be provided by an act of the legislature.

Football Game.

The High School football team of Pauls Valley came down Friday evening and met the High School football team of this place on the football grounds at the Bailey park in the afternoon of that day. The game was called at 3 o'clock in the afternoon and two, twenty minute halves were played. The game was interesting from the start and fast ball was played on both sides. The Pauls Valley team was the heavier of the two but Ardmore was the faster and played more scientifically. The final score was 23 to 0 in favor of the Ardmore boys.

In the first half the Ardmore boys carried the ball across the goal three times and kicked goal once, and in the second they carried it across once and made two points on a fine play giving them a score of twenty three while the Valley boys were unable to make a point.

The Pauls Valley team returned home Friday evening. It is expected that other games will follow this and it is understood that an effort will be made to get the first team of Pauls Valley down here in the near future.

The dance given by the Terpsichorean Club Friday night at the Gilmer hotel was a decided success, the music was good and those who attended say the affair was one of the pleasantest of the season. This was the only dance that this club has given during the holidays and the crowd was one of the largest that has ever attended a dance of that club.

The Teachers Association.

The teachers from the various parts of the Territory held an enjoyable session in Ardmore. The teachers for the first time in the history of the association received free entertainment. The citizens of Ardmore opened hearts and their fine homes in a most gracious manner.

The teachers topic of conversation Thursday afternoon was Ardmore's hostility. In their resolutions of thanks passed by the Association the teachers expressed themselves as being deeply gratified for the unusual hospitality. Especially did they thank the Elks for the free use of their club rooms so generously given.

I feel that this association has been and will continue to be a great good to Ardmore.

I wish personally to thank every citizen who gave aid in any way toward the success of the meeting.

W. H. BUCK.

Our fine line of carving sets delight all who see them. They are beautiful. Just the thing for a holiday gift.

BIVENS, CORNH & FRENSELY.

COTTON RECEIPTS.

Very Little of Staple Being Marketed. Will Reduce Acreage.

It has become apparent that the shrinkage in the cotton market has vitally affected the receipts in the towns in the Chickasaw Nation, and that Ardmore, the leading cotton town in the Indian Territory has suffered also. This does not necessarily mean that Ardmore will not receive as many bales as anticipated, for the shortage in the receipts is said to be only temporary, as many farmers are still holding their staple. The cotton must be marketed by them at some time, but it will be held as long as the farmers are able to hold out for better prices.

The overproduction has naturally caused a great deal of alarm in the territory and a movement is on foot to call a meeting for the purpose of suggesting some remedy to improve the situation. It is agreed by many that there is but one plan and that is to reduce the acreage everywhere—possibly 25 per cent. In many instances in the Chickasaw Nation merchants are storing cotton in warehouses in Texas.

Very little cotton is being shipped out of Ardmore just at present. The concentration has been very light also for the past three weeks. Cotton will begin to move within the next two weeks and heavy shipments will then commence.

Ardmore has received up to Saturday at noon 33,000 bales. This is a splendid showing for the best town in the territory.

Who is next?

Lady Maccabees.

The Lady Maccabees met last Thursday and elected the following officers for the ensuing year:

Dora A. Nisbett, Past Lady Commander.

Willie Corlew, Lady Commander, Mary Zilke, Lieutenant Commander, Fannie B. Goff, Record and Finance Keeper.

Bettie Taylor, Chaplain, Mary Ione Heth, Sergeant, Mary Judy, Mistress-at-Arms, Annie Ryan, Sentinel, Laura Cathey, Picket, Wilder Mason, Organist, Sallie Jordan, Captain of the Guards.

Ida Roberts, First Banner Bearer, Blanche Crowell, Second Banner Bearer.

Nora McDow, Third Banner Bearer.

There were nine new members initiated last Tuesday; nine others to be initiated next Wednesday, which with the special inducements offered by the Supreme Hive for the next month, the Ladies of the Maccabees expect to, ere long, be the largest fraternal society of the city.

The lawyers of Indian Territory have for many years found a rich field in prosecuting the claims of applicants to share in the distribution of tribal lands of this country. Of the 200,000 applicants only about 20,000 have been adjudged to lawfully possess tribal membership and property rights. This leaves 180,000 who still contend they have a legal right to share in the lands. Attorneys are now making contracts with those who have failed in their efforts to be enrolled as citizens and will take their cases direct to congress, asking that the Chickasaw-Choctaw citizenship court not be made the court of dernier resort. Some of the citizenship lawyers are now in Washington to use their best efforts to secure the passage of the bill, which gives the right to appeal a test case. The average stipulation allowed for securing citizenship is \$400, and if a fair per cent should be adjudged on appeal to be entitled to citizenship, the lawyers' fees would run into the millions.

Fire Notes.

Fire was discovered Saturday morning at the Caddo wagon yard on Caddo street in one of the camp houses. The damage was very slight. The fire department extinguished the blaze.

The R. T. Dallas store house which was consumed by fire Thursday morning blazed up Saturday morning and the fire department was called on to extinguish it which they quickly did.

\$10 REWARD.

Lost or stolen, one black, white and tan setter dog. Return to 511 North Washington and receive \$10 reward. B. H. Corlew, contractor.

19-1f

Moon Bros' buggies—sold only at I. C. Freddy's at closing out prices.

TO PROTEST THE COURT INDIANS

THOUSANDS OF RESIDENTS IN INDIAN TERRITORY ARE DENIED THEIR RIGHTS

Feeling that they Have Been Outraged They Have Organized for Protection of the Rights Vested in Them Which have been Destroyed by the Powers Assumed by an Unconstitutional Court

A. C. Cruce and G. W. Barefoot left yesterday for Washington, where they go in the interest of more than three thousand residents of the territory, who claim to be members of the Choctaw and Chickasaw tribe of Indians, and who are commonly known as "Court Indians." When asked as to the contention of these people Mr. Cruce made the following statement:

"In 1895, the Dawes Commission in its report to congress, stated that the tribal governments had so manipulated the tribal rolls that large numbers of bona fide, law-abiding citizens had been denied rights of membership in the various tribes, and thus reduced to beggary. The commission suggested that congress provide some means by which these people could regain the rights of which they had been unlawfully deprived. In response to this appeal, congress by act of June 10, 1896, invested the commission with power and authority to hear and determine the applications for citizenship of all persons claiming such rights, who had been denied same by various tribal governments. The act provided that if either the applicant, or the tribe in which he claimed membership, felt aggrieved at the judgment of the Dawes Commission, an appeal could be had to the United States court for the Indian Territory, and that the judgment of such court should be final. It was also provided that in six months thereafter the commission should make a roll of membership of the various tribes, and add to such roll the names of all parties who procured judgments in the courts declaring them to be citizens. Under the provisions of this act, those who had been denied citizenship by the tribes, made application to the Dawes Commission, and the various appeals from the decisions of this body resulted in judgments in the United States courts for the Central and Southern districts, decreeing them to be Indians by blood, and according them all the rights of citizenship as members of the Choctaw and Chickasaw Nations.

On July 28, 1898, congress passed what is known as the Curtis Act, which provided for the allotment of the lands of the various tribes among the members thereof, and which, in express terms, contemplated an allotment to those who held favorable judgments in the United States courts. On July 1, 1898, at the request of the Indian tribes, congress granted an appeal to the supreme court of the United States, from all judgments theretofore rendered in the courts of the territory, decreeing to the applicants rights of citizenship. Under this act, judgments rendered in the courts of the territory were appealed to, and affirmed by the supreme court. Acting upon the integrity of these judgments, the "Court Indians," who are among the most industrious and thrifty members of the tribes, took possession of their pro rata part of the Indian lands, and have since expended in the aggregate, many hundreds of thousands of dollars in their improvement. The Indian tribes, in the meantime, persisted in their determination to deprive these people of their lawful rights, by means of many false accusations of fraud, succeeded in procuring a second agreement with the federal government, known as "The Supplemental Treaty," under the terms of which there was established the Choctaw-Chickasaw Citizenship court.

What was known as a "test" case was filed in that court against ten parties, who had procured judgments in the United States courts. On the 17

day of December, 1902, this court, to the surprise of every well informed lawyer, rendered a decree in which it vacated, not only the judgments of the ten defendants therein named, but those of more than three thousand other people, who were not parties to that suit. In this decree of the citizenship court it expressly overruled the decision of the U. S. supreme court in these citizenship cases, and deprived, rendered without trial, or without what is known as "due process of law," the "Court Indians" of more than \$12,000,000 worth of property. Under the provisions of the law, no appeal was allowed from this remarkable opinion, but provision was made that the parties who had thus been deprived of their rights of citizenship might have a new trial, not to the court in which the cases were pending, but in this citizenship court. A great majority of those who were thought to be affected by this decree conscious of the justice of their cause, had their cases transferred to the citizenship court for trial. After the cases were docketed in that court it suppressed every affidavit and every deposition that had been taken and, either before the Dawes Commission or in the United States courts. As many of the witnesses of the applicants who were aged people had in the meantime died, this action of the court necessarily deprived them of their most valuable testimony. The court then proceeded to establish rules for the admission of testimony, with reference to pedigrees and family history, which rendered incompetent testimony that had been theretofore regarded as competent in all civilized courts. Thereupon, hundreds of applicants appeared in the citizenship court, and filed motions asking to dismiss their cases from further consideration. Strange to say, these requests were uniformly refused and the parties declining further to appear in said court, judgments were written up, denying the applicants the rights of citizenship and reciting that the causes had been regularly submitted for trial upon proof offered. Judicial reports will be searched in vain for another case in which a plaintiff, asking nothing but simple relief against the defendant, has been denied the right to dismiss his cause, where no property had been taken by virtue of the suit, where the defendants had not been served (as in many of these cases) and where no rights of the defendant had been molested. The final result of the judgments of the citizenship court was that more than ninety-eight per cent of those who had been deprived of the judgments of Judges Townsend and Clayton to be Indians by blood, were held to be Indians.

Many of these people who were thus denied the rights of citizenship had been officers in the Indian government; had served upon juries in the Indian court, and had enjoyed the rights of citizenship since their birth. Many others had judgments in the Indian courts, declaring them to be members of the tribes, while others still, had been declared by the legislature of the Choctaw and Chickasaw nations to be Indian by blood. Hundreds of them, in their features, gave undoubted evidence of the Indian blood that courses in their veins. The "Court Indians" feel that they have been outraged, and they have organized to protect their rights. They claim that the Curtis act conferred upon them vested rights, which have been destroyed by powers assumed by an unconstitutional court. What they ask

is the right to appeal from the decision of the citizenship court to the supreme court of the United States.

It is important that this relief be granted. Unless it is, these people will be compelled to file suits in the United States courts in the Indian Territory to protect their rights. Wherever the land of the court Indian has been filed on, his suit will be against the party thus filing. Wherever the land has not been filed on, his suit will be against the Dawes commission to compel that body to allot the applicant land. This will necessitate the filing of thousands of suits, and will necessarily prevent the completion of allotment of the lands to the Choctaw and Chickasaw nations until these cases can reach the supreme court of the United States by appeal through two intermediate appellate courts. It will thus be seen that the "Court Indians" are not the only parties who are interested in this question, but that the public as well is interested in seeing that congress provides the means by which this question can be finally determined by the supreme court of the United States. The "Court Indians" will be satisfied with no less relief. In the meantime, it is practically certain that those who are filing upon the land of the "Court Indians" will finally have to cancel their filing, and seek other allotments.

SOME RESOLUTIONS.

Give Thanks to Citizens, Elks and Others for Treatment Received.

The following resolutions were passed by the Territorial Teachers Association before adjournment:

Whereas, The Indian Territorial Association, assembled in its sixth annual session at Ardmore desiring to express its appreciation for kindness shown this body, by the local teachers and citizens of Ardmore, for their entertainment and encouragement of those persons who, though not members of this association have given their assistance so generously; therefore,

Resolved, that the members of this Association express to all who have contributed to our comfort and pleasure our heartfelt thanks—to the various railroads for special rates—to the citizens of Ardmore for their hospitable entertainment—to the Elks for the use of their comfortable quarters and to Pres. Boyd of the University of Oklahoma, for his instructive lecture and words of encouragement to the teachers, also to President McSwain of Epworth University for his presence and helpful suggestions.

Resolved further, That we use to the fullest extent possible the course of study recommended by Hon. Jno. D. Benedict, Superintendent schools of the Indian Territory.

Signed,

J. R. TRISLER,
W. S. STALEY,
J. G. MASTERS.

Midnight Blaze.

First about midnight Friday night totally destroyed the residence of J. P. Mullen, situated in the west part of the city. Mrs. J. P. Mullen, who had been spending the evening with friends down town, had only been home a little while when she heard a noise upstairs. It seems that the house was on fire and the noise was produced by the flames. Mrs. Mullen called to her nearest neighbor for help. Through the early discovery of the fire some of the household goods were saved.

The fire was beyond control of the fire department, the nearest water-works plug being a quarter of a mile away. The department responded but could do nothing toward saving the building.

The residence destroyed was a neat two-story house and was nicely furnished. The loss is estimated at \$7,000. Insurance \$4,500. The origin of the blaze is unknown.

The ministers of the Protestant Episcopal church of the Western Deanery of the two territories will convene here next Tuesday night at St. Philip's church and remain in session until Thursday night. Among the notables who will be present is Bishop Francis Key Brooke of Guthrie, Okla. There are in the two territories some twenty Episcopal churches and about fifteen members of the clergy. For the reason that there are few of the clergy the attendance here will be small.

It will pay you to anticipate your needs and take advantage of the 25 per cent reduction on blank books advertised by F. J. Ramsey in this issue.

SEAT PEABODY

COLORADO REPUBLICANS RESORT TO HIGH TACTICS.

For Party Advantage—Democratic Circles Disturbed—Believe That Plan is Formed to Throw Out Votes to Seat Peabody.

Denver, Colo., Dec. 31.—By the action of the state canvassing board in issuing certificates of election as senators to Darris and Millard the Republicans have secured such absolute control of the general assembly that it is now regarded in Democratic circles as highly probable that Governor Peabody (Republican) may be re-elected. Republicans, it is said plan to accomplish this by throwing out the vote of all Democratic wards of Denver and counting the vote of the Republican wards. All members of the canvassing board are Republicans.

THE CHURCHES.

Broadway Methodist Church.

Sunday school 9:30 a. m. Preaching at 11 a. m., by Rev. W. R. Suth, Buffalo, I. T., Junior League 2:30 p. m. Senior League 4 p. m. Song services 7 p. m. All are cordially invited to these services.

S. F. GODDARD, Pastor, Episcopal Church.

There will be the usual services today in St. Philip's church, at 11 a. m. and 7:30 p. m. Sunday school 9:45 a. m. The Holy Communion will be celebrated at 11 a. m. The Deacons' meeting will begin on Tuesday night at 7:30 o'clock. Everyone invited to attend.

F. A. JUNY, Rector.

First Presbyterian Church.

Services will be held today as usual at 11 a. m. and 7 p. m. Sunday school at 9:45 a. m.

"The New Year" will be the subject in the morning. At the evening service the theme will be in Gen. 14—"The First War on Record and the Mystery of Melchisedek."

A cordial invitation is extended to all.

CHAS. C. WEITH, Pastor.

Catholic Church.

There will be the usual service held at the Catholic church this morning at ten o'clock, all are invited to attend and participate in this service.

Cumberland Presbyterian Church.

Rev. O. A. Mealer will preach today at 11 o'clock and tonight at 7:15.

Christian Church.

Services at the Christian church at 11 a. m., and 7 p. m. Subject for forenoon, "The Year 1905." Evening subject, "The Wings of a Dove." All are made welcome.

J. CLARENCE READ, Pastor.

Col. and Mrs. A. V. Doak are in the city. They spent yesterday in the business district meeting the Colonel's friends. Mrs. Doak is quite a beautiful and accomplished woman and is so much pleased with Ardmore and the Ardmore people that she is inclined toward favoring this town as a home. However they have not decided yet whether they shall reside at this place or Pauls Valley. It will be a great disappointment to their many friends here if they conclude to reside permanently at Pauls Valley. They were pleasant callers at the Ardmore office yesterday.

Friends of Dr. and Mrs. S. A. Heffell well known in this city, will join in sympathy for their bereavement in the death of their little sons, Maurice Harding and Walter Halsell, which occurred at Decatur, Texas. The funeral services were held in that city, at the home of Mrs. M. A. Harding on Friday, Dec. 30, at 2 o'clock.

The drawing for the handsome burnt wood plate rack, which was made by Miss Fay Burnitt, and drawn for by Frank Butt's drug store Friday night was won by Miss Russell Shinholser, who held the lucky number.

Miss Regina Higdon entertained a party of young friends Friday evening at the residence of her parents on 31st street, northwest. A number responded to the invitation and quite a crowd gathered to enjoy themselves. During the evening refreshments were served.