

THE TOMAHAWK.

"Truth before Favor."

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The TOMAHAWK.

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THE TOMAHAWK
WHITE EARTH, MINN.

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JOE NAGANUB.

SECRETARY HITCHCOCK SUED BY THE CHIPPEWAS.

Joe Naganub, a member of the Fond du Lac band of Minnesota Chippewas, instituted a suit in equity for injunction, in the supreme court of the District of Columbia, against Secretary Hitchcock.

In his complaint Naganub sets forth that he and all the Chippewas of Minnesota have a vested and indefeasible interest in the execution of the trust created by the act of January 14, 1889, entitled "An Act for the relief and civilization of the Chippewa Indians in the state of Minnesota" and the funds to be derived therefrom; that the Morris act is not only a violation of the trust, but in direct conflict with the Constitution of the United States from the fact that it deprives the said Chippewas of their property without compensation, and without due process of law.

Justice Anderson, before whom the case was brought, has directed that an order be issued requiring the secretary of the interior to show cause on December 18th, next, why he should not be enjoined from acts done or intended to be done in the execution of the Morris Act.

Attorney Tracy L. Jeffords of Washington, D. C., represents the Chippewas.

The Indian; Right and Wrong.

"We hold these truths to be self-evident; that ALL MEN are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS"—Declaration of Independence July 4th, 1776.

DOUBTFUL FRIENDS OF THE CHIPPEWAS.

The administration of the Morris act is in the hands of the commissioner of the general land office and the chief of the forestry bureau, and not, as a large majority of the Chippewas think, in the hands of the commissioner of Indian affairs. This is probably the reason that a bad law has been made worse.

The Chippewas' experience with the land office in regard to their timber matters in the past, has taught them to regard that office unfavorably. While the dead and down timber it was impossible to get justice for the Indian.

Although many complaints were made against the methods of Mr. Rosa, the then superintendent of logging, who, was hand in hand with the dead and down

lumbermen, nothing was done to correct the evils complained of. It was not until the Indian office took charge of the operations that any effort was made to give the Indians a fair deal in the matter. When Capt. Mercer made himself a party to the dead and down timber steal the Indian office did not conduct a white wash investigation, but went to the bottom of the whole matter.

By placing the Morris act in the hands of Commissioner Richards and Mr. Pinchot, chief of the forestry bureau, to be administered jointly by them, Chippewa affairs are in the hands of men whose theories outweigh the interests of the Indians, and who are controlled by parsons who are guided exclusively by personal and selfish motives, and who do not care a straw for the Indians.

The friends of the forestry reserve at Cass Lake and vicinity are confident that the administration will not consent to the postponement of the sale of Chippewa timber under the act, which the Indian petitions have asked for in order to enable their delegations which have been selected to go to Washington to make known to Congress their wishes.

The friends of the Morris act boastfully refer to Mr. Pinchot as a very close and intimate friend of President Roosevelt, and are confident that the former can influence the actions of the latter relative to the act without regard to the wishes of the Indians. We trust Mr. Pinchot will use his influence in favor of justice to the Indians.

It is a matter of regret that the lumbermen, who are also desirous of a postponement of the sale of the timber under the Morris act, should have taken active steps to secure this postponement for their motives, no matter how fair they may be, are always open to question where pine timber is concerned. But then the only argument the forestry people can advance in support of the Morris act, and they must advance some kind of argument to support even Mr. Pinchot's valuable influence, is that the lumbermen are opposed to it. They cannot point out any of its good qualities which are not overcome by its bad ones, or show wherein its forestry provisions are "for the relief and civilization of the Chippewa Indians in the State of Minnesota".

If it were possible to administer the Morris act with any degree of justice to the Chippewas this might have been done by the Indian office at Washington, where all Indian matters properly belong, and in which office some effort is usually made to deal justly and fairly with the Indians.

Senator Nelson's position on the Morris act, and as defined in another column of this issue, emphatically demonstrates the line of argument advocated by the TOMAHAWK in treating the same measure and vindicates the righteous protests of the intelligent classes of this reservation who disapproved of the act from the start, especially in the park and forestry "donation" features, and provides conclusive proof that the Indian IS RIGHT sometimes.

It is rumored that the charter limits of Richards—Bernardsville, (including The Richard Record) Cass Co., Minn., has entered into the sear and yellow period of its existence. Some people would call it the defunctus period.

INJUNCTION SUIT FILED

Chippewas Will Test the Validity of the Morris Act in Court.

We quote from a Washington special to the St. Paul Dispatch, dated Dec. 1st., the following excerpt and which demonstrates emphatically the line of argument that the TOMAHAWK has advocated and which has subjected its criticism with threats of "suppression" by high officials of the interior department, etc.

"The injunction suit as filed in the district supreme court is a most important proceeding, and opens up the entire question, as to the validity of the forestry provisions of the Morris act of June 27, 1902. The Morris act is an act amending the original Nelson act of Jan. 14, 1889. This law was put through congress by Senator Nelson when he was a member of the house.

All of its provisions were submitted to the various tribes and bands of Chippewa Indians for approval and the cession and relinquishment of the lands in several reservations was secured by the old Chippewa commission. The cessions and relinquishments were made in writing, and the government became trustee for all of the Indians.

The Nelson act provided that the lands should be classified, surveyed, the timber estimated and sold and after deducting expenses, proceeds to go into a trust fund for the Indians. There were no reservations made except for Indian allotments.

The Morris bill amending the Nelson act leaves sections 1, 2 and 3 of the act of 1899 intact and does not change the old bill until section 4 is reached.

The Morris act then injects new provisions in the original Nelson act, most important of which is the setting aside of the Island of Cass Lake, Leech Lake, Sugar Point and ten additional sections of lands, which under provisions of the bill are to be reserved for forestry lands.

The Indians claim that congress had no power to set aside a portion of these ceded Indian lands, without first obtaining the consent of the Indians, and this question will be fought out in court.

Senator Nelson, speaking of the Morris bill, said today:

"It was never approved and the provisions of it were never submitted to the Indians. The bill known as the Nelson act did not make any forest reservations whatever. All those lands which have been ceded by the Indians are in exactly the same position. The timber must be disposed of and the money received for it be placed to the credit of the Indians. I have not seen the bill brought in the courts here and am speaking now from my personal knowledge."

Senator Clapp, when asked for his views, said:

"I have never understood the Morris act as undertaking to deprive the Indians of the proceeds from the sale of timber. Sooner or later the timber on the ten sections reserved and on the islands of Cass and Leech lakes will be claimed by the Indians and have to be settled for. As to the forestry provision of the Morris act, they were inserted as a sort of a compromise in order to get any legislation at all."

REV. GEORGE MORGAN, DEAD.

White Earth, Minn., Nov. 28.—Rev. George Morgan (Kah-kah-cun) died at Cass Lake Episcopal mission on Nov. 19. Rev. George Morgan, or Kah-kah-cun, as he was known by his native name, was in the 50th year of his age.

He was a full-blooded Chippewa clergyman of the Episcopal church. He was a son of I-ah-bay, a noted chief and warrior of the Mille Lac Chippewas, and on the death of his father, which occurred on this reservation several years ago, he succeeded to the chieftainship. He was born on the historic shores of Mille Lac and where he passed the early days of his boyhood. In 1868, when the Chippewas, under the leadership of the late Chieftain, White Cloud, removed to the White Earth reservation, he and his family also joined their fortunes and followed in the footsteps of their brethren towards the inviting goal of a new civilization. Shortly after his arrival at White Earth he entered the government boarding school. A year or so later he, with some half-dozen of his young brethren, joined a class under the tutelage of Rev. J. A. Gillfillan who was then a young missionary of the Episcopal church, stationed here, and commenced to study for the ministry and prepare for holy order. After three or four years of hard, earnest study and zealous missionary labors among his people, he was ordained to the deaconship of the church. The ordination, which took place in July, 1878, was conducted under the solemn auspices of the late Rt. Rev. Henry Benjamin Whipple. After his ordination he served as assistant to the late venerable Rev. J. Johnson—Emegahbow, of St. Columbia's mission church. After which he was assigned to the charge of the Wild Rice river sub-mission post, and where he labored zealously for several years. About ten years ago he was called to come and take charge of the Cass Lake mission, and where he labored, unceasingly, until he was called to his reward.

During all the years of his ministry he labored earnestly, and unceasingly in his endeavors to elevate the condition of his people, to teach the way of eternal salvation and of the love and mercy of the Master of life. He was modest and unassuming and kept aloof from the vulgar political and factional strife prevalent on Indian reservations. His body was brought home for burial, and, on Sunday, was laid to rest in St. Columbia's mission cemetery, beside the dust of his devoted wife, who preceded him in death several years ago. He is survived by two sons, Frank and Charles Morgan.—St. Paul Dispatch.

"The Tomahawk."

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