

AGAINST THE WICHITAS.

Land Claim Settled by the Supreme Court.

A decision has been reached by the supreme court of the United States in the case of the Choctaw nation and the Chickasaw nation, claimants, vs. the United States and the Wichita and affiliated bands of Indians, defendants. The decision of the supreme court will not be an unanimous one; two, and possibly three, of the members will join in a minority opinion.

It is understood that the decision will sustain the opinion of the court of claims, handed down nearly two years ago, in which it was held that the Wichita and affiliated bands of Indians, under treaty agreements, held only a possessive title in the lands occupied by them and that the Choctaws and Chickasaws had never parted with the legal title to the lands in dispute. The court of claims sustained the validity of the cession of the treaty of October 18, 1820, by which the Choctaws and Chickasaws acquired possession of this territory, and held that the treaty of 1866, by which the Wichitas affiliated bands of Indians secured the right to locate on the lands, gave them a possessive title only, vesting the final title to the lands in the United States in trust for the Choctaws and Chickasaws.

It was held, however, that the possessive title carried with it, when the existing conditions were disturbed by the breaking up of the tribal relations, individual allotments. The residue of the land however, belonged to the Choctaws and Chickasaws.

The decision of the supreme court of the United States on the question will raise new complications with reference to the opening up of the Kiowa, Comanche and Apache country. Although only a small portion of the land of the Kiowa and Comanche country is involved in this suit, the same question arises with relation to the entire territory in dispute. The Choctaws and Chickasaws claim the same title to all the lands on the Kiowa, Comanche and Apache reservations that they had to the lands occupied by the Wichitas and affiliated bands.

TO SETTLE OTHER CONTENTS.
All the tribes are parties to the same treaties, so that the decision of the supreme court in the Wichita case will decide the dispute in the case of the Kiowas, Comanches and Apaches. If the claim of the Choctaws and Chickasaws is sustained the secretary of the interior will be immediately enjoined from proceeding with all allotments on the reservation, and the sale of the residue of the lands.

The decision of the supreme court is expected to invalidate the act of congress; and the federal courts in Oklahoma will, therefore, be obliged to grant injunctions against the secretary of the interior and the government officials to restrain them from carrying out the provisions of the act of congress.

Under the terms of the recent agreement, ratified by congress, between the Kiowa, Comanche and Apache Indians and the federal government, it was provided that the sum of one million dollars should be placed in the treasury

of the United States to the credit of the Kiowa, Comanche and Apache Indians in payment for all residue lands. Mr. Stanley, the representative of the Choctaw Indians at Washington, says his clients will not accept this amount and that the government will be compelled to enter into a treaty with the Choctaw and Chickasaw Indians before the country can be thrown open to settlement. This would require time, and it is doubtful whether a treaty could be agreed on and ratified by congress within the next two years. Thus, it would appear that the time for the opening of the country is problematical.

HISTORY OF THE CASE.

The history of the case now before the supreme court of the United States is an unusually interesting one. The lands involved are located in what is known as the leased district of the Indian Territory, lying between the ninety-eighth and one hundredth meridians of west longitude. This district contains 7,715,223 acres, and is a part of the country ceded to the United States by France in 1803 in the Louisiana purchase. The case arose out of agreements entered into between the United States and the different Indians by which the Indians ceded and relinquished to the United States their claim, title and interest in the tract of country within the leased district, and the United States stipulated to allot the tract in severalty to the Indians. The agreement also provided the opening of the lands to white settlement.

When the agreement was promulgated, the Choctaw and Chickasaw nations claimed that, notwithstanding an alleged cession of land by them to the United States, the land was held in trust by the United States for them. The defendant Indians denied the claim and asserted an exclusive ownership.

The Choctaws based their claim to the lands on the treaty of October 18, 1820, which provides for the removal of the Choctaw Indians from Mississippi and Alabama and the cession of all their lands in these two states to the federal government in consideration of the tract of land in Indian and Oklahoma Territories, which included the lands now in dispute. By the fourth article of that treaty the United States stipulated that the cession of the Choctaws in Indian and Oklahoma Territories should remain without alteration until the time when the Indian nations should become so civilized and enlightened as to be eligible to citizenship of the United States and that congress should then lay out a limited portion or parcel of the land for the benefit of each family or individual in the nation.

TREATY FOR HOMELESS INDIANS.

In 1855 another treaty was entered into between the United States and the Choctaw and Chickasaw nations, by which the land now in dispute was set aside for the use of homeless Indians, in consideration of which the United States paid the Choctaws \$600,000 and the Chickasaws \$200,000. The terms of this treaty were further elaborated in the treaty made eleven years later between the government and the Choctaw and

Concluded on page 4.

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Dawes Commission Dates.

The following are the latest revised dates of the Dawes commission for enrolling citizens of the Cherokee nation:

Bartleville—From Monday, October 8, to Friday, October 12, inclusive.

Nowata—From Monday October 15, to Friday, October 19, inclusive.

Claremore—From Monday, Oct. 22, to Friday, November 16, inclusive.

Chelsea—From Monday, Nov. 19, to Friday, November 23, inclusive.

Tablequah—From Monday, Dec. 3, to Friday, Dec. 22 inclusive.

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Notice.

Department of the interior, commission to the five civilized tribes. The appointment of this commission at Oologah, Indian Territory, from Monday, October 22d, to Friday, October 26th, inclusive, is hereby cancelled, and the commission will be at Claremore, from Monday, October 22d, to Friday, November 9th, inclusive.

TAMM BIXBY,
Acting Chairman.
Muskogee, Indian Territory, Sept. 12th, 1900.

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R. R. Time Table

MISSOURI, KANSAS & TEXAS.	
GOING SOUTH.	
No. 1, M. K. & T. Express.....	4:15 a.m.
No. 3, Hannibal St. L. & T. Ex.....	5:40 p.m.
No. 5, Flyer.....	10:18 a.m.
No. 6, Freight and Accommodation	12:15 p.m.
GOING NORTH.	
No. 2, Mo. Ks. & Texas express....	11:50 p.m.
No. 4, Tor. St. L. & Hannibal Ex....	5:40 a.m.
No. 6, Flyer.....	5:40 p.m.
No. 55, Freight and accommodation	10:38 a.m.

ST. LOUIS & SAN FRANCISCO RAILWAY
Train 207 west mail..... 10:00 a. m.
Train 208 east mail..... 5:55 p. m.
Train 209 west local..... 12:47 p. m.
Train 210 east local..... 11:41 a. m.

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