

Indian Chieftain.

Published Thrice a Week
By THE CHIEFTAIN PUBLISHING COMPANY.
D. M. MARRS, Editor.
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VINITA, IND. TER., Mch. 25, 1896.

It is a cold day now when an Indian delegation don't call upon the president.

SENATOR JONES, of Arkansas, reported a bill from the Indian affairs committee, Monday, appropriating \$300,000 for continuing the surveying of this territory.

The smallpox scare was the only thing in some years that was able to shut up the saloons and gambling dens of this town. "It's an ill wind that blows nobody good."

CONGRESSMAN LITTLE, of Arkansas, Monday introduced in the house of representatives a bill creating an additional United States judge for the Indian Territory.

COL. MULBERRY SELLERS was always for the "old flag and an appropriation." In that he was like our mayor, only our mayor is for "the yellow flag and an appropriation."

We print in another column an article printed in the Tahlequah Daily Sentinel over the name of "Fair Tote," which we regard as being both sensible and to the point, at the present time.

A TEXAS congressman has introduced a bill to decelerate Greer county to his state, the supreme court having decided it belongs to Oklahoma. He will have a difficult task while Flynn is in congress.

THE CHIEFTAIN'S position on questions of public policy are peculiarly its own, and it will not sanction anything that it believes to be wrong, no matter who may be interested or who may partake of the spoils.

THE extra session of council at Tahlequah seems to be proceeding very slowly and cautiously in the matter of the freedmen compromise bill introduced Monday. It is thought council will adjourn some time next week.

A BILL is before congress that the maximum rate for a lower sleeping car berth shall be \$1.50 and for an upper berth \$1. It also provides that when the lower berth is sold and the upper berth uncoccupied that it shall not be let down.

DELEGATE FLYNN has succeeded in getting a bill through the house to give settlers in Oklahoma their lands, instead of requiring them to pay the price originally fixed. It is hardly probable the bill can get through the senate and past the president.

THE proposition of congress to send troops into this country in order to keep the peace is about as far from the mark as anything that has been done along that line lately. But then, the soldiers are about as well off here as in other quarters of the union now; they don't fight any more anyway.

THE president has extended the civil service to nearly all employees at Indian agencies, excepting only the few minor positions of a laboring character like cooks and washwomen. Indians, however, who show their fitness, may be appointed by the secretary of the interior without examination by the civil service commission.

THOSE members of the national council who call to remembrance the closing scenes of the last session, at which time the attempt was made to pass the infamous "miscellaneous appropriation bill" will not doubt the wisdom of THE CHIEFTAIN'S position touching an appropriation for this city, that was asked for during the smallpox scare. A man who will with bribes and whisky be a party to trying to filch from the treasury of his country thousands of dollars, and at a time when it is trembling in the balance, cannot be trusted at all. Nothing but the plain, unvarnished truth is to be stated in the columns of this paper, and any man or principle that can stand against the truth is entitled to stand.

THERE should be a statute making it compulsory upon all physicians to report promptly every infectious disease to which in practice their attention may be called. If a doctor don't know smallpox when he sees it, then he ought to be digging or plowing, or doing something else beside practicing medicine. If the alarm had been given when the first case of smallpox manifested itself in this city three or four weeks ago, a great deal of expense and anxiety might have been avoided, to say nothing of three or more deaths. There are none of the popular professions about which the masses know so little as the theory and practice of medicine, and certainly none in which they are so frequently imposed upon.

CORRUPTION NOT THE CAUSE.

The Dawes commission, and nearly all outside influences have laid great stress on the corruption prevalent in the governments of the five tribes, and have given that as the strongest reason for the destruction and abolition of these Indian governments. But the real need for the change that it is now conceded by all must come over all these tribes may be found in their system of land tenure and not in the corrupt practices that have perhaps in some instances been magnified. The system of land-in-common was made and fitted to the conditions of a people in a primitive state, indeed a great portion of the United States was equally primitive fifty years ago, and it was perfectly natural for the Indians to desire just the free-and-easy system that they have enjoyed in a very satisfactory and progressive manner for more than half a century. There have been various agencies at work, that were evidently foreseen from the beginning and that would eventually necessitate a change. In the first place the land holdings of the Indians have been cut down and lopped off continually from time to time, with and without their consent until at the present time there is barely enough land in the Cherokee country for a small sized home to the individual, and even that is being lessened as the days go by. This state of affairs of course causes a state of uneasiness and unrest to prevail, for it must be admitted, some of our people are without homes in a country that is supposed to be held in common and for the mutual and equal benefit of all its citizens. This is probably the most potent reason for a change, and the one which all classes of citizens, at least in a measure realize. But there are other causes scarcely less serious, and probably more complicated, and not the least of them is the ever-present and greatly complicated question of citizenship. In addition to a great many thousand out-and-out intruders with no shadow of a right in the country, there are the Shawnees, the Delawares, the Freedmen and the white adopted citizens, whose status is unsettled, and will in all probability remain unsettled until settled finally in the courts of the United States, and even then the trouble will not cease, as is known by the cases that have already gone there. The present call session of the national council is for the purpose of a compromise with the Freedmen and will cost the Cherokee government several thousand dollars, and it is by no means certain that anything satisfactory will be accomplished.

Is the matter of asking aid for this town from the Cherokee government, there was only one question that could possibly be involved, and we candidly submit it to the thinking, reasoning portion of the people concerned: Shall the city officials pocket the revenues of a municipality that pays more than \$2,000 a year in taxes alone, and then in an emergency where money is required, seek aid from the government? And even this proposition could not be entertained unless help was absolutely needed, which was not the case a week ago, at the time of the fright.

IN THE FORE FRONT OF BATTLE.

The Health Board Made to Play the Part of a Modern Uriah.

VINITA, I. T., Mch. 20, '96.
It is the sense of this board of health that the recent criticism by THE CHIEFTAIN of Col. L. B. Bell relative to his request for an appropriation by the national council for relief of Vinita, is unwarranted by the facts in the case. It is not our purpose to discuss the propriety of the appropriation further than to say that it is both a frequent and a humane practice for governments to aid afflicted communities, and that on a former occasion when visited by smallpox, Vinita was voted liberal assistance and honorably turned the greater portion of it back into the treasury of her board of health. Vinita is at the threshold of the Cherokee nation and her whole citizenship is more or less affected by her health operations, by her wealth or her woe. So we see no reason why the national council may not see fit to render assistance in this common cause of our people.

This board being in touch with the mayor is qualified to state without reservation that he is discharging his duties in this matter in such manner as to entitle him to the confidence and gratitude of everybody, and that no sort of suspicion can attach to him.

GEO. W. HILL,
A. M. CLINKSCALES,
B. F. FORTNER.

Well, probably the best comment on the above would be to state that time has shown that THE CHIEFTAIN was right, and that no appropriation was needed. The board and the mayor have done good service in stamping out the pestilence that broke out two weeks ago in this city, but they made the mistake so common to frail humanity—they wanted an appropriation.

MANY things promised by congress are now abandoned—because of the fee simple title. The Dawes commission will be continued.

THE CHIEF'S MESSAGE.

To the Special Session of the Cherokee Council.

Executive Department,
Cherokee Nation,
Tahlequah, March 16, 1896.

To the honorable national council:
That you may understand the object for covering you in extra session I submit herewith two agreements, one between your attorney, E. C. Boudinot, and R. H. Kern, attorney for the Cherokee Freedmen, on the 28th day of January, 1896; and the other between the Chief of the Cherokee nation, and the said Kern on the same date. These two agreements are similar in their specifications, the main features being as follows:

This agreement made and entered into on the 28th day of January, 1896, by and between E. C. Boudinot, acting as the duly authorized attorney of the Cherokee nation, for the purpose of settling the suit of Moses Whitmore, trustee of the Freedmen of the Cherokee nation vs. the Cherokee nation and the United States in the court of claims at Washington, D. C., and Robert H. Kern, acting as attorney for said Whitmore, witnesseth:

"That the said Robert H. Kern hereby agrees with said Boudinot to obtain the consent of said trustee and said court of claims that the provision in the decree therein making the Wallace roll binding on the Cherokee nation shall be stricken therefrom and in lieu thereof a provision inserted, providing that the identity of the number of Freedmen mentioned in said decree shall be ascertained by a commission approved by said court, and the said Boudinot agrees with the said Kern in consideration of having this done, to have the principal chief of the Cherokee nation call together the national council thereof within a reasonable time, and to have said national council so convened, to appropriate such sums of money as may be needed in excess of the amount decreed to be due the Freedmen in the above case as may be necessary to equalize the said Freedmen in the amounts the Cherokees have paid themselves in the three payments complained of in the suit. It being understood that if the said calling of the council and an appropriation by it of said sum shall fail, then the provision striking from said decree the Wallace roll shall be set aside and the decree shall remain in force as it now is."

In the agreement between myself and Mr. Kern the same provision is mentioned, the only difference being a "sum in excess of the judgment for \$903,254, now standing in said decree in favor of the complainants therein, an additional sum of \$400,000 in said act of December 7, 1895, with the reservation that any surplus is to be returned to the Cherokee nation."

The act of compromise referred to and date given, herewith submitted, increases the courts judgment for the \$903,254 to \$1,300,000. The surplus, as mentioned in the words just quoted, is to be returned to the Cherokee nation, if any, after the distribution is made.

Although the parties to these agreements obligate themselves to accomplish certain purposes mentioned, it appears from a decision of the court handed down since, the conditions on part of Attorney Kern, has been accepted and promulgated by the court, as appears from the following taken from its decision:

"And it is further ordered and adjudged that for the purpose of ascertaining and determining who are the individual Freedmen of the Cherokee nation now entitled to share in the distribution of the said sum of \$903,365 the secretary of the interior be authorized to appoint three commissioners, one on the nomination of the defendant, the Cherokee nation, but both nominations to be approved by him, to proceed to the Cherokee country and hear testimony both for and against the identity of all freedmen, free colored persons and their descendants, claiming to be entitled to share in the distribution of said \$903,365, that may be offered by the respective parties to this suit; and that each of said parties shall be entitled to be represented before said commission, either at the taking of testimony in the Cherokee country or elsewhere, and the said commission in ascertaining the identity of the freedmen entitled to share under this decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the secretary of the interior, having been furnished to him and purporting to have been taken by the Cherokee nation in 1880 show the number of freedmen entitled to citizenship in said territory under the terms of the treaty between the United States and the Cherokee nation heretofore referred to, and their descendants; and the said commissioners shall ascertain who of said persons named on said roll were alive on May 3, 1894, and no evidence shall be accepted by said commission tending to disprove the citizenship of any person whose name appears on said roll."

"And it is further ordered and directed that when the foregoing roll so reported by said commissioners shall be approved by the secretary of the interior he shall cause the amount remaining of the said fund of \$903,365, after deducting the cost and expenses herein directed to be paid and distributed to the persons entitled thereto, such payments, however, not to exceed \$250.34 per capita, and the cost of such distribution and payment likewise being charged upon the fund of the complainants to the act 2d March, 1895, section 11."

Thus it appears that the Wallace Roll is eliminated from the court's decree and a substitute entered providing for the appointment of three commissioners to determine who are rightfully Freedmen citizens of the nation.
A provision of the court's decree,

above quoted, directs the secretary of the interior to have paid to the persons entitled \$252.34 out of the remainder of the \$903,365, after certain expenses are deducted therefrom. You will perceive from this that the Freedmen are to be paid at the direction of the secretary, but inasmuch as your honorable bodies are expected to appropriate an additional sum to insure a full payment to all entitled, any amount over the \$903,365 necessary to make a complete payment will be done by your own authorities.

From the foregoing you may not be able to gather the reason for convening you in extra session. Your act of compromise, December 7, 1895, did not make any additional appropriation for the Freedmen over and above the court's judgment of \$903,365 in their favor. It only authorized the court to increase their judgment to \$1,300,000, but the court having passed its decree could not make any change in it, and consequently no provision in law is made to pay the Freedmen any amount in excess of the court's judgment. It will be necessary, therefore, to appropriate the amount with which you authorized the court to increase its judgment to \$1,300,000. Thus it may prove in the end that the amount of the court's judgment in favor of the Freedmen may be sufficient to satisfy all demands on their account against the nation, and your appropriation not needed.

Very respectfully,
S. H. MAYES,
Principal Chief.

In a Muddle.

Since Chief Mayes submitted his message to council, relative to the equalization of freedmen with Cherokees in per capita distributions, it seems that many members of the council, as well as the people on the outside, are floundering about in cipherian darkness as to its meaning or what is to be done or should be done. Not understanding fully the compromise in all its particulars, or its results as may be revealed at some future day, it is like plunging out into the darkness and into the midst of unseen dangers, made more terrible because more imagined than known. Under the circumstances nothing else need be expected, not only as a consequence, but as a measure of self defense against uncertainties and the possibility of being misled. This is certainly right. A matter involving such a vast interest and consequences, should be thoroughly understood by all directly concerned before committing themselves to some irreparable action. It is quite plain, as all seem to understand, that the freedmen to some unknown number, are to be made equal with Cherokees in three several per capita payments, amounting to \$295.35 each. This is all plain enough, but to many there is an ugly incubus concealed in some advantage to be taken of the surplus there may be after matters are equalized. The general belief is that the \$1,300,000 will not be needed, but if needed, what is to be gained by the compromise?

Some seem to entertain the belief that no better state of affairs will be secured to the nation by setting aside the Wallace Roll or by making a new roll to be made by a commission to be appointed in the way specified in the court's decree. There should be no apprehension as to any intended unfairness in this matter. The only cause for any fear is in the possibility of making mistakes, or in some advantage to be taken by false testimony. This is to be guarded against. In either case, whether the compromise is effected or not, a new or revised census of the freedmen will be taken, subject to the objections just rehearsed. The court's decree of \$903,365, is all the freedmen on the Wallace roll will be entitled to in case the compromise is rejected, but this will not make them and their descendants less citizens of the nation having all the rights of native Cherokees. They may not get any more just now, but there is not a chance of a probability of their being the nation for any freedom due them as Wallace freedmen. If this is so there can be no escape from what seems to be dreaded.

Looking at the question on the other side, we have an authenticated roll of 2052 freedmen, less by 1475 on the Wallace roll, to begin with as the number to be added to by their descendants and by others wrongly or inadvertently omitted from the Wallace roll of 1880. It is very evident that comparing results either way, there is something to be saved by accepting the compromise and making an appropriation as a contingent fund to pay those found to be Cherokee freedmen under the 9th article of the treaty 1866 by the commission to be appointed, should the sum decreed them by the court of claims prove to be insufficient. In such case there can be no appeal for any deficiency, the \$430,000 should any be found, as could be done in the event the compromise is refused. From this it therefore appears that our safety lies in the proposed compromise.

FAIR TOTE.

FORT SMITH LETTER.

The Last of Cherokee Bill's Cases—Other Criminalities.

Thursday the name of Cherokee Bill was entered for the last time on the docket of the United States court. Col. Crump made his return of the death warrant and all cases against Crawford Goldsby were dismissed. They were one murder, eight robbery and two large cases of postal fraud. The other murder case is pending in the supreme court. The body of the outlaw was taken from here on the afternoon of the execution and buried next day at Fort Gibson beside his old chums and companions in crime, Verdigris Kid and Jim French. Bill wanted to be buried on his farm near Talala and also requested that Verdigris Kid be buried with him. His mother intends to comply with his request

and will have both bodies exhumed in the fall.

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Tom Lee, violating; plea guilty; 30 days and \$100 fine.

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OF GENERAL INTEREST.

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Sam Teague, said to be an Indian, shot and killed a negro by the name of Simon Barnes, near Joplin last week and escaped, coming to this territory.

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The Indian agent at Sac and Fox reports that the absentee Shawnees are relinquishing their patents and coming over into the Creek and Cherokee nations, probably because the whites are paying them to relinquish. The agent suggests that if they are not permitted to settle in the eastern nations they would not leave home.

Funds due Indian nations, as reported by the commissioner of Indian affairs:

Cherokees—Funds in the treasury in lieu of investment and United States bonds held in trust, \$2,719,378.

Choctaws—Funds in the treasury in lieu of investment, \$585,000; to be appropriated by congress, \$390,257.92; capitalized permanent annuities, \$210,400; total, \$1,185,657.92.

Chickasaws—Funds in the treasury in lieu of investment, \$1,300,000; to be appropriated by congress, \$475,168; capitalized permanent annuities, \$524,200; total, \$2,799,368.00.

Seminole—Funds in the treasury in lieu of investment, \$1,500,000; to be appropriated by congress, \$475,168; total, \$1,975,168. Grand total, \$10,043,870.55.

The senate committee on Indian affairs has endorsed the Dawes commission bill to the extent of recommending an appropriation of \$50,000 to provide for the enrollment of all persons entitled to citizenship in the Indian Territory, preparatory to an allotment of the lands in the territory. This is the first step to be taken under the recommendation of the Dawes commission. It is necessary to begin by determining the property rights of all citizens, and not merely of the handful of "head men," who not only "want the earth," but who have taken possession of it as far as the Indian Territory is concerned. Equal rights and justice to all will be a "new thing" in the Indian Territory.—Star.

Smallpox recipe: One ounce of cream of tartar dissolved in a pint of boiling water, to be drunk when cold, at short intervals. It can be taken at any time and is a preventive as well as a curative. It is well known to have cured in thousands of cases without failure. It never fails and never causes blindness.

Deer Shooting in Scotland.
Forty-eight shots (including one royal and an 11-pointer) had been killed this season in Lord Arl's forest of Canelehan, in Forfarshire, which is let to Mr. G. W. Henderson, who succeeded Mr. Pilkington in the tenancy. This is a remarkable score, considering that Canelehan comprises only 2,000 acres, the ground also including the Tulchan grouse moors. Still more striking was the bag in the adjoining forest of Glencliff, which is let to Mr. Lambert from Sir John Lubbock. The extent is little more than 2,000 acres, and 28 stags were shot, while the Glencliff moors (5,600 acres) yielded a bag of nearly 800 brace of grouse. These two shootings are on the march with the heavily stocked deer forest of Glen Doll.—London World.

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