

The failure of the Dawes Commission to complete a treaty with any one of the Five Civilized tribes does not mean that its work has been in vain. The act of 1893 creating the Commission limited powers to those of negotiation. The Indians were well aware that argument and suasion were the only resort of the Commissioners, and the former masters in the art of holding which produce no results, set to this new opportunity for the evident enjoyment and in that they held the winning title to the land and the city of their consent to any treaty.

It was fully a year before a plan could impress upon the mind that the government was not only then gave official recognition to the negotiation. It was another any plan of council could be and it was not until 1896, the whole results became apparent.

In the meantime the Commission had been extended mission itself, through reports made by its members, about at Washington and in the people of the United States better understanding of the conditions in the Indian Territory. driven the idea home to the change was inevitable and its councils with the representatives of the various tribes the Commission also secured an expression from the Indians as to the on which treaties must be thoroughly exploited all the for and against the treaties, the true animus of the real thereto.

That this opposition is so far does not injure the value of the cure, and the discovery of the of the opposition to treaty largely discounted its value. The members of the Commission nearly four years of experience, hope of securing the ratification treaty by the Indians which would be proved by Congress, but they satisfied they can now make a recommendation to Congress, immediate action independent of any with the Indians.

The Commission will make a report November, and it is fully expected that that report, suggest a plan for a bill to be enacted this winter which will put an end to all controversy and set in motion the preliminary work necessary to organize a regular territorial government. This bill will represent the true work of the Commission, which must not be judged by the success or failure of any particular negotiation with the Indians themselves. It has been a work of tremendous magnitude, requiring the utmost patience, a keen sense of justice and a full conception of hereditary rights and present conditions.

Those who hope to defeat the purpose of this bill rest their defense, apparently, upon so-called treaty rights and upon the difficulty the government will find in continuing the Indian lands now held in common to each Indian in severalty.

The question of treaty rights has been argued pro and con with much confusion and multiplicity of words. The Indians are the wards of the government. They are ready enough to retreat behind this fact when the occasion demands. The guardian has jurisdiction over its ward and is supposed to be in that position for the best interest of its protegee. There comes a time when all treaties are rendered obsolete by new conditions and changes become necessary for the good of both parties concerned. Such a time has come in the affairs of the Indian nations.

The question of title is not so difficult as it may seem. Should Congress pass a law requiring allotment, a single case can be carried through the courts giving individual title to some one citizen to his particular allotment. All other cases similar to this one will be decided by the courts.

tages thereof. They are slyly sparring for time and possible advantages to be gained by continuing Congress fails to settle this matter this winter, however, the Administration will be held as derelict in its duty by many even who are, inside and outside of the Territory, its warmest supporters.

INDIANS FIGHTING CHANGES

EVERYTHING POSSIBLE BEING DONE TO STAVE OFF ALLOTMENTS.

Real Reason Why the Creeks Rejected the Agreement Arranged by the Dawes Commission—Chief Ispahcheer's Latest Move—The Warrants Scandal.

Okmulgee, I. T., Oct. 28.—The Creek Indian commission and the Dawes commission reached an agreement for a treaty with very little trouble. There was apparently profound harmony existing between all parties concerned. When this agreement was submitted to the Creek legislature, which is composed of the house of kings and the house of warriors, the kings and the warriors promptly and unanimously rejected the agreement and their action was applauded by Ispahcheer, chief of all the Creeks. The fact of the matter is, not one of the five civilized tribes is willing to legislate itself out of existence and will not. All talk, negotiation and protest are simply for the purpose of gaining time and thus extending the life of the tribal governments.

Upon the rejection by his council of the proposed treaty Chief Ispahcheer introduced a measure bearing his own particular stamp and giving expression to an idea which prevails very generally among the Indians. He suggested an international conference of the tribes and the organization of a state, as has already been stated in The Star. His council promptly adopted the idea and a commission was appointed to see the leaders of the other tribes and arrange for such international conference. The other tribes have not yet taken any action, but such a conference will probably be held.

Its ostensible purpose will be to effect a scheme of general government similar to that of a state and then ask Congress to admit this state without subjecting it to the ordeal of a territorial form of government, which the Indians dread. Their idea of statehood is a government for and by the Indians and the exclusion of the whites from participation therein except possibly through a minority representation. Such a scheme is impracticable and impossible. The constitution of the United States stands in the road to prevent it. This fact is fully recognized by the more intelligent Indians of all shades and they know it can never be carried out. They are willing to further it, however, to delay the extinction of their tribal form of government. They recognize that the end is near, but they are going to stave it off by every means in their power and they can do much.

The real purpose of this proposed international conference, however, is not set forth in Ispahcheer's manifesto. This purpose is of a much more poetical nature than the statehood idea and it may result in serious delay to the settlement of territorial affairs. Under an act of Congress of June 7, 1897, the first day of January, 1898, will witness the practical extinction of the tribal courts and the exercise by the President of the United States of a veto power over all acts of the Indian legislatures.

A BIG LEGAL FIGHT PROPOSED. The Indians are very much worried over this coming event. They recognize that with its operation their tribal government will become a mere form or shell, empty of any real value. They are going to fight it in the courts and this is really the most momentous question which will occupy the attention of any international council which may be held.

The plan, as outlined by the leaders, is to raise a purse of say \$100,000, each tribe contributing in due proportion. This money is to be used in employing some of the leading lawyers of the East to fight the act of June 7, 1897, in hopes of at least staving off its application. It is to be fought upon the grounds that it violates the treaty rights of the Indians in several ways. It is also hoped that this contention will cause a delay in other matters which the Dawes commission has been discussing with the tribes. The Indians fully recognize the fate which hangs over them and they frankly state their belief that nothing they can do can prevent the destruction of tribal government and the allotment of the land. They are, however, going to fight it, step by step, in the courts, raise all the objections possible to any treaties, and hold out for conditions they know cannot be granted, all for the purpose of postponing the evil day.

Commissions may be appointed every year. These commissions may each and every one of them agree to some settlement

This is done in two ways. First, by exciting the suspicions and prejudices of the full bloods; second, by the use of money among the members of the council, for it is a notorious fact that many of the latter are for sale cheap. A member of one of the commissions who was present at Okmulgee when the Dawes agreement was rejected remarked at the time that if the government could maintain a lobby and spend a little money the agreement would have been ratified. As it was, only one side was doing the buying; hence the government stood no show.

FIGHTING FOR INDIAN RULE. A recognition of this condition has led many of the most intelligent and enthusiastic advocates of a treaty to the firm belief that no tribe in the nation will ever ratify an agreement which would be accepted by Congress and that Congress will be forced to solve the Indian problem for itself. The Creeks were looked upon as the easiest tribe to bring into line and it was believed that with a Creek treaty consummated there would be no trouble in reaching an agreement with the Seminoles, thus leaving the Cherokees only outside the pale. The defeat of a treaty with the Creeks makes it impossible to treat with the Seminoles with any hope of success, and it is unlikely that the Dawes commission will court another failure.

Since the defeat of the treaty in the Creek council there has been apparently a certain reaction of sentiment and some of the more cautious half breeds fear they have gone too far and been too decided in their rejection of the same. They have, therefore, taken pains to give out the impression that a new treaty can yet be made. One of the serious objections made to the Creek treaty, and a point of very questionable expediency, was in connection with the allotment of land. It was found that each Indian should receive 160 acres and the balance of the land should be sold to anyone who might wish to buy. The opponents of the treaty took advantage of this section to prejudice the full-bloods against it. It was easy to show that under this provision the whites could gradually but surely gain ascendancy over the Indians and perhaps finally crowd them out.

Even the Indians who favor a treaty are extremely touchy in regard to the disposition of the land. All of them claim that every foot of it belongs to the Indians and should be divided among them. The Dawes commission was not responsible for this section, however, for, strange as it may seem, the idea originated with the Indian commission. It is safe to say that a majority of all the tribes except, perhaps, the Creeks, are willing their land should be allotted in some way or other.

This is not, however, the great cause of contention. The talk is about the manner of allotting. The entire real opposition, however, is to delay the surrender of tribal government, which will be coincident with the completion of the allotment. This is the sore spot. This is the real animus of all objections to minor features of the treaties and even should Congress pass an act settling the manner of adjusting these questions to the entire satisfaction of all factions it will be fought in the courts to the bitter end to prevent the extinction of home rule, which is the real meaning of any and all measures bearing on this subject which may be adopted in the future.

There are only 55,000 Indians in the territory. There are 300,000 white non-citizens. This means the moment a territorial government is organized that the whites will have three votes to the Indians' one. The Indians fully realize this fact, and so do the

whites. The Indians are, therefore, cherishing a delusive hope of a purely Indian state with red blood or land as a voting qualification. The whites say that while they are perfectly willing and that justice demands the land should be divided among its owners, the Indians, that the latter have no right to prescribe the political future of the state that is to be.

THE CREEK WARRANT SCANDAL.

Old Chief Ispahcheer of the Creeks does not speak English, though he understands it fairly well. He is not smart enough to understand the intricacies of the financial department of his government except as it concerns lump sums. Hence he is now in serious trouble over a fraudulent issue of nearly \$100,000 in warrants. Few believe that he has benefited by the steal, but the general understanding is that he has been victimized by those who were given the right to sign his name to evidences of Creek indebtedness. One of these men has made a confession of the whole transaction. The grand jury at Vinita now has the matter in hand. Several suspects are out in the hills in hiding and the entire country is much stirred up, as the steal involves a great many people. The federal court can do nothing with the case unless it finds that some white man is implicated. This white man can be indicted and the Indians brought in with him on a charge of conspiracy to defraud the United States government. If only Creeks are mixed up in it, the tribal courts alone have jurisdiction. Over 100 witnesses have been summoned to Vinita and it is rumored that it will not be difficult to find white non-citizens who have profited by this raid on the Creek money in the United States treasury.

The size of this steal has attracted considerable attention, but little surprise, for there has been a great deal of this kind of business going on in all the five nations under the system of home rule. One is so anxious to keep in force. One is so anxious for this desire is thus made of parent. The leaders dictate the policy of the tribe. The leaders are the ones who are to be kept in line.