

DUNCAN, SUSIE E.

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SOME STRAIGHT GOODS

In its last issue, the Indian Sentinel reproduces an article written by me in 1886, touching the Strips lease question. It displays a dazzling assemblage of headlines, "W.A. DUNCAN-" he scores Ross in the Telephone of October, 11, 1888. "- " What Will He Think Now?"-"As He Thought In 1888, So Should He Think Now."

Well, what if I should? It would amount to nothing, because, when I did think, as I wrote in 1888-thinking that we ought to make the cattlemen-non-citizens- pay a dollar per head for their stock, as provided in the statute of the United States in case of such persons grazing stock on Indian land without authority, the National Council thought differently, as they had a right to do, and pursued their own course. And what was that course? Why, whatever else they did, they legalized the action of R.B. Ross, treasurer, receiving as the word is in the chief's message, the \$43,750. from the cattlemen.

But what evidence that the National council did so legalized the action of the treasurer? In the investigation of this subject we must be governed by the voice of documents alone. All that may have been said or done outside the accepted and last form of authentic documents relating to the subject must be rejected.

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Complete evidence of the fact that the National council did legalize the action of the treasurer in collecting the \$43,750 from the Cherokee Live Stock Association may be found in the message which Chief Mayes sent to the National council informing him that he had signed the bill-"An act to continue the contract for the grazing privileges, west of the Arkansas river to the Cherokee Live Stock Association."

1- In that message, the chief speaking of the bid which had been made to him by the Southwest Grazing Association but which was not in fact relevant to the matter of merely signing the bill which had been passed and sent to him by the National Council, says; "Now to show you that this bid was genuine and had been made in good faith the company that has made the bid of \$200,000, comes forward and supplies the difference for these three months, October, November and December by paying me the \$6,250 which will make the bid complete, as it is understood that the \$43,750 collected by Mr. Ross will be received, and to begin on the first day of October last."

2- Evidently from the language of the Chief's message just quoted, he acknowledged the receipt of the \$43,750 which had been collected by Mr. Ross as so much paid on the three months mentioned in his message, to which he adds the \$6,250 which had been collected by him, thus making \$50,000 for the said three months.

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3- It is said in the message; "This act leaves the action of Mr. Ross treasurer, in collecting the revenue, or his actions in making the lease for the three months of October, November and December at the rate of \$75,000 untouched, or might say an attempt at indorsing his action in the premises."

4- Here the message says the act was an "attempt" to indorse the action of Mr. Ross, and yet the chief signs the bill. Certainly, whatever was attempted by the act was rendered perfect and complete by the signature of the chief, which he attached to it.

5- The \$6,250 collected by the chief on the said three months was no more collected under the act continuing the contract with the Cherokee Live Stock Association than was the \$43,750 collected by Mr. Ross. That act did not take effect until the first day of January, 1889, while those two collections were made for three months laying back in 1888. Then, from the nature stern facts in the case, it was impossible for those two collections to have been made under the preview of the law just mentioned, the question presents itself as to what law it was under, which they were made. Here is the rub.

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6- Then if, as said in the message, there was no law authorizing the treasurer to collect the \$43,750 there was like-wise no law authorizing the chief to collect the \$6,250. The two cases are precisely parallel, coincide in every part.

7- Again; if there was no law authorizing the treasurer to make the contract under which he received the \$43,750, there was, likewise, no law authorizing the chief to make the contract, under which he received the \$6,250. The two cases are precisely parallel and coincide throughout.

8- Nor, as to the authority for the two contracts does it make any differences between them even if one of them was made on the basis of \$175,000 per annum and the other on the bases of \$200,000. In this regard the two cases are precisely parallel. The same contract embodied in the law extending the lease did not begin to run until the first of January, 1889, and embraced no transactions lying back of that date. But these two contracts were made back of that date, while the law pointed to the future alone.

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9- All transactions relating to the said three months form a link by itself in the chain neither covered by the act making the first lease nor by the one making the new lease excepting the "indorsement" of Mr. Ross' action by the latter one.

If Mr. Mayes knew that Mr. Ross was guilty of malfeasance why did he not suspend him? That's the way I would control my subordinates if I had to be chief. Yet there is none of our departed leaders for whose memory I have a more tender regard, than that of Joel B. Mayes. I think he was a very conscientious man, but, as I so painfully feel myself to be, not an entirely perfect one.

So MR. SANTIAGO, now go to your law books and the history of the case. Do your best, and if you can dissolve the above nine categories, doing it fairly, I will agree to vote for any man you may name. But NOTE BENE, dogmatism is not demonstration, neither is mud throwing argumentations. What a chapter in the political literature of the Cherokee Nation has been made during the present campaign! The likeness has never been known in the history of our country. Why our enemies may condemn us out of our own mouths as guilty of

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all the charges laid against us at Washington, and a Cherokee official can't sneeze without its being known within the halls of congress. The tribes of Indian Territory are held continually under the range of an Argus-eyed espionage, and our own country is full of Night Hawks.

A. A. Duncan,  
Park Hill, July 17, 1889.