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FIVE TRIBES IN CONGRESS

The Indian Appropriation bill has passed the Senate and will go into conference this week for final agreement of the two Houses.

The amendments added to the bill by the Senate makes it of special importance to the Indian Territory people. It carries amendments providing for the reorganization of the Dawes Commission; a revision of the tribal rolls; allowing rejected citizenship claimants to appeal to the court of Appeals of the Territory and thence to the Supreme Court of the United States; and authorizing suits in the Court of Claims against the Creek nation, by the holders of warrants, payment of which was refused by the Secretary of the Interior.

The House Indian Affairs Committee considered and acted on these amendments at its Thursday's meeting. They voted to concur in the "Free Home" amendment of the

Senate and added to the bill a committee amendment opening the Comanche, Kiowa and Apache reservations. This amendment is the bill reported by the committee last week. To attach it to the Appropriation bill is only a short way to secure its passage.

In the other Senate amendments the House voted to formally nonconcur, but the committee, it is understood, are in favor of accepting the Senate amendment providing for a revision of the tribal rolls by the Dawes Commission. The formal noncurrence was voted that the bill, with the amendments might be taken from the hands of the regular committee and placed in the hands of the conference committee.

The conferees on the part of the House will likely be Messrs. Sherman, Curtis and Little. It is not certain who will represent the Senate on the committee.

It will be seen that when the Indian Appropriation bill becomes a law, it will carry legislation on two very important questions: Tribal rolls, and citizenship appeals.

The House Indian Affairs Committee held two meetings this week for the consideration of the Curtis bill. It is now completed with the exception of the

Cherokee feature of the townsite clause, and the section relating to the claim of the Delawares. It was expected that these features would be settled at the session to-day, but on account of the absence of Mr. Benton who was expected to make some motions in regard to them, they were passed over and will be completed Monday.

The question to be considered at Monday's meeting of the committee will be whether or not the titles of those holding lots under the Cherokee townsite law, would be confirmed. At the last meeting of the committee Mr. Benton offered an amendment so providing. Mr. Curtis opposed it. It is likely that those holding under this law will be given the right to purchase the lots on which they own improvements, and be credited with the amount they have actually paid into the Cherokee treasury for such lot.

An amendment was adopted at to-day's meeting providing that royalties on coal and other minerals shall be collected for nine months after the passage of the act.

Mr. Sherman offered an amendment providing that the M. K. & T. Railway and all others claiming to have rights in the Territory, which rights will be disturbed by the passage of the bill, be empowered to instituted

suits to determine such rights. This amendment was opposed by Mr. Little on the ground that such suits would have the effect of recognizing, to some extent, the validity of railroad land grants, and be a source of unlimited expense and annoyance to the Indians by whom the suits would have to be defended. The amendment was lost.

To resume: The Curtis bill is now completed by the committee, with the exception of the Cherokee townsite feature, and the Delaware claims. It will be reported to the House early next week, with such amendments as have been referred to in this and former communications.

While the amendment agreed upon by the townsite delegates some weeks ago was not adopted by the committee, some of its features are apparent in the modifications to the townsite clause of the Curtis bill, as agreed upon by the committee. For instance the manner of appointing the Boards of Appraisers has been changed so that one is to be appointed by the Secretary of the Interior, one to be elected by the town council, and the third, if necessary, is to be appointed by the United States Judge. Another feature likely to be adopted is with reference to the Cherokee townsites. While they

will not be wholly confirmed, it is likely that holders will be given credit for such amounts actually paid into the Cherokee treasury.

The townsite delegates are now directing their efforts to that clause relating to the extent of improvements necessary to be on the lot to entitle the owner of them to purchase it. The Curtis bill says that anyone owning "buildings" thereon shall have the right to purchase the lot. The delegates think the word "buildings" an unjust term and that it should be changed to "substantial improvements" or "valuable improvements," so as to give the right to purchase to those owning improvements other than buildings. This is being specially pressed by Messrs. McMurray, of South McAlester, and Bledsoe, of Ardmore.

Senator Pettigrew says the Senate will pass the Curtis bill when it comes to that body. Since the Senate has added to the Indian Appropriation bill legislation on many of the most important questions, the idea has gone out that this is all the Senate is willing to do at this session, and that the Curtis bill will be shelved when it comes over from the House.

I yesterday called on Senator Pettigrew and obtained from him several positive declarations as to the probable policy of the Senate toward the Curtis bill,

and just at this time they are of especial interest, in view of the fact that he is Chairman of the Senate Indian Affairs Committee, and the leader in Indian matters in the Senate.

I asked the Senator the question: "If the House passes the Curtis bill, what do you think the Senate will do with it?"

"If the House will pass the Curtis bill," said the Senator, "we will pass it in some form. I will insist that it be taken up and considered as soon as it reaches the Senate. The Senate will likely modify it to some extent, but I think the general disposition is to pass it."

I then asked the Senator his opinion as to the separate features of the Curtis bill, and particularly as to townsites. He said:

"I think the townsite feature of the Curtis bill reasonably fair and just. My recollection is that I made some suggestions in the meetings of the sub-committee that led to its being drawn in its present form. The people in the towns have made the values, and they should, in all equity and fairness, be given the benefit of them.

In view of the recent Senate amendment giving the citizenship claimants the right of appeal, I asked

the Senator for an opinion as to just what the conference committee would finally agree on.

"I think," said the Senator, "that the conference committee will agree on a provision allowing these claimants the right to appeal to the Court of Appeals at St. Louis. It has never been intended that they should be allowed to appeal to the Supreme Court of the United States. That amendment was adopted to avoid debate, with the understanding that the conference committee would modify it."

In discussing the general situation Senator Pettigrew said further that he and Judge Little had always agreed on what ought to be done. In other words their ideas of forthcoming legislation are in harmony.

In this connection it would be interest to add that Judge Little and Mr. Curtis, the author of the House bill, have during the past week held a number of private conferences, and it understood that they will work in perfect harmony.

A careful summary of the situation at this time would indicate that the Curtis bill is progressing as surely and smoothly as its friends could hope for, and that in some form it will find its way to the statute books.

The Cherokees are preparing to test the constitutionality of the recent law abolishing the jurisdiction of the Indian courts.

Judge C. B. Stuart, of South McAlester, arrived in Washington Thursday, and is holding daily consultations with the Cherokee delegations. They contemplate applying to the Supreme Court of the United States for a writ of habeas corpus, to release Charles and Slayden Foreman, Cherokee Indians, who were committed to the Muskogee jail without bail, by United States Commissioner McCombs, for killing Charles Johnson, another Cherokee Indian, some weeks ago. At the last session of the council the Cherokees appropriated money to test the constitutionality of this and other laws, before the Supreme court of the United States, and it is understood that the Foreman case is the first case having the facts sufficient to warrant a clear presentation of the question.

Judges C. B. Stewart and Yancy Lewis and W. T. Hutchings have been employed to represent the nation in the Territory courts, and other eminent counsel will be employed here to present the question to the Supreme Court of the United States. It has been suggested that ex-Senator Edmunds, of Vermont, will be employed.

Marshall J. S. Hammer, Clerk C. M. Campbell and

Commissioner Bradford and Mr. A. V. Doak, all of Ardmore, are in Washington.

Marshal Hammer and Clerk Bradford come to confer with the officials of the Department of Justice about the loss of records caused by the recent burning of the court house at Ardmore, and other matters connected with their offices.

Mr. J. M. Lindsay, President of the Gainesville, South McAlester & St. Louis Railway, spent several days in Washington this week. He is on his way to the Indian Territory, and has been east in connection with the interests of the road.

Delegates Sam Powell, of Wagoner, will ask the committee to insert an amendment in the Curtis bill providing that the 160 acres, upon which is situated W. T. Whitaker's Orphan's Home at Pryor Creek, be set apart as the allotment of Mr. Whitaker, for the benefit of the Home. He will ask that this amount be declared to be the allotment due Whitaker, and that the same be allotted direct to the Home.

Mr. Powell is also directing his efforts to secure legislation that will permit the construction of water works and other public improvements at Wagoner. The town desires the privilege of pumping its water from

Grand River, five and one-half miles distant. To do this they will have to be given authority to condemn private and tribal property. He succeeded in having an amendment granting this and other rights to towns, presented to the Indian Appropriation bill, but it was rejected by the Senate. It is his purpose to incorporate the substance in this amendment and try to secure its passage as a separate measure.

At a recent Institute of the teachers of the Choctaw nation, held at San Bois, they adopted resolutions asking Congress to provide that teachers' warrants shall be received in payment for town lots. Many of the teachers have written members of the committee asking that an amendment to that effect be added to the Curtis bill. They state that they are unable to draw money on their warrants, and that they are enforced to discount them at from 15 to 25 per cent discount. Their idea is that the measure suggested would afford needed relief. This is of course, out of the question. Under the Curtis bill the town government will purchase the townsite in bulk from the Indians. The purchasers of town lots will pay for them direct to the town authorities. There is no connection between the town governments and the Choctaw nation, and no obligation on their part to

accept in payment for lots, warrants which the Choctaw Nation refuses to pay.

Senate bill 3678 introduced this week by Senator Jones is "To authorize loyal Creek Indians to bring suit in the Court of Claims for damages committed on their property. The bill rehearses certain clauses in the treaties of 1856 and 1866 wherein it is agreed "That the United States shall protect the Creeks and Seminoles from hostile invasion \* \* \* and full indemnity is guaranteed \* \* \* out of the treasury of the United States," and that land sold by the Creeks shall be paid to soldiers who enlisted in the Federal army and the loyal refugee Indians and freedmen who were driven from their homes, to reimburse them in proportion to the respective losses," and provides that such loyal Creek Indians may, through their delegates and agents, or in the name of the Chiefs, within ninety days after the passage of the act, institute suit in the Court of Claims, with right of appeal to the Supreme Court of the United States.

The acting Secretary of the Interior has just transmitted to Congress a report on "The education of white and negro children in the Indian Territory."

The Secretary says: "It appears that there are

more than \$50,000 children of school age, for whose education there is absolutely no provision -- children who are growing up without any of the advantages possessed by those in all other parts of the United States. In submitting the matter I cannot too strongly urge the importance of the subject to the welfare of the persons whose educational interests seem to have been wholly lost sight of."

The report of the Secretary includes a petition from citizens of Vinita asking an appropriation for educational purposes, and an extract from the report of the Commissioner of Education and the annual report of the Dawes Commission, calling attention to the question.

Washington, Feb. 22, 1898.

The House Indian Affairs Committee completed the Curtis bill yesterday, (Monday). The favorable report has been authorized and it will be presented to the House in two or three days. It is now in the hands of a subcommittee appointed to redraft the bill, incorporating the amendments and change of verbiage, agreed upon by the committee at its several recent meetings. The committee to redraft the bill is composed of Messrs. Curtis, Lacey and Little, and they are now at work.

The only question finally considered at yesterday morning's meeting was that of the Cherokee townsites and the claim of the Delawares. The Cherokee townsite laws are not recognized to any extent. Those having improvements on these lots will be given the privilege of purchasing them, which privilege is neither more nor less than that given to owners of improvements in the other towns. The 157,000 acres claimed by the Delawares is to be set apart, subject to a judicial determination of their rights.

The prospect for the early passage of the Curtis bill through the Senate, when it has passed the House, grows more certain. The interview from Senator Pettigrew in another part of this communication means much. Senator Jones has addressed a letter to a number of the House Committee, in which he makes use of the following language:

"I understand that someone has been making statements to members of your Indian Committee that we in the Senate intended to agree to no Indian legislation except what is in the Indian Appropriation bill. So far as know or have ever heard, this is wholly untrue. There has been no such thought in my mind. If such stories have been told, will you say this for me to our friends on the committee."