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K. W. Whitmore, Editor

EDITORIAL ON L. C. PERRYMAN

On the 3rd inst., a convention of the male citizens of the Muskogee nation, estimated to number about 2000, met at the capitol at Okmulgee. The U. S. commissioners, McKennon and Kidd, addressed the crowd from the south veranda of the capitol. Col. McKennon who was first spokesman told the people that the government had sent them out to see if the Indians and the commissioners could not come upon some agreement whereby their present system of holding land in common may be changed for tenure in severalty, and their various tribal governments into one general territorial government. He stated that it was the belief of the friends of the red man that the present state of affairs in the Indian Territory could not remain the same much longer, and that they had in their power largely to fix the terms of the change, otherwise congress would surely effect the change to

suit itself which might be detrimental to the Indians. The address was not much other than a reiteration of the address published from Muskogee some weeks ago.

After the commissioners were through the Muskogee chief addressed the people. Among other things he said: "Muskogees, you have heard the talk of the representatives of the United States. They have asked you to change your government and your present system of holding your lands in common. It has been said by men in high places in the states and at Washington that the full blood Indians are willing to embrace just such propositions as have today been made to you, but that they were prevented by the half-breeds and educated full-bloods who were getting the lion's share of the benefits of this country. For this reason you will excuse me if on this occasion I shall offer you no advice on the propositions made by the commissioners. These gentlemen are our guests, and so long as they remain with us I want your traditional hospitality and courtesy to be shown them upon every occasion. But before we adjourn this meeting I desire that you, without my advice or that of any of your leading men,

to take a vote in their presence upon the propositions as they have been explained to you. This will be necessary to guide your council, which I shall call in extraordinary session tomorrow, in formulating an answer to the honored commissioners. Those of the audience who favored allotment and a change of government were invited then to occupy the left portion of the front yard, and those opposed, the right. The whole audience in a very orderly manner filed over to the right. The chief then notified the members of council present that they must meet at 9 o'clock the following morning. Thus ended the first days official meeting of the Dawes commission with the nation of all the Muskogees.

The council appropriated \$1000 to aid the Roley McIntosh commission in expelling intruders. A bill was introduced giving the children of non-citizens access to our school upon payment of a reasonable tuition and was tabled.

A bill was passed giving the Muskogee laws jurisdiction over the property of intermarried noncitizens.

Below we give Chief Perryman's message and the committee's reply to the commission:

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MESSAGE OF L. C. PERRYMAN

Executive Office, M. N.  
Okmulgee, I. T.  
April 4, 1894

To the Honorable Members  
of the National Council  
of the Muskogee Nation

Gentlemen:

You have been convened in this extra session to consider one of the greatest questions with which the Creek people have ever been confronted. We have reached a period in our history that for the protection and preservation of our property rights, the maintainance of our independence and existence as a free nation, requires at your hands the most patriotic devotion to your common country, and the enactment of such laws

as will have the effect of facilitating the progress of our people in the various industrial pursuits common to our conditions; also such as will bring us more in touch with the progressive ideas, pursuits, laws and usages that characterize the people and civilization with which we are surrounded, and with which we are continually coming in contact. It seems to be the purpose of the government of the United States to bring about an immediate change in the form of government of the several nations of Indians comprising the Indian Territory, and also to change their land tenure from holding in common to allotment and holding in severalty. To accomplish this purpose the federal government has, as you are aware, appointed a commission to visit these several nations, to treat with them and, if possible, obtain their consent to this proposed change in their nationality, property holding, etc.

The members of this commission addressed our people yesterday in mass convention, composed of a large majority of the voters of this nation, on the subject of their mission to us. The address of these commissioners and the propositions they make to our people are in substance as follows:

The government of the United States is of the opinion that the longer existence of the governments in their present form, of the several Indian nations comprising the Indian Territory and their holding in common of these lands and national funds, are incompatible with the laws and policy of the United States. That a recent act of congress created a commission, the members of which were to be appointed by the president of the United States. The purpose of said commission being to visit the several Indian nations of the Indian Territory, treat with them, and if possible obtain their consent to have their lands allotted in severalty, their national funds distributed per capita, and a territorial government created by aid of congress, comprising the five civilized tribes of the Indian Territory, to-wit: The Cherokee, Creek, Seminole, Choctaw and Chickasaw nations. That the governor, the secretary of state, treasurer, auditor and attorney general of said territory shall be appointed by the president of the United States, and also the judges of the superior courts. That the members of the legislature and county offices of same shall be elected by the Indians of said territory, That the Indians and recognized

citizens of the several nations of said territory, shall alone have the right to vote, hold office and participate in the administration of said government. That the lands of said territory shall be non-taxable and non-alienable for a period of twenty-five years. That the government of the United States will defray all the expense of maintaining this territorial government, except such as is incident to the support of the county governments, and this is to be raised by taxing the personal property of all the citizens and residents of said Territory. That it is the policy and purpose of the United States to accomplish the changes here indicated in the governments and property holdings of the Indian tribes comprising the Indian Territory, with the consent and co-operation of said Indian nations respectively, but if said nations through their proper authorities refuse to treat with this commission and aid it in the accomplishing this work in the manner here indicated, the congress of the United States will, by direct legislation in which the Indians of this Territory will have no voice, abolish the tribal governments of the several nations, allot their lands and create a state or territorial government over the country comprised

in the Indian territory. And if this work is left wholly to congress there will be no restraint on the alienation of the lands now belonging to the Indians. The same will be taxable, and all residents of the Indian Territory, whether Indians, whites or blacks, and whether citizens of these several Indian nations or non-citizens thereof, will be given equal right of suffrage.

That this commission can say to these people that if they refuse to treat with them for the accomplishment of these ends at an early day, the same will be speedily brought about by dire legislation of congress, and in a way that will be far less advantageous to the Indians concerned. That they further say that the congress of the United States has power to annul any treaty heretofore made with the Creeks or other Indian nations." That for the consideration of and action on these questions, and for such further legislative action, as in your judgment may be wise and beneficial to our people, you have been called together to convene in extraordinary session. Through your action on the propositions of this commission the Creek people speak to the government of the United States. This action should only be taken by you after a careful and deliberate



consideration of the conditions of our country, its relations to the federal government, and the effect those proposed changes would have on the rights, welfare and prosperity and happiness of our whole people. The Creek people have a government erected by them under the rights guaranteed to them in Act 14 treaty of 1852 with the United States. This government is patterned after the form of the governments of the states of the federal union, and, in conformity with the general nature of the government of the United States. The laws of our nation are all in conformity with the constitution and general laws of the United States. The enforcement of our laws and the administration of justice in our courts are such as preserve peace among and advance our people in intelligence and prosperity, and bring them in touch with the people and civilization of the United States. We have an admirable public school fund ample to keep all the schools of our nation open the greater part of the year; thus providing the means by which every child of our country may obtain a good English education free, Our people are progressing in the various industrial pursuits common to our country, are reasonably prosperous and contented. During the quarter of a century of the existence of our government in its present form the Creeks

have made progress in self-government, are becoming acquainted with the principles of a constitutional republican form of government, and appreciate the elevating and beneficial results secured to a people under such government. We have no houses or farms for the reception and support of paupers at the public expense, and no paupers in our country to be supported by anyone. Our people are peaceable, honest and law-abiding. During the past quarter of a century, under the form of government that we now have, and under laws made by our legislatures and enforced by our courts, the Creek people have advanced in civilization and prosperity from a scattered, disorganized tribe without fixed laws or suited habits of industry to a prosperous country and a nation governed by wise laws. This is the condition of the Creek people today, and it is a condition they have attained under laws and customs of their own making, with what they are familiar, and which they respect and obey. The holding of their lands in common is a custom among the Creeks as old as the history and tradition of the tribe. This custom has been carried with them in all their changes of habitation and practiced by them wherever they dwelt. Under it they have prospered and been happy. The question that confronts our people

and which you, as their legal representatives, must answer, are whether or not the changes in our government and relations proposed by this commission on the part of the United States are desired by the Creeks, and whether or not they will result beneficially or disastrously to them as a whole. Art 9 of the treaty of 1856 between the Creeks and the United States, provides, "That the United States do hereby solemnly agree to bind themselves that no state or territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the 1st and 2nd articles of this agreement shall ever be embraced or included within or annexed to any territory or state, nor shall either or any part of either ever be erected into a territory without the full and free consent of the legislative authority of the tribe owing the same."

Thus you see that it is for you, the legislature of the Creek nation, to say for the Creek people whether or not the proposition of this commission to allot our lands, abandon our tribal government, and consent that a territorial government be erected embracing our country is desired by the Creeks. It is urged by

this commission that the Indians of the five tribes in the Indian Territory are incapable of self government, that their courts are a farce, that their laws favor monopoly and their enactment is incurred by bribery. Yet they say to us that if we will consent to their proposition the territorial government which congress will create in this country shall be governed solely by the Indians of the five tribes, that they alone shall enjoy the right of suffrage and be eligible to hold office, that this court shall have jurisdiction over all residents of the territory, whether Indians or citizens of the United States; that they shall have the right to tax the property of the citizens of the United States resident in the territory to support its government, and in the making and enforcing of the laws of this territory these people will have no voice. Do the Creek people desire such a government. Do they believe that taxation without representation is just? Do they believe that this change will be a blessing to them, or that it will bring about their destruction as a tribe; and nation and prove disastrous to them as individuals?

This commission on the 3rd, inst., addressed two thousand of our people at the capitol of our

nation, most of whom were full blood Creeks, and when at the close their discourse it was asked how many of the audience favored the acceptance of their propositions the entire audience voted in the negative.

But they tell us that congress can with impunity annul a treaty, and if we refuse to accede to their demands our treaties will be swept away by act of congress. Art. 3, of the treaty of 1834 between the Creeks and the United States provides that the United States will patent in fee simple to the Creek people the lands we here occupy, and guarantees that the same shall be ours as long as we shall exist as a nation. Art. 3 of the treaty of 1866 provides that the lands thus conveyed and now occupied by our people, shall be forever set apart as the home of the Creek nation. These treaty provisions are based upon a consideration that passed from the Creek people to the United States. We have a patent to this country and the United States have received full consideration therefor, and a part of the consideration received for the lands surrendered by us east of the Mississippi was the guarantee that we should have, as well as the fee in our lands here, the right to hold the same in accordance with the customs and usages of our people. Congress can with

just as much consistency and justice, say that our patent to this country is null and void as it can say that it will, without the consent of our legislature, change our manner of holding the same and erect over us a territorial form of government.

Having pointed out to you gentlemen of the national council the situation as I see it, and the dangers that confront us, it is my further duty to indicate to you the character of legislation that, in my judgment, will have a tendency to avert these dangers and protect our people in the possession of their homes, this country, their preservation as an independent nation, and insure the continuation of their government. I suggest that, in my judgment, it would be wise to enact a law giving the courts of our country jurisdiction over controversies relative to property and property rights acquired or claimed by citizens of the United States who have intermarried with citizens of our nation, and who, under the rights and advantages secured to them under our laws by reason of such marriages have acquired property and property rights in our nation. I believe it would be wise to enact a law under which children of citizens of the United States lawfully residing among us may, by paying

a reasonable tuition, attend our public schools.

Such a law would remove a great deal of prejudice now existing among this class of people against our government and would inspire them with a more friendly feeling toward us.

If, in your judgment, it would not be for the the best interest of our people to now accept the propositions made to us by this commission heretofere referred to, I submit to you that, in my judgment, it would be wise and expedient at this time to enact such laws as will enable your executive to take the necessary steps to have the legal rights secured to our people under the patent conveying to us the title to the soil of this country, and under our several treaties with the federal government, present and urge before the proper tribunals of the United States, the congress thereof and its proper committees. This step seems wise to me just now in view of the fact that this commission has told us that upon our refusal to treat with them the congress of the United States will pass or attempt to pass a law which will destroy our tribal government, and that this will be done irrespective of treaties and legal rights secured to us under the same, and under the patent to our country. It therefore

seems to me that the hope of maintaining our present autonomy, rights and usages depends on our being ever ready to assert and defend from a legal standpoint the rights and privileges secured to us in the manner above stated.

There are other questions along this line that I will during this special session submit to your consideration in a special message which will also embrace the report of the committee of this nation which represented our people in the joint convention of the five tribes of the Indian Territory held at Checotah Feb. 19, 1894, to consider the same proposition made by this commission that are now submitted to you.

Realizing the gravity of the situation and the dangers that now confront us, I beg of you a careful and deliberate consideration of the questions to which your attention is herein called.

Trusting in your wisdom and patriotism, the justice of the great government of the United States and the mercy and guidance of an all wise providence to preserve the rights and liberties of our people, I respectfully submit the foregoing for your consideration.

L. C. PERRYMAN

Principal Chief, M. N.



Preamble and resolutions adopted by the council of the Muskogee Nation, in answer to the proposition of the United States Commission.

Whereas, The Congress of the United States by act of March 3rd, 1893, provided a commission of three persons to visit the Five Civilized Tribes of the Indian Territory, namely; the Cherokees, Creeks, Choctaws, Chickasaws and the Seminoles, and negotiate with them for a change in their system of government and land tenure, and

Whereas, In pursuance of said act the President of the United States did appoint as members of said commission, Ex-Senator Dawes, Maj. Kidd and Capt. McKennon, and,

Whereas, By agreement between L. C. Perryman, Principal Chief of the Muskogee Nation, and the said United States Commissioners, a convention of all the people of the Muskogee Nation was held at Okmulgee, the capitol of the Muskogee Nation, the 3rd day of April, 1894, and,

Whereas, The said United States Commission did then and there, in a public address to the people, which was duly interpreted and explained, declare the purpose and policy of the United States government to be

to change our system of government and land tenure from tribal to one general territorial government and the allotment and holding of our lands in severalty, and,

Whereas, The said convention of the Muskogee people, after a careful and patient hearing of the propositions of the United States Commission did by a unanimous vote declare their dissent and unwillingness to embrace the same,,and,

Whereas, The principal chief did call a convention of the national council in extraordinary session, and in his official communication thereto advised that said body give such expression to its sense touching the matters and things proposed by the said United States Commission, Therefore,

Be it resolved by the National Council of the Muskogee Nation -- That it is the sense of this body that so radical a change in our land policy and political relations with the United States, as is contemplated in the act of congress of March 3d, 1893, and the terms and conditions of such changes as have been proposed thereunder by Commissioners H. L. Dawes, Meridith H. Kidd and Archibald F. McKennon are incompatible with the best interests of the Muskogee people. We are thereby

invited to ignore all the noblest instincts by which a self respecting and self governing people are inspired in the struggle for a higher and better condition, to abandon our institutions and traditions, the outgrowth of centuries, under which the problem of self-government has been successfully maintained, and a credible degree of civilization attained, comparing favorably with our advanced environments, to abandon our present system of land tenure in common under which we have successfully averted the multifarious ills and evils attending the appropriation and individualization of lands, which appears to be effectually reducing the great masses of the people of the United States to a condition of pauperism and discontent. In exchange for this what are we offered? A territorial form of government, the chief administrative and judicial officers of which will be aliens appointed by the president and who, it is reasonable to presume, will not be in sympathy with the best interests of our people, owing no responsibility to them.

Under these circumstances we cannot but regard these propositions with distrust and apprehension.

The allotment of lands in severalty to Indians

and subjecting them to the practical operations of a territorial form of government can be abundantly proven to have resulted in almost universal failure, working disaster and ruin to those for whose betterment it was instituted.

Be it Further Resolved, That we invite the fullest investigation of the condition of our people, the working of our school system, the administration of our laws, the development of our agricultural, stock-growing and other industrial pursuits, believing it will convince all fair-minded persons that none of the changes proposed by the commissioners are necessary to the advancement of our people, but on the contrary will disturb, paralyze and arrest a happy state of advancement that at present characterizes the condition of our people.

Be it further resolved, That we hereby declare that the charges made to the commissioners as published in their address at Muskogee, against the people of the five civilized nations, that a system of land monopoly, corruption and lawlessness prevails and cannot longer be endured are almost wholly false. We declare further, that justice is as measurably meted out to our people under their present government, and that there is as

great a measure of probity among our public officers and people as can be claimed by any of the states contiguous to us. It is abundantly susceptible of proof that no permanent monopoly of lands has ever been fostered upon our country and people except railroad corporations, which have been and are the creations of congress. The Muskogees are not accountable for the influx and domicile in their country of citizens of the United States. Finding the means of obtaining subsistence here better and more effective than in their own state they came here to better their condition. They found here a broader humanity, a more remunerative field for labor among the so-called land baron of the states where the growth of corporations and monopoly are rapidly appropriating in perpetuity the land which is the foundation of all wealth, the heritage of man and the only source from which sustenance can be drawn, and each should have equal access to it.

We declare that our history will show that we are not averse to necessary changes or advances in our governmental and economic affairs, as the behests of the growing enlightenment of our people may from time to time demand. But it is evident to the commonest

reason that if temporary monopolies must be an unmitigated and irremediable evil, and we cannot consent to the experiment of curing a temporary evil by the adoption of a permanent evil.

We admire the rugged candor and zeal of the commissioners which marked their presentation of their proposition, which, however, impresses us as unreasonable, impracticable, and as illusory as the dreams of Utopia. Better could the zeal and energy of the commissioners have been applied in efforts at a solution of the land and monopoly problem, the grinding force of which is producing unrest, discontent and poverty among the honest yeomanry and suffering classes of their own people rather than to be a happy and wealthy people who invite no aid or assistance other than those already assured in the pledges of the United States government.

Be it Resolved Further, Than in conclusion we declare an abiding faith in the ultimate supremacy of right and justice, and we appeal to that high sense of justice as voiced by the honored president of the United States touching the Hawaiian controversy which we believe was responsive to the transcendent principle of right and justice resident in the consciousness of

the great American people. That we believe they will keep their treaties, respect our weakness, render encouragement and strengthen our hand in this supreme effort we are making for the survival of our race.

Passed by National Council and Approved April 7th, 1894.

L. C. PERRYMAN

Principal Chief, M. N.