

THE CHIEFTAIN

For the cause that lacks assistance,
For the wrong that needs resistance,
For the future in the distance,
And the good that we can do.

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ROBERT L. OWENS,
AND
WM. HOLLINGSWORTH, Editors.

VINITA, I. T., JAN., 19, 1883.

UNITED STATES SENATORS are to be chosen in fifteen States before the end of the month.

The Standard Oil Company, the towering monopoly of the United States, turned its attention to pasturing in the Indian Territory, and by planting red men on quarter sections and taking leases from them secured temporary possession of 2,000,000 acres, and placed barb wire fences around it. But Secretary Teller refuses to approve of the dicker.

Lo, the poor Indian is not melting away before the advance of the white man's civilization and whisky so rapidly as the Eastern poets have sung. The census statistics show that there are 281,851 of him in the United States, exclusive of Dakota, and that the increase of Indian population averages 1,000 a year. Overwork is not getting away with the aborigine.—*Hartford Call.*

Senate Bill No. 30.

An Act in relation to towns on the line of railroads passing through the Cherokee Nation and Tahlequah and Fort Gibson included.

WHEREAS, The National Council did by an act approved Dec. 14th, 1870, authorize the surveying and laying out of towns upon the lines of railroads, passing through the Cherokee Nation under the treaty of 1866, and

WHEREAS, certain towns to-wit: Downingville and Chotena on the Missouri, Kansas & Texas Railroad and Rossville on the Atlantic & Pacific Railroad, were surveyed and laid out and lots in the same were sold under the provision of said Act, and

WHEREAS, the records in whole or in part of said sales are lost and there has been sold under said Acts, lots for which final and full payment, have not been made in consequence of the loss of said records,

Therefore, Be it enacted by the National Council; That the Principal Chief be, and he is hereby authorized and required to appoint three Commissioners, whose duties shall be in addition to those already required by the Act of the National Council of Dec. 14th, 1870, to collect and report to the Principal Chief all sales of lots made in said towns together with the amount or amounts of payments made upon each lot so sold with the name of the persons purchasing the same and the Principal Chief is hereby directed to record in a book to be kept in the Executive Office all such reports, and further in a book to be styled and called "Register of sales of town lots in the Cherokee Nation," in which register shall be recorded the number of the lot, the number of the stock, the name of the town in which situated, together with size of the lot, amount sold for, date of sale, amount paid and amount due, and the name of the purchaser, and upon all sales of lots upon which partial payments have been made citizens holding original certificates of purchase shall make final and full payment according to the showing of such certificates of purchase within six months from the passage of this Act, otherwise such lots shall revert to the Cherokee Nation and such certificates of purchase shall be void. Provided: That the Commissioners herein provided for shall publish in the Cherokee Advocate for at least sixty days before the expiration of the said six months. The number and location of all such lots, together with the name of the original purchaser, the name of the town in which they are located, and date of the sale of the same.

Be it further enacted, That said Commissioners shall have the authority to sell additional lots in said towns under said Act of Dec. 14th, 1870, and to survey and lay out such other towns as they may deem necessary and to sell lots in the same and surveys of towns and sales of lots in the same shall be reported to the Principal Chief. Provided, that all reports herein provided for shall be made on the first day of January and the first day of July of each year.

Be it further enacted, That said Commissioners shall receive a compensation of four dollars for each day actually served in performance of the duties herein provided for—and the Principal Chief is hereby authorized and directed upon the report to him by said

Commissioners that the object and purposes of the law authorizing the survey of towns on the lines of railroads passing through the Cherokee Nation under the treaty of 1866 were defeated and obstructed by the intrusion of citizens upon and within the limits of such surveys, or any one of them contrary to the objects thereof and of the law authorizing the same to employ the power and authority vested by the Constitution in the Executive Department to remove any and all obstructions so reported by said Commissioner. Provided, any citizen who may consider himself aggrieved or injured by such action of the Principal Chief done in compliance with the recommendations of the Commissioners above provided for shall have the right to appear to the proper courts for remedy according to the law for such claims and causes provided. And all laws or parts of laws conflicting with this Act are hereby repealed.

Be it further enacted, That no buildings of any kind shall be located or constructed on land set apart for Railroad purposes at Stations under the treaty of 1866, by a citizen of said Nation or U. S. citizen only for Railroad purposes. Dec. 1st, 1882.

D. B. HICKS, ROACH YOUNG,
Clerk of Senate. Pres. of Senate
Concurred in by Council Dec. 5th, 1882.

JOHN SEVERN,
A. H. NONWOOD, Speaker Council
Clerk Council.

Approved Dec. 5th, 1882.
D. W. BUSHYHEAD,
Principal Chief.

The above law is one of much concern to the citizens of Vinita, Prairie City, Pryors Creek, Choleau, Gibson and Tahlequah and also to those who have purchased lots in any of these towns. It should be perused carefully. It will be seen that those holding certificates of purchase will be given six months in which to complete the partial payments thereon and in case of failure the certificates of purchase are forfeited and void. The commission of three will have authority to make additional sales in towns already located and to lay out (and sell lots in) such other towns as may seem to them necessary, reporting to the Principal Chief July 1st.

And it is generally held that the Principal Chief is authorized to remove any obstructions on the Railroad's right of way, which may be reported to him by the commission. The law is not very well worded for (in the first place) it does not make it imperative on the commissioners to make such reports to the Chief although the spirit of the law would plainly require the commission to do so. Again the commission must report that the objects and purposes of the former law authorizing the survey of towns on the lines of the Railroads were defeated and obstructed by the intrusion of citizens upon and within the limits of such surveys or any one of them contrary to the objects thereof and of the law authorizing the same.

Now one notorious purpose of this law was to move all buildings from the Railroad reserve except those used strictly for Railroad purposes, yet the wording would indicate that the objectionable intrusion was on former town surveys and not on the Railroad lands at all. The term "such surveys" by ordinary construction would refer to antecedent surveys and since in this case, only those of towns were mentioned, the term could strictly apply to the town surveys only. If then the only intrusion to be reported is the intrusion on town surveys, there will be no report on Railroad land intrusion and no expiation upon such reports. The commissioners could however combine that the objects and purposes of the former law authorizing the survey of towns were defeated by the use of Railroad lands for town purposes. That the buyers from the Nation who expected that the Railroad land would be used for Railroad purposes only are injured to the extent that the trade and occupation is diverted from the only lands which can be lawfully used, to-wit: the town lands. They may plead that the treaty gives the Railroad certain land and that the treaty is being violated by citizens who use the land, that the law surveying areas, contemplated the treaty and that the purchaser of town lots has a right to demand as a part of his contract of purchase that all business apart from Railroad business be transacted on lands thus bought. However this may be the Railroad's under the treaty of 1866 and their charters have the right to 200 feet on each side of the track at stations and if they need lands for their business, they have the right to file plat, show obstructions and call on the Chief to remove those intruding. We understand this has been done but would not state it as a fact.

If the purpose of this law was to move all intruders from Railroad

lands it should have been so worded as to avoid the possibility of misconstruction. It seems, however, to be generally conceded that the bill was for this purpose partly and that it covers the case.

FROM TAHLEQUAH.

EDUCATORS CHIEFTAIN—Now that our National Schools are suspended for the winter vacation, it may be well to offer a few considerations on the aim and capabilities of our Educational Establishments. And surely no question can be of greater moment than the training of our boys and girls, and amidst the din and clatter of all that has been said and repeated about the wire fencing, the pasturage and the cattle west of 90°, we must not forget that we have interests of a far higher order east of 90°, that schools are more important than cow-sheds, and children better cattle. It is hard to believe that the Cherokees realize the magnitude of the interests at stake in the question of the Public Schools. If we may judge from the legislation of the National Council it would seem that our Representatives at any rate entertained no very exalted ideas of the dignity and transcendent importance of Education.

According to the decision of the recent Council, efficiency would be the deadliest enemy of the High Schools. We will explain this statement clearly. A law has been passed by which the Principal Chief is directed to close the schools summarily if the limit of the appropriation be reached. It must be borne in mind that the appropriation allows for no increase in the number of the students. The Council supposes that there will be one hundred students at the Male Seminary, and it appropriates accordingly. Now should the school win its way to the confidence and hearts of the Nation by its efficient teaching and satisfactory discipline, and should a hundred and fifty students seek an education in the only National High School open to them, the Principal Chief would have to close the doors at about mid way through the term. Let us take a particular case by way of illustration. We will suppose that a citizen of this Nation had enclosed a large pasturage west of 90°, capable of raising two thousand head of cattle. He advertised his pasturage and invited cattle owners to place their stock on his land at a moderate price. At the outset he reckoned on receiving not more than one thousand heads, and he hired hands sufficient for that number. To his astonishment however things prospered beyond anticipation, two thousand cows were driven into his enclosure, instead of a hundred or two, and he was obliged to increase his hands to meet this unexpected for prospect. He summarily closed the whole thing, dismissed his help, drove out the cattle and thought he had done a smart thing and died poor. Our readers will smile and think us trifling, but do they not know that others smile at us and think that we trifle with serious things, when they see us pass such childish diphthong laws? How many a smile stole across a Kansas face, to know that the Cherokee had made the continuation of their High School conditional upon their captivities, or at any rate upon their not having one-half the number of students they could easily accommodate? The Nation will never be true to itself until it realizes that the glory of its present and hope of its future lie in the brightness of the education of its children. The prosperity of our schools must be placed above the squabbles of factional politicians. In order that we may perform our share in the work of laying this vital question before the Public, we propose to submit a series of articles on the subject of Education.

DEDICATION OF WORCESTER ACADEMY.

EDUCATORS CHIEFTAIN—Having been invited by Professor J. W. Scroggs, Principal of Worcester Academy, to take part in the Dedication Exercises on last Sabbath at 11 o'clock, a. m., please allow a stranger to give his impressions concerning the affair. First, the building is a new structure, 40 feet square, and 3 stories high on a good stone foundation. Hall—Lectures, Kindergarten and music rooms on first floor. General Collection and Primary rooms on second floor. The third floor is not yet in use.

Second, How came this building? Owing to Prof. Scroggs' efficiency as a teacher in the past two years in this town, several of the Cherokee citizens decided to increase the educational privileges of the more advanced scholars in this part of the Territory. And with that view organized a Board of Directors. Who in turn chose Mr. A. P. Goodykoots, President; G. W. Green, Treasurer; R. W. Timberlake, Secretary, and proceeded at once to place funds at disposal of building an Academy in which to carry forward this grand work. In the meantime the Rev. Dr. Harwood, of St. Louis, was invited to visit the religious work of the American Board of Missions, at this place, and seeing such a live interest taken by the citizens of the Nation in the education of the youth of the land, promised to bring the work before those outside of the Cherokee country, and ask their assistance in meeting the necessary expenses of the present and future buildings and improvements. Although the reading of the Treasurers report showed urgent need of funds to further prosecute this work. Yet considering the zeal and earnestness of the Board of Managers with the refined and scholarly ability of Prof. Scroggs, assisted by Miss Ada Durham, of Springfield, Mo., Miss Webb, of Louisiana, and Miss McFair, of Cadde, I. T., all thought of gentleness was entirely banished from my mind.

Professor Brown, of Deuby College, made an excellent address, full of good news to those laboring in new fields, showing briefly the grand outgrowth from such labors in the past generation east of the Mississippi River. Prof. Archer, of Claiborne, I. T., gave reminiscences of Rev. Dr. Worcester, one of the "old time" Missourians amongst the Cherokees, which added much to the interest of the occasion. As the closing hymn, "All Hail the Power of Jesus Name" sang out in chorus many hearts could say, this is a good day for this People.

I am very respectfully,
JOHN H. WALKER.

Henry T. Walker,

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