



SATURDAY, NOV. 9

AT BADGETT'S.

SATURDAY, NOV. 9

On Saturday, November 9th, 1901, we will begin the greatest sale of good merchandise ever held in Vinita.

It's a big slaughter sale

It's a cash sale. It's a clearing up sale of all the short lengths, odds and ends and remnants . . . . .

in the various departments of our big store, but in order to make it interesting for the trade and warm for our competitors we will add a great many articles from our regular stock. We mean to make this sale of such absorbing interest to consumers that they will travel many miles to get the benefit of the low prices which we will make during this sale. Every department of our big store will be well represented in this sale. Don't fail to see the big bargains we will offer in Dry Goods, Dress Goods, Millinery, Cloaks and Suits for ladies and children, Notions, Underwear, Hosiery, Clothing, Hats, Shirts, Overalls, Boot, Shoes and underwear for men and boys. We will also have a general shake up in our grocery department and for a week and a day we will sell all the groceries sold in Vinita. Remember the dates—Saturday, Nov. 9th, to Saturday, Nov. 16th.

BADGETT MERCANTILE

COMPANY

Watch Next Week's Papers for Prices.

The Good Goods Store

STRIKES HOME.

Courts Decision Causes Consternation in The Freedmen Camp.

WILL OPEN COURTS

To Hearing of Freedmen Cases and Allow Attorneys for Cherokee Nation to Disclose The Ring of Black Perjurers.

The decision of Judge Gill, handed down at Muskogee Saturday, in which he asserts jurisdiction over the Dawes Commission, is accepted by those conversant with the modus operandi employed by the fraudulent freedmen claimants as the entering wedge that will ultimately result in the eradication of every perjurer bought name from the rolls. It will open the courts to the Cherokee nation, for the hearing of the claims, and will cast the shadow of the penitentiary close to the witness stand.

That this is fully recognized by the freedmen themselves, is evidenced by the consternation that reigns amongst them since the ruling of the court became known.

The full text of the important opinion is as follows:

"This action is brought for the purpose of restraining the Dawes Commission and its members from receiving and making a record of applications of certain persons claiming to be entitled to enrollment as Cherokee Freedmen, and alleging that said commission is proceeding in violation of law to receive, consider and make a record of the applications of persons not contemplated by the decree of the court of claims, known as the 'Whitmore Decree,' made and entered by the court of claims on the 3rd day of February, 1896.

The plaintiffs allege that as to certain persons named therein that such persons are not citizens of the Cherokee nation nor entitled to be enrolled as such, nor entitled to share in any way in the allotment of the lands of the Cherokee nation, and that such commission, contrary to said decree, and contrary to law, and without being governed by the roll known as the

'Wallace Roll of 1880,' were passed upon the applications of persons in no wise contemplated by said decree or appearing upon said roll originally, or as descendants of persons upon said roll and that said commission were proceeding to receive, consider and make a record of applications, being intermarried citizens of Cherokee Freedmen who were never in any way, by law or otherwise, recognized as Cherokee Freedmen or citizens. That the said commission is without jurisdiction and authority to hear and determine such applications, and that such actions on the part of said commission were, and are, wholly without warrant of law, and that such commission without warrant of law and without jurisdiction or authority, propose to continue to receive, consider and make a record of applications of persons not on said roll of 1880, and persons intermarried with Cherokee Freedmen, and that great and irreparable injury will thereby result to the complainant, and to all members of the Cherokee tribe of Indians in this; that such unauthorized persons would be permitted to share equally with the citizens of the said nation, in the allotment of the lands of said nation and in the distribution of the moneys and other property of said nation, and that the orators are wholly without remedy at law, and that a great wrong and irreparable injury will result to the orators and to all members of the Cherokee tribe of Indians in the diminution of the prospective allotments of land, and of the respective shares of the money and other property of such tribe of Indians, and praying that an injunction be granted restraining and enjoining said commission in the matter of hearing and determining applications made by persons except in strict compliance with the said decree of the Court of Claims of the United States, and for a provisional injunction restraining and enjoining such acts of said commission, and other and further relief, and praying further that the names of free colored persons not entitled to citizenship in the Cherokee nation, which have been enrolled by respondents as such citizens, be stricken from the rolls of citizenship of said nation.

and the Cherokee nation is ordered stricken from this action as an original party plaintiff, to which action of the court said nation and the plaintiffs except. And thereupon the defendant's filed their motion to require the plaintiffs to separately number and state the cause of actions in said complaint, which motion of the defendants is disallowed and refused and overruled, to which action of the court the defendants except. And thereupon comes on to be heard the demurrer of defendants on the ground that there is a defect of parties defendant in the action, and in that, to wit, the said defendants are not the real parties in interest, and that said real parties in interest are the Cherokee Freedmen referred to in said complaint, which demurrer is overruled by the court for the reason that these individuals claiming rights of citizenship in the Cherokee nation have special interests likely to be interfered with in this action, and desire to intervene and appear specially to protect their supposed rights, that they should make application to the court therefor, it appearing from the complaint that they are a very numerous body, and the complaint in no wise directly attacks their interests; and it is unnecessary for the purpose of this action to determine their rights, as the determination of such matter is by statute vested in the Secretary of the Interior. To which ruling of the court the defendants excepted.

And said cause being, at the same time, submitted to said court and further and different demurrer to the complaint upon the part of the defendants, is argued by counsel and considered by the court, being of the opinion that the plaintiffs, as citizens of the tribe, have such special and personal interest in the subject matter of the action as to have full legal capacity to sue and restrain illegal actions on the part of said Dawes Commission.

The second ground of demurrer is that this court has no jurisdiction of the subject matter set forth in said complaint. The allegations of the complaint show that the Dawes Commission is charged to be a statutory body having certain statutory duties imposed upon it, and further alleges that said Commission in violation is proceeding to do certain things which affect each individual member of the Cherokee nation; by lessening the interest of each individual

member of the nation in the property of the nation, real and personal. It is certainly true that this court is without jurisdiction to enjoin any of the executive departments of the United States where said departments have reposed in them certain duties to perform, and except where the said Dawes Commission, or the persons composing it, are acting in direct violation of the statutory duties, and transcending the powers conferred upon it and thereby statute, this court would have no jurisdiction whatever to interfere with the act or acts of such commission or its members. But, if the members of said Commission are proceeding in violation of law and the statutory duties imposed, and in the manner alleged in the complaint, or without authority of law and contrary to law, to 'receive consider' and make record of applications of persons for enrollment as members of any tribe in the Indian territory who have not been recognized citizens thereof, and duly and lawfully enrolled or admitted as such," then such act or acts are so diametrically in opposition to the act of May 31st, 1900, that this court has jurisdiction to restrain said commission and its members from such violation of law; and the allegations of the complaint state in unvarnished terms that said commission is now proceeding to make a roll of the citizens of the Cherokee nation for the purpose of ascertaining who are entitled to share in the allotment of the lands of said nation and that in proceeding to make such roll, they are receiving, considering and making a record of intermarried freedmen and other persons who do not appear upon any roll of citizens of said nation, or upon the authenticated roll of 1880, or in compliance with the decree of the court of claims, and the act of May 31, 1900.

That on the 31st day of May, 1900, congress passed an act making an appropriation for the Indian department, which contained the following clause: "That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final

when approved by the secretary of the interior." It seems from a study of the foregoing statute that the Dawes Commission and its members, can only make a record of such citizens of the Cherokee nation and such Cherokee freedmen as have been at some time on one of the rolls of the Cherokee nation, approved by the Secretary of the Interior, together with their descendants, or such as are recognized citizens, and if an applicant does not appear upon some such roll which is the matter to be considered and determined by said commission, then such applicant is to be refused place upon said record, and the refusal becomes final by the action of the Secretary of the Interior.

The demurrer of the defendants for the purposes of this decision, admits the allegations charged in the complaint. Whether these allegations be true or not, the court is unable to say, but if they be true then said commission is proceeding to act in plain violation of law, and said complaint states facts sufficient to constitute a cause of action, and this court has jurisdiction to restrain the alleged illegal acts of said Dawes Commission and its members and to require it and them to come in and make answer, and show to the court the truth as to whether or not they are proceeding in accordance with the prescriptions of the law. The court is of opinion that said demurrer of the defendants should be overruled and that a temporary restraining order should issue to said Dawes Commission and its members restraining it and them from proceeding otherwise than as the law directs, in the reception, consideration and making a record of the applications of persons for enrollment of the Cherokee tribe of Indians who have not been recognized as citizens of said nation, and duly and lawfully enrolled or admitted as such. To which ruling of the court the defendants excepted.

And said cause on said day coming on for hearing on the petition of the Cherokee nation to be made a party herein, and the court being of the opinion that the interests and rights of the Cherokee nation itself are involved in the final determination of this section, do order and require that the said nation shall intervene as a party in this action, and that summons issue against said nation as required by law to that end. To which ruling and order of the court the defendants except.

SUIT IS FILED.

Cherokee Attorney's Begin Injunction Proceedings Against Hitchcock.

COURT HAS ORDERED

The Secretary to Show Cause By October 31st, Why The Injunction Should Not be Granted, and The Big Battle is On.

Proceedings in Equity were instituted by the attorneys of the Cherokee nation in Washington yesterday to enjoin Secretary Hitchcock and other officials of the Interior Department from granting leases of the national lands for mining purposes to the Cherokee Oil and Gas company.

The action was brought in the names of Chief Buffington, Jos. H. Lahay, J. R. McIntosh and Henry C. Meigs, as the representatives of the Cherokee nation.

The petition cites the application of the company for a renewal of lease on valuable oil lands in the nation, and alleges that the granting of the same would be in utter disregard of the treaties and patent of the United States guaranteeing the Cherokee 7,000,000 acres and the right of exclusive occupancy.

It asks that Secretary Hitchcock and all other government representatives concerned be restrained by injunction from proceeding further in the matter of granting any applications whatever, or any part of them for mining leases, and commanding them to refrain especially from granting the application of the Cherokee Oil and Gas company, which the Cherokee say calls for a lease of fifteen years. It says that these leases would cause a multiplicity of suits and would cloud the title of Cherokee to their lands. Temporary injunction is asked pending the hearing of the charge and a perpetual injunction.

The court issued an order for Secretary Hitchcock to show cause by Oct. 31, why the injunction should not be granted.

STUDYING STATEHOOD.

Frank C. Churchill Collecting Data For Guidance of Interior Department.

STRUCK BY LIGHTNING.

Residence of A. R. Breker Destroyed by a Bolt This Morning.

Under directions from the Interior Department, Special Agent Frank C. Churchill is in Oklahoma gathering information on the advisability of a union of the twin territories in single statehood, which will be embodied in a report to be submitted in the near future to Secretary Hitchcock.

His immediate work is to devise a plan for the organization of the Indian territory into counties of the proposed state.

In conference with Delegate Dennis T. Flynn, of Oklahoma, the latter expressed his endorsement of the scheme, provided the county seats were located on the railroads.

Mr. Churchill will render his report in time for the department to act on it before the convening of Congress.

During the electrical storm Saturday a bolt of lightning struck the chimney of the residence of A. R. Breker, in the east side of town, and scattering the bricks, took its scorching course downward through the house.

There were present in the house, Miss Pauline Carseloway and Mr. Breker's children, all of whom were stunned by the terrific shock, but escaped serious injury.

The house was only slightly damaged and besides the dismantled chimney and a narrow, charred strip on the wood-work, followed by the bolt, no damage was done. A strong odor of sulphur was noticeable for several hours and was a most unpleasant reminder of the unwelcome visitation.

We tell no secrets. It's an open secret that Hunt's lightning oil cures everything except broken hearts and softening at the brain. 25 and 50 cts.

Mrs. Balentine...

wishes to call your attention to the nice fresh Groceries and Vegetables

which she has in stock—canned goods, dried fruits, spices of all kinds, best apple vinegar. Also call your attention to the nice Christmas presents I have displayed in my window. It will be an easy way to secure your holiday presents and get your groceries at the same time.

COME SEE ME, I WILL APPRECIATE YOUR PATRONAGE.

OLIVER BAGBY, Pres. J. O. HALL, V-Pres. W. P. PHILLIPS, Cashier.

First National Bank,

VINITA, INDIAN TERRITORY.

CAPITAL, \$100,000. SURPLUS, \$20,000. Oldest and Strongest National Bank in the Cherokee Nation.

DIRECTORS. OLIVER BAGBY, R. F. FORTNER, E. S. FRAYSER, A. L. CHURCHILL, W. H. KORNEGAY, W. A. GRAHAM, J. O. HALL, G. W. CLARK, W. E. HALSELL.

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Ed Rose, Jeweler and Optician, Raymond Building.