

JOURNAL
OF THE
SIXTH ANNUAL SESSION
OF THE
GENERAL COUNCIL
OF THE
Indian Territory,

COMPOSED OF

DELEGATES DULY ELECTED FROM THE INDIAN TRIBES LEGALLY RESIDENT
THEREIN,

ASSEMBLED IN COUNCIL

AT OKMULGEE, INDIAN TERRITORY,

FROM THE 3D TO THE 15TH (INCLUSIVE) OF MAY, 1875.

Under the Provisions of the Twelfth Article of the Treaty made and concluded at the City
of Washington in the year 1866, between the United States and the Cherokee Nation,
and similar Treaties between the United States and the Choctaw and
Chickasaw, Muscogee and Seminole Tribes of Indians,
of same date.

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ple. In conclusion, I pronounce the above report, in as far as it relates to the Pawnees, to be untruthful.

On motion the Council adjourned until Monday, May 10th, at 6 o'clock A. M.

May 10, 1875.

Council met pursuant to adjournment. Prayer was offered by C. McIntosh, chaplain. The roll was called, showing a quorum present. Saturday's proceedings were read and adopted.

In the absence of reports from committees, the Council was addressed by the following gentlemen, viz: George Washington, (Caddo); Chesta-da-dessa, (Wichitas); Yellow Bear, (Arapahoe); Joe Sells, colored, (Creek):

BY GEORGE WASHINGTON, OF THE CADDOS.

Friends and Brothers: I took hold of the white man's road first, and I told the Caddos to go to work and not wait on the agent, like the other Indians on the Washita, to do something for them, but to help themselves. They did so, and have a start. They do not starve. They have cows, hogs, chickens, ponies, and a few have wagons. They are making a living for their children. They do not wait for the agent to do something for them. They do not wait for the agent to plow for them. They wait for nothing. What they have to do, they do it. Young men work on the farms, and the women cook and do the house work. They have the best start of any of the Indians on the Washita. They raise gardens. I do not number the acres of cultivated farms under fence. Have hewed log houses. I do not make my agricultural report till I see my people on the Canadian. Then I can make a true report, next year. I do not like to guess. The Caddos on the Canadian cook in stoves. They sell cows, hogs, and chickens, for money

to buy such things as they need. The wife makes butter and cheese to sell with eggs. The Caddos have quit eating on the floor. They have tables and chairs. They wear citizen clothes, quit blankets. They think it best to settle and improve. We want a deed for our reservation, that our places may go to our children, when the old people are gone. We do not want the land to be taken from our children.

BY CHESTADADESSA, OF THE WICHITAS.

I am glad to meet you all in council to-day, and to hear the different tribes tell of the steady progress they are making in the new way in which we are all trying to live. I am glad to hear how well the Osages and Kaws are doing, and hope that at the next Council they may be able to tell of still greater improvements. Brothers, I am sorry that I am not able to give as cheering an account from the Wichitas. We have met with misfortunes and have suffered a great deal since the last Council. This trouble and suffering was caused by the Kiowas and Comanches camping near our village, and by their bad conduct involving themselves in a war with the United States troops. Many innocent persons were killed, and my people, fearing they would be involved in the war, fled from their homes, in their haste and excitement abandoning all their property but their horses. The Kiowas plundered our village, robbed us of all that we had, burnt our school house, destroyed our crops that we had gathered and laid by for winter use; in a few hours destroying all the results of our summer's work. We received word that the Government had forwarded provisions for our winter supply, and although we were told repeatedly they were coming, they never came. To make matters worse, the Pawnees from Nebraska, to the number of about 2000, moved into our country and settled near the Agency. Our situation was bad enough before, but with these hungry people added to our number, our situation became deplorable, and much suffering ensued. When the war commenced between the Kiowas and Comanches and the United States troops, General Davidson, the

officer in command at Fort Sill, called on my people to furnish him guides and scouts, from our young men, to assist the troops in finding and punishing the hostile Indians. After the treatment our people had received at the hands of the Kiowas, our young men were very willing to take the war path against the Kiowas. About fifty of our men were enlisted, and some of them continued to serve until the last Kiowa was forced into Fort Sill. Our young men were treated very kindly by the soldiers, and the subsistence derived from the military at Fort Sill, was a great help to us in getting through the dreary winter that has just passed.

Brothers, I am glad to say to you that all is not so dark with us as the story of our troubles and losses that I have just told you. We have a good school at the agency and send all our children that can be taken care of. There are in all nearly 100 scholars; they are improving fast, many of them can read and write and are fast learning to talk the language of the white people. We want more school houses. Our agent is building an addition to our school house, which, when completed will accommodate sixty more scholars. He has sent his wagons to the railroad for lumber to build this house. Before leaving home to attend the Council, our people had prepared and planted a great deal of ground. About fifty of our young men helped to do the plowing, and I think this year we will realize something for our labor; and we are confident that the Kiowas have learned something this time they will not forget. I thank you brothers, for the good advice and counsel I have heard here. I will carry your words to my people. It will strengthen their hearts and arms, and encourage them to still greater efforts; and I hope I will be able at the next Council to report greater progress on the part of my people.

BY YELLOW BEAR, OF THE ARAPAHOES.

Seven years ago I quit fighting. I was in Washington, and heard a good talk, and I have it in my mind. I will keep the good talk of my red brothers

who are in this Council, and talk it to all of my young men and young women.

The Superintendent and agent told me to settle and plant corn. I am going to do so. When I get back home, I am going to have my children put in the school. I will find good land, good water, and good timber, somewhere up and down the North Fork river, and there make my home. I will keep my children at school till they can read, write and understand the English language. I will buy cattle, hogs and chickens. I want to do as the Cherokee, Creek, Choctaw, Seminole, and all my wealthy and educated red brothers. Agent Miles has treated the Indians well, and very kindly, and I have made peace with all the red brothers of the plains. I want John Purcell for an interpreter, so that we can understand the agent and other men. I do not want the women to pack wood on their shoulders, so I would like to get wagons. I want to settle down. I will stop hunting. I will plant and do as my brothers of the Indian nations. I think the Indian war is over and think it no use to keep troops at the agency. The Indians would be satisfied to see the soldiers march away, in order to settle themselves. My heart feels good to see my brothers planting and building and raising stock. I will do the same, and hope to come back next spring. I am glad affairs are such that all are at peace, and can now go to work.

I will give the talk of my brothers to all of my people and children for them to remember and not to forget. If I die my children will remember the talk. I think the talk will do good. Plant corn, raise children, no more war. I want somebody to learn me to plant corn, and I will know how to do so. White men steal our horses on the Chisolm trail. They are frequently passing from Texas to Kansas along that road.

When my children can read and write, then we will be in a better condition than we are now. This Council and the talk of the members has made a deep impression on my mind, and it will do me good, and do the Arapahoes good. All the Arapahoes now know the

road. Settle on a good place, plant corn, raise cattle, hogs, and horses and do not steal, and fight no more.

I want to do what is right. I am the peacemaker between white man and red man. Government is strong, and I want to be at peace. I have no more to say.

BY JOE SELLS, OF THE CREEKS.

Mr. President and Brothers: I am very glad to be able to meet you all here in this place, and I hope it may result in a great deal of good for our rising generation. We wish to live in friendship and harmony. I hear the statements of my friends and brethren from the West, and I am indeed glad to hear that they are trying to improve so much. This is the third time I have met with you here in Council. I, myself, cannot say that I ever was allowed the privilege of attending any Council before I came here; but it is in and through the Great Spirit that all the races of the human family agree and live in concord. I am very thankful to behold your faces, and I wish to do all I can to promote friendship and brotherhood. I remember the great and good words, "Do unto all men as you would wish to be done by;" and I wish to be good to all my brethren of the Plains, and hope they may be actuated by the same feeling toward me. I hear from you the complaints of your own people; now I am one who is known by you as one of a different color, and I will proceed to state to you the condition and progress of my people. We, the colored of the Muscogee Nation, wish to abide by all the rules of the Territory. We wish, in feelings, to live near the brethren of the Plains.

The whole colored population of the Muscogee Nation is about 1300, and are trying to make for themselves houses and farms just as other brethren do. We have 14 day schools in running order. These schools are very well filled, and the scholars are progressing rapidly, most of them being able to read and write. And we are thankful indeed, that the Muscogees have been kind enough to divide with us. My people are trying to raise stock, horses, hogs, and cat-

tle, chickens, turkeys, geese and sheep. We raised a very fine crop of wheat last year, and this year we have planted much more. Many of our people were carried into other states during the late war, and it is a constant source of trouble to us that they are not allowed to come back and have their rights with us, and we wish this might be taken into consideration. When we send them back to the United States, they tell them they have no rights there. Then it is very hard for us to turn them back, when we are satisfied they do belong to the Territory. There was room enough in former times, and now may I ask is there not the same room? As for my own self, I am satisfied, and I wish that all my friends and brèthren may do well, and I will try and do the same.

A resolution offered by Coweta Micco, inviting Col. Samuel Chicote, principal chief of the Creek Nation, to address the Council, was adopted under suspension of rules. The Chair with a few able and appropriate remarks introduced Col. Chicote, Creek Chief, who spoke very encouragingly, advocating law, order, harmony, education, Christianity and progress.

The Council was then addressed by Coweta Micco, (Creek delegate), who spoke as follows:

BY COWETA MICCO, OF THE CREEKS.

The principal chief of the Muscogee Nation has spoken to you. What I urge you to do is to take it in your heart, and take it to your people, and tell them what the Creek chief has told you. Tell the talk you heard from the chief to the young men, and when they meet one another from the different portions of the Territory, they will know they are brothers and will take each other by the hand. This is my talk to you, to urge you to remember the speech of the Creek chief, and take it home with you, and tell it to your people

On motion of Ward Coachman, the Council adjourned till 2 P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment, and was called to order by the President.

The following committees were called upon to report, viz: The Committee on Relations with the United States and the Committee on International Relations.

As no business was reported by either Committee, delegates were invited to address the House. The following gentlemen made remarks: Wm. Johnson, (Kaw) and Warloope, (Caddo).

BY WILLIAM JOHNSON, OF THE KAWS.

Mr. President and members of the Council: I wish to make a few remarks. I have been here now for a week attending this Council. I belong to the Kaw tribe, and we came down here without an interpreter. I do not think I have learned all of your proceedings yet, as I think the acting interpreter does not take as much pains with us as he does with the Osages. I am sent down here by my chiefs to get information to take back to my people, but there is something in the way here which I do not see into. All the advice you have given me in this Council, I receive and will try and profit by it, and when I go back I will tell it to the chiefs and to the people, but there is still something I do not understand, and it is not interpreted well enough to make me understand. This is the first time I ever was here attending Council, and I am naturally holding myself back, fearing I might get into something I do not understand. If I could learn all that happens here, all that is said, all the papers that are handed in at the desk, and what the Chairman says, I would be satisfied. But sometimes I see my brothers holding up their hands, and as I do not know what it is about, I have to go by guess-work. In every tribe of Indians there are three or four leading men, and the rest take examples after them. My red brothers that are more advanced in education, I am sure would do perfectly right by me, but that is not it, I want to understand what is going on.

BY WARLOOPE, OF THE ANADARKOES.

Mr. President, Friends and Brothers: Our people have started a great many houses, had a considerable number of rails made, land broken and fenced, and under cultivation; have about 68 houses up, and have made many improvements upon their farms. They have employed Seminoles, and paid them for their labor on their houses and farms, by selling them horses. We have about 500 hogs left, having lost about 2000 head during the fight last August, between the wild bands and the United States troops at the Wichita agency. We also lost some horses and a good many cattle. Our fences were destroyed and some houses were burned in that fight. We had very good corn. The drouth damaged it but little. The Indians engaged in the fight, destroyed it because we would not assist them against the United States. This caused considerable suffering from hunger. Cherokees, and our other brethren in the eastern portion of the Territory have better protection. We are more exposed to thieves and the lawless. As soon as we get a start in property, the wild Indians steal our corn and other produce, and kill our cattle and hogs. While we lived on the Brazos Reserve we had many horses, hogs, and cattle, and were living like the Creeks. We had houses and farms, raised wheat and oats, corn and vegetables. When we had a good start there, and doing well, the citizens of Palo Pinto and Earth counties, who wanted our reserve, came upon us, and made war against us, causing us to lose the greatest portion of the property we had.

Our people then moved to Fort Cobb, where they took another good start, had farms, and plenty of horses, cattle and hogs, but the United States war broke out between the North and South. Some of our people went south and some north to the Arkansas, near Fort Dodge, where we stayed four years, loosing many of our number by small pox. After returning to the False Washita again, we settled fifteen miles below Fort Cobb. We commenced a large farm, and again made a new beginning. Previous to

this when the Shawnees and Delawares, during the war, fought the Tonkaways, our people lost a considerable amount of property. They moved to their present locations, and commenced again, and for five years succeeded very well. Then General Davidson and three companies of soldiers, came upon the wild Indians at the Wichita Agency, and fired upon them when our people were among them drawing their rations, without giving us notice to get out from among them, as we would have done. In that fight, we again lost our property, but we will not give it up. This spring our people started their farms again, and if a favorable season, we expect to raise good crops. The young men are plowing; our people are purchasing a better class of hogs, Berkshire and Chester White. They prefer the Berkshire to all others. They are trying to improve their cattle also by purchasing a finer stock, and hope soon to present some at the fair at Muscogee. Our rations have been delayed, always "coming," but never reaching us. We have but one trader; it is very hard to procure sufficient food, and there being no competition, the prices are very high. We want more traders. Our people need wheat and oats for seed. Our country is drouthy; small grain requires less labor to raise it, and matures before a drouth sets in. Our present farming consists in raising corn, beans, peas, melons, and a few vegetables. We have a good school at the Agency of about one hundred pupils, including those from all the bands. The greater portion of these pupils can read and write. There are yet about sixty more, but the building is not sufficiently large to accommodate them. An addition is now in course of construction; as soon as it is completed, all our children will be sent. General Hazen, United States Army, while he was *ex officio* Superintendent of Indian Affairs, had broken for our people, a considerable quantity of land. They were doing well. He was a good man and aided us all he could. Our present agent has had some more broken for us, but not so much. The advice our red brethren have given us will not be forgotten.

Another thing I would like to say to my brothers here. We do not know how long we may be together. It was but last year, that the White Chief Micco Hut-kee, told us he would meet us here at this Council. But he has passed away from this place forever. We cannot tell what may happen. or who may be called hence before the next Council; but have to leave all to that Great Spirit above, who rules, and governs all things. We want rights secured for our children, so that they will not lose their lands, if we should die.

There is another want our people have, and ask for, a preacher of the Gospel of the Son of God; who will have Sabbath schools, and meetings. We want a live preacher, one who can instruct us, and teach us the words of the Great Spirit.

Another thing we would like to ask. Has one Indian any right to trade with another, outside of his own country? Our agents, or their clerks, say not. Our own international law gives them free trade everywhere, and wherever they are they are subject to, and under the protection of the laws, and customs of the tribe among whom they are. This should be understood.

On motion of Mr. Adams, Warloope's speech was referred to Committee on International relations.

Spotted Horse, Pipe Chief, Left Hand and Tall Bear, then addressed the House.

BY SPOTTED HORSE, OF THE PAWNEES.

Mr. President and Red Brothers: I am very glad to come in this room where I see my brothers present. Brothers, I am very ignorant on account of my forefathers. I do not know anything about this civilized business. After growing to be a man, the people told me to go to work and plant and grow corn. I am very glad to hear what my brothers say. I have suffered much because I did not know how to work, but now I hope to do something. My red brothers, you know a great deal more than I do about working. I see a great many of you do a great deal of good for your tribe, and everybody that labors, gets a good

deal to live upon. Work is what God made us for. My brothers, I used to live away up in Nebraska, not a very good country, so I thought I would come down here to my brothers. I want to say something about plows. Superintendent, won't you help us? Won't you write to Washington right away and get us implements so we can go to work? I know I am a right young man. I can work and I will work. I have four boys. I will send them to school, so they may learn to read and write. Every day I dont know what to do. Every day the children cry for something to eat, and if I go to work like my brothers, my children will always get something to eat. I never feel tired. I used to run about in every direction. I now want to work. I do not like to lie down all the time. Something always happens. It is not good. A man that works every day feels good. My brothers, you know I only followed the chief down. I am the man that caused the Pawnees to move down into this Indian Territory. I brought them down, and I used to think I was the head man. But now the chiefs have come down, and I am not head man any longer. I am glad to come in this room where my red brothers are. My brothers, I feel glad of one thing. We have plenty of timber all over the Indian Territory. We have plenty of fire wood. All my chiefs and all my tribe that came down the last time, think that this is a very nice country. When I was coming down here the chiefs did not want to come; but now they say they want to stay here forever. We have some children here, and we want to learn them something good here in this country. Now, I want you to tell in Washington, that the man named Spotted Horse wants some plows, and he wants to go to work. I don't say that I will learn to read, myself, but I will learn my children, and I will go to work. Whenever you have a Council again, and the chiefs come down, I want to come down with them, and perhaps I will say something then. Brothers, you are saying such good things, if any one in here has a bad heart and bad feelings, he ought to take his heart out and throw it away, and get a new and better one. That is all.

BY TALL BEAR, OF THE ARAPAHOES.

All the good talk I have heard here, I am going to keep until I get home to my people, and tell them all the good news. It is now four years since I began to plant corn, and for five years have my children been going to school, learning to read and write. All the Indians have been talking to me about planting corn and I am now on that road. It is now ten years since we quit going on the war path. As soon as I get back home, I will tell my people what good talk I heard.

The special committee submitted a majority report for, and a minority report against the recommendations of the Chair, as submitted to them on the 3d inst. The committee was composed of the following persons: D. N. McIntosh, (Creek), chairman; J. P. Folsom (Choctaw), E. J. Brown (Seminole), S. Tehee (Cherokee), John W. Greyeyes (Wyandott), Black Beaver (Delaware), P. Porter (Creek), David Robuck (Choctaw), A. Barnes and J. W. Markham (Cherokees).

Your special committee to whom was referred the suggestions and recommendations of the Hon. Enoch Hoag, President of this Council, made on the 3rd day of May, 1875, in writing, would beg leave to report the following, and ask for its adoption, to wit:

After mature and impartial consideration of the subject matter submitted to them, the committee are of opinion that the time has arrived when the Indian people of the Indian Territory should form and adopt a permanent government, republican in form. They have arrived at this conclusion by reason of the natural political rights of all free people to establish for themselves, and for their own benefit, a form of government best suited to promote and secure the prosperity and happiness of the whole people concerned, and also from the belief that these, our political rights are secured and encouraged by the treaties of 1866, of

the United States with the five principal nations of the Indian Territory.

And therefore your committee would respectfully recommend to your honorable body the appointment of a committee to form and present to this Council, at the present session, for their consideration and action, a draft of constitution, having executive, legislative and judicial departments, to be a purely Indian Government, and with further provision that the said constitution shall be binding only upon those nations ratifying the same. All of which is respectfully submitted.

D. N. McINTOSH, *Chairman*,
 E. J. BROWN,
 DAVID B. ROBUCK,
 JOHN W. GREYEVES,
 PLEASANT PORTER,
 JOSEPH P. FOLSOM.

TO THE GENERAL COUNCIL OF INDIAN TERRITORY :

Your special committee to whom was referred the recommendation made on the 3rd inst., by the Superintendent of Indian Affairs, and President of this Council, would most respectfully beg leave to submit the following as a minority report :

That after a patient, and as we believe, an impartial consideration of the recommendations made to this Council, beg leave to say, that in the opinion of the minority, the way to us is not clear that we can with safety to ourselves as nations, or as a people, adopt the changes suggested by the recommendations; and we refer you to the various territorial bills that are and have been agitating the United States Congress in reference to the Indian Territory for the past few years.

Then we submit that we have two railroads passing through our country, from north to south and from east to west, the entire length and breadth of the Indian Territory, along which there are extensive and valuable grants of land, contingent on the extinguishment of the Indian title. And the disregard paid to the petitions of this Council for the repeal of the acts,

by the United States Congress, and believing that our interests are not subserved as nations or Indians, and believing that the change cannot be made in our interests as Nations, we submit this as our protest.

Very respectfully submitted as a minority report.

ALBERT BARNES,
STEPHEN TEHEE,
J. W. MARKHAM,
BLACK BEAVER.

Council adjourned to 9 o'clock A. M. to-morrow.

May 11, 1875.

Council met at nine o'clock, pursuant to adjournment, and was called to order by the President. Prayer was offered by C. McIntosh, Chaplain, and the roll was called showing a quorum to be present. Yesterday's proceedings were read and adopted.

Yesterday's unfinished business was first in order. The report of the Special Committee was then read, and the house listened to speeches in favor of adopting said report, by D. N. McIntosh, J. P. Folsom and P. Porter, and against its adoption by D. M. Morris.

BY D. M. MORRIS, OF THE CHEROKEES.

One of the great reasons why I cannot approve of the report of the special committee is that that report recommends a change of some kind in our form of government.

The government that is in operation in my nation has been in successful working order for the last forty years, making laws pursuant to a constitution which clearly defines the power of the executive, legislative and judicial departments, and we feel incompetent to launch out upon any governmental order which is more complex than ours. Life and property are as secure among the Cherokees as in any nation of its size on the continent, and now to exchange for

some other form, not well defined and still less understood by us, we are not prepared to make the venture. If we should make a confederate government or league, we will necessarily have to concede some of our rights to this creation, which may prove a blessing or salvation, or what is more probable, it may prove the destruction of many of our rights, and finally sap the very foundation of our domestic government. And another thing I fear is, the many ambushed acts of Congress, that may be used as a destructive element, when once our tribal rights are validated by some such act as might grow out of the adoption of this report. In conclusion I would say—“Stand ye still, and see the salvation of the Lord.”

BY D. N. McINTOSH, OF THE CREEKS.

My Friends: I feel it incumbent on me to say something, as I was the chairman of the committee that made this report. There is a great necessity of unanimity in action in every thing we do. If we were united in our efforts I believe that the several Indian Nations represented in this Council, possess sufficient talent to enact laws for their own protection. I do think and have thought for some time, that this talent which you possess should be used for the purpose of legislating for our mutual benefit. I, too, claim to have love of nationality, and if I believed this measure would hurt my Nation, or injure the interests of any Nation represented in this Council, I would be far from advocating it. Especially would I protect the Cherokees, for their blood courses through my veins, and I am proud of it. I believe that the member who has just spoken, addressed us from the depths of his heart and that he honestly believes that this course would greatly injure our interests, yet it is my honest conviction that this is the only way in which we can be placed upon a safe footing, and our interests and rights be secured and protected at home and abroad. While I am not disposed to offer any criticism to remarks made here to-day, yet I cannot see any valid objection, in the remarks just offered,

to the committee's report. If the Council chooses to legislate according to the recommendations of its committee, it cannot hurt the rights of any nation or tribe, for to do so would be to come directly in contact with the treaty stipulations. The treaties distinctly say that we must not legislate in any way that may interfere with the tribal relations. It is true each tribe might have to concede something, but we suppose that they will look well into everything they concede and that they will reap a great reward for all such concessions. They would get a Government protecting life and property in the Indian Territory.

I have a word to say in regard to the, so-called, "ambushes of Congress." I am well aware that there is a class of white men among the Great American people, that are disposed to take advantages of the Indians. I am equally satisfied in my mind that the great majority of that large Nation have the best interests of the Indian at heart. You call attention to the acts of Congress for the past six or seven years; I declare that they will bear me out in my last assertion.

You are aware that Territorial Bills have originated and that they have been pressed in Congress since the year 1867. You know of the heated contest going on concerning them, from that year to this; so far we have been able to forestall the passage of any of those bills. These bills, understand me, had friends, friends backed by influence and wealth. From whence did the power come that enabled us to cope with them? From the interest which the members of Congress felt in the true welfare of the Indians and the cause of humanity. By the adoption of this Indian Government we do not expect to cut loose from the friendship of those men, or to lose their good will, but we suppose that we will manufacture means that they can use to make them more powerful in our defense in the Congress of the United States. It has been said that we were in the way of civilization, and that we were not able to help ourselves; if we pass this bill it will muzzle our enemies and make our friends strong in our defense.

BY D. M. MORRIS, OF THE CHEROKEES.

My Friends: Mr. McIntosh speaks very plausibly, but I judge the future by the past. The treaties and relations with the United States Government, from the first treaty made with an Indian tribe, have they ever been fulfilled to the last letter of the law? They generally lack somewhere, and some one suffers in consequence. He tries to make us believe that we are able to cope with the United States, that we are ready to cope with the laws of the United States, but when I see so many of my fellow citizens here, who are illiterate like myself, some of them not knowing "A" from "B," I feel if we try to stretch our arms with the Government of the United States, that we will not get a finger in. I believe in progression. I do not ask you to stop your progress. I am glad to see you advance; am glad that you have stopped the chase, and are trying to live by the sweat of your brow. Many are now taking their first lesson in civilization. Press on and perhaps after a season you will be able to come up to this desk, and do business as well as a citizen of the United States. You who are educated cannot pull away the veil and show us where this step would lead to. The chairman of that committee, whose report we are now deliberating on, has made us an address, but he has not opened the way for me. I admit my ignorance and incapacity. I am reminded of the fable of the fox and the crow. "Once upon a time a crow had a very nice piece of cheese, which he was preparing to eat, as he was seated near the top of a large tree; just then a fox came along, and seeing the cheese in the mouth of the crow, eagerly desired it. To get it he resorted to the following stratagem. 'Dear Mr. Crow,' said the fox, 'often have I been enchanted by your sweet melodies; may I not beg you to favor me with one of your sweetest songs?' The crow, highly flattered by the smart words of the fox, opened his mouth to comply with the fox's request, but as he opened his mouth, the cheese fell, and the fox seizing it, as it fell, ran off with it."

BY D. N. McINTOSH, OF THE CREEKS.

I do not desire to occupy so much time in the discussions of the report, but I must say that I cannot see the force of my friend's figure. I hope that he does not intend to say that I am the crow, the report the cheese, and he the fox, and that he intends to have me sing so that I may drop the report. He claims that I have not opened the way or drawn the veil from before his eyes. It is not expected that I should foresee all the consequences of this step, but if I am willing to lead, he ought to be willing to follow me.

BY J. P. FOLSOM, OF THE CHOCTAWS

Mr. President and Fellow Delegates: I propose to open my mouth, but not to sing beautifully, nor to let the cheese drop. I confess that I love good singing and cheese much better than the fox. But, brethren, let us come to the subject before us; it is simply this, to appoint a committee from this council to draft a constitution for our consideration. When this committee is appointed they will consider what we *can* and what we *cannot* do. They will express their thoughts on paper, and lay it before us. That committee will examine and discuss all the difficulties that may possibly come in our way, and also the way, if any, to overcome them. Brethren is there anything wrong in this? We have the right to alter, amend or to reject any or all that this committee may recommend. Until such a committee is appointed to write out such a report, and until that report is read, interpreted and explained, how shall we know whether it will injure or benefit us? Suppose that this committee shall draw up an instrument that shall secure our political rights, and protect our persons and property, just such a one as we want and need, would we refuse it? It seems perfectly just and right to me, to appoint this committee. Let them prepare their report and submit it to us, and then we can act intelligently upon it. If adopting that report would injure our privileges in the least, I will not only

speak, but I will vote against it. It should also be remembered in allowing this, that whatever the committee or Council do, does not bind any Nation until said action is ratified by it.

It is true and can't be denied, that we are advanced in education in different degrees, but my brethren of the Plains, is there not a great book open to you, and by its assistance, and the help of your more educated brothers, won't you advance faster than we did? A little over forty-one years ago, the Choctaws dressed like you, and had your customs, but they put a government in operation that has existed until this day. But let us go back to the business before the Council. It is, as I have said before, to have a committee appointed, who shall meet and prepare and present a draft of a constitution, for adoption or rejection. When it is presented, it will require time to discuss whether it is opposed to our treaties. And as there is now really nothing to discuss, I move that the report be adopted.

BY PLEASANT PORTER OF THE CREEKS.

The few remarks I have to make to you to-day are prompted by a true interest in your welfare. We are all one people and one race, we are surrounded by common dangers and we must pursue one destiny. Wherever you go, I will go, and where you die I will die also. I have been slow to speak to you in this Council, as I believed that there were others of more sober judgment, that were better calculated to advise with you. This restraint I can bear no longer. I feel that having the true interest of every Indian at heart, that what comes from my heart must benefit you. So much as seems to do you good I wish you to take, the rest let it pass off with the winds. My friends, we feel that there is a necessity to do something. What must we do? What does it seem necessary for us to do? When gathering storms arise, and seem in their anger to shake the earth, what do *animals* do? They congregate and go to some place for protection. We call that instinct, and we, feeling in our hearts the gigantic storm that is approaching and about to burst

over us, are gathered together by a higher power than instinct—by the *divine* gift of reason.

Both the majority and the minority report sets forth the threatening danger. The minority report, without giving us their reason, tells us to *stand still*. The majority report seeing the danger, advises us to seek shelter from the threatening storm. Looking around us, we find that we have treaties with the Government of the United States, and that in our treaty relations a place of safety can be found. Is it not natural, my friends, that we should urge you to concentrate in this place of safety? If we did not, would we not be doing you wrong? Would we not be your enemies? We think it is our duty to point to you this place of rendezvous, and invite you all to unite, that we may defend ourselves. The Government of the United States seeing the great pressure that could be brought to bear on us, standing singly, has provided for us the means to unite. The Government in its wisdom has seen that there are elements calculated to destroy us, while standing *singly*, and in order to protect us she has given us these means and from year to year she has asked us to accept of them. Now, my friends, will we accept of them? or, Will we stand separate? Will we trust each other? or, Will we look upon each other with the eye of suspicion? And if we don't trust each other, whom will we trust? If the treaties have not been carried out, what is the cause? It is because we are isolated from each other, and cannot command the moral force to cause them to be fulfilled. There are two means to compel nations to comply with their contracts; one is by brute force, and the other is by moral force. Now we cannot compel the Government to abide by her treaty stipulations, by going to war. We have tried that, and it has reduced us from large nations to mere handfuls of tribes. Now, had we not better try another means? Had we not better address ourselves to her sense of justice? How can we do that in the strongest and most forcible way? Can we not do that by uniting all the force and power of the Indian people? Undoubtedly we can. Then let us do it. We must risk

something in every transaction we undertake in life. If we stand still we risk the storms. Let us go forward and avail ourselves of the shelter, while there is yet time. It is said that an Indian fears no danger. Show that hereditary characteristic in this step. Don't let fears make us bend beneath the powers that are constantly consuming us.

Mr. J. P. Folsom then moved to adopt the report. Mr. D. M. Morris called for the ayes and nays. The Clerk called the roll, and the vote was declared 36 for and 43 against the adoption of the report.

On motion of Mr. N. B. Moore, the Council adjourned until 2 P. M.

2 O'CLOCK P. M.

Council met at 2 o'clock, and was called to order by the President. Mr. J. R. Clardy from the Pottowatomie Nation presented his credentials, which on motion of Mr. D. N. McIntosh were referred to the Committee on Credentials.

The Committee on Education asked to be excused, and were allowed to retire.

Mr. Adams moved to reconsider the vote taken this morning, on the report of the Special Committee.

Mr. J. P. Folsom explained the motion in a few short remarks, after which the vote was taken and the motion carried.

On motion of Mr. P. Porter, the final vote on the report was postponed until Wednesday, May 12, at 10 A. M.

On motion of Mr. P. Porter, the rules were suspended and the resolution concerning the pay of members was passed as follows:

Resolved by the General Council of the Indian Territory, That the members composing the same claim

their entire pay while in actual attendance, Sundays not excepted.

And further, That the Superintendent of Indian Affairs make payment to the members in accordance herewith, at the present session.

The Council was then addressed by Left Hand, of the Arapahoes, and White Shield, of the Cheyennes.

BY LEFT HAND, OF THE ARAPAHOES.

My Friends and Brothers: I wish to speak just a few words to you to-day. I have come a great ways to see you, my red brothers, and hear the good advice you might give me.

I had heard of this Council a long time ago, and I am very glad that I am able to come here and get such good encouragement to press on in the right direction. This Council will do a great deal of good to the Indians of the Plains. I promise you that as soon as I get home I will see them and tell them of all the good talk I have heard here.

We have 200 children of a suitable age to go to school, and forty are attending school at Cheyenne Agency, and 50 boys are working on the farm, going to plant corn. I want to do as my friends the Cherokees, Creeks and Choctaws are doing. I will give my talk to the young men, and tell them what I heard from them who are in Council. It is the first time I have been here. Been to Washington, talked with the President, and never done wrong since.

I am now on the road my brothers are on, and plant some corn. When the Arapahoes get more wagons, then they can begin to improve more. A few of them have ambulances. On their return home they will go up and down the North Fork, and pick out locations to settle and plant, next season.

I like my Agent, he has done me good. I allude to Agent Miles. He encouraged us to farm, and send our children to school. The Agent treats the children well. I will remember the good talk of the Indians, and I assure them that the Arapahoes will never fight again. I am for peace, with white man and red man.

My heart feels good that my red brothers live all around me. I will forever keep their good talk.

I can plant corn, till my children learn to read and write, then we will be ready to take up a new law. We want a good interpreter at the Agency, to talk Arapahoe, in order to explain to the Agent, and then we can understand each other. I want to be friendly with all my neighbors, so that our horses and cattle can range together.

I want to settle down. I have quit rambling. I want to do something for myself, children and people. I do not forget the talk of agent Miles, and the President of the United States, and all the good old brothers of the Indian nations and tribes, who are walking the good road of peace before me and my people. I feel satisfied with the good talk I have heard at this Council. I want a good white man to show me how to work on the farm, and I will learn.

BY WHITE SHIELD, OF THE CHEYENNES.

My Friends: I want to make a few remarks to you to day. My people have always lived on the Plains. The buffalo gave us all we needed. Their skins made our lodges, and their meat was our food. We were very happy in that condition.

A little over a year ago, the Great Father at Washington sent me word that he wanted me to come and see him, so with a few more of my tribe I went. The President told me that I must remain friendly with all men, both white and Indian. He told me that was the best way to live. I thought the talk was good, and when I went home I told it to my young men. Only ten days after I returned, some bad white men stole all the horses that I owned and also stole some of my friends' horses. At this juncture the agent sent and told us to move up close to the Agency, (we were staying about 150 miles away), and while going in, those men followed us up and kept taking our horses. We stayed in the Agency for a while, but as the agent had little for us to eat, and as we were most starving, we had to go back to the Plains. There we met the Kiowas and Comanches. They had

had some trouble with the whites in Texas, and were going on the war path. Lone Wolf, of the Kiowas, medicine man Swan, and a young medicine man among the Comanches, made all the trouble. When the agent heard of it he sent for us to come in. We went to the Agency and I do not know much more about the war. When I was in Washington the President told me that if we behaved ourselves, we should be protected. I am not going to be the first to break that talk. This spring the commanding officer told us to come in. Some of the young men who had been friendly carried the word to us. He gave them a white flag to take with them so that we might know that the errand was peaceable. When we saw the flag we went in. When we got in, the soldiers told us we must give up our horses and arms, which we did. Then the soldiers arrested thirty-one of our people and put them in irons. One young man thought he would rather be killed than put in irons, and when the soldiers came to arrest him he ran, and was fired upon by the soldiers and killed. This brought on the last war between the Cheyennes and the soldiers, for when the Cheyennes heard the firing they thought the soldiers were going to kill them all, so they ran away. The Cheyennes were in a very poor condition to fight, as they had given up their horses and arms. A day or two after this occurred, the agent sent me out to tell the Cheyennes to come in again, and before I came down to this Council most of them had returned. A large portion of the tribe near the Cheyenne agency have run off to join the Sioux and Cheyennes up north. A number of years ago the President gave us a good reservation north of the place where we are now located, and if the white men would keep off we would do well. Wherever we have lived heretofore, the white men have been preying upon us continually. We tell them to stop, but it does no good. Then the young men do some foolish act and get us all into trouble. Our agent told me a short time ago that our civilized brothers were going to have a grand Council and that he wanted some Cheyennes and Arapahoes to come down, and I with a few more came to repre-

sent the Cheyenne Nation. Since I have been here I have heard a good deal of good talk and advice, and when I go away I will take it with me, and will be careful not to lose it on the way, and when I get home I will tell my young men to take all their foolishness and roll it up in a roll and bury it out of sight. This is all I have to say now.

On motion of Mr. N. B. Moore, the rules were suspended and the resolution of Mr. D. N. McIntosh, concerning the Cheyenne, Kiowa and Comanche prisoners, and the white horse thieves, was passed.

Be it resolved by the General Council of the Indian Territory, representing twenty-nine nations and tribes of Indians:

First. That the President of the United States be, and is hereby, respectfully requested to deliver, or cause to be delivered to the civil authorities of the United States for trial and punishment under law, according to treaty stipulations, those Cheyennes, Arapahoes, Comanches and Kiowas, now held in military confinement at Ft. Leavenworth, Kansas, who are charged with crimes, and that he cause to be returned to their respective tribes at their agencies such of the number as are not guilty.

Second. *Resolved further,* That the President is hereby requested to cause to be arrested, tried and punished according to law, such bad white men as flee from justice and good order elsewhere, and in violation of treaty stipulations and the intercourse laws, impose themselves on unsuspecting Indian tribes, to the great detriment of their property interests as well the general morality of their people.

Resolved further, That the President of this Council is hereby directed to forward to the President of the United States a certified copy of this resolution, and also by telegram if he shall deem it necessary.

On motion of Mr. Coachman, the Council adjourned until Wednesday morning at 9 o'clock.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

SEC. 1. That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they shall have at all times the inalienable right to alter, reform, or abolish their form of government as may be lawfully provided for.

SEC. 2. The free exercise of religious worship, and serving God without distinction of creed, shall forever be enjoyed within the limits of this Territory: Provided, That the liberty of conscience shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace, safety and good morals of this Territory.

SEC. 3. No religious test shall ever be required as a qualification to any office of public trust in this Territory.

SEC. 4. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of this privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 5. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches, seizures, and intrusions; and no warrant to

search any place, or to seize any person or thing, shall be issued without describing the place to be searched and the person or thing to be seized, as nearly as may be, nor without good cause shown, supported by oath or affirmation.

SEC. 6. In all criminal prosecutions, the accused shall have a speedy trial by an impartial jury of the district wherein the crime shall have been committed; the right of demanding the nature and cause of the accusation; of having the witnesses to testify in his presence; of having compulsory process to procure witnesses in his favor; of having the right to be heard by himself and counsel; of not being compelled to testify against himself, nor to be held to answer to any criminal charge but on information or indictment by a grand jury.

SEC. 7. All prisoners shall be bailable before conviction by sufficient surety, except for a capital offence where the proof is evident or the presumption great.

SEC. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted; and all courts shall be open, and every person, for an injury done him in person, reputation, or property, shall have remedy as the law directs.

SEC. 9. No person, for the same offence, shall be twice put in jeopardy of life or limb, and the right of trial by jury shall remain inviolate.

SEC. 10. No person shall be imprisoned for debt.

SEC. 11. The citizens shall have the right in a peaceable manner, to assemble for their common good, to instruct their representatives and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

SEC. 12. The privilege of the writ of habeas corpus shall not be suspended, unless the public safety should require it.

SEC. 13. All power not herein expressly granted by the nations parties to this Constitution, are reserved by them respectively, according to the provisions of their several treaties with the United States.

SEC. 14. No person who denies the existence of God or a future state of rewards and punishment, shall hold any office in the civil departments of this Indian Territory, nor shall be allowed his oath in any court of justice, neither shall the Bible ever be prohibited as a text book in any school in this Territory.

SCHEDULE TO THE CONSTITUTION.

SEC 1. In order to organize the Government of the Indian Territory, and secure practical operation for the same, it is hereby ordained—and the provisions of this schedule shall be of the same binding force as the Constitution, of which it is a part—that it shall be the duty of the Secretary of this General Council to transmit a duly authenticated copy of this Constitution to the executive authority of each nation represented in the General Council, and to ask the acceptance and ratification of the same by the Councils or people of the respective nations. Upon receiving from such authority, notification of its acceptance and ratification by National Councils, representing two-thirds of the population of the nations represented in the General Council, it shall be his duty to promulgate such fact and to call a session of the General Council from the nations ratifying this constitution, at such place

as the present session may designate for its next meeting. It shall be the duty of the General Council, when so assembled, to adopt such measures as may be necessary to secure the election of a Governor and members of the General Council, and to fix the time of the first meeting of the said Council, whose duty it shall be to perfect the organization of the Government of the Indian Territory, under the provisions of the foregoing constitution; Provided, That this constitution shall be obligatory and binding only upon such nations and tribes as may hereafter duly approve and adopt the same.

SEC. 2. The oath of office may be administered by any of the Judges of this Indian Territory, until the General Council shall otherwise direct.

[The foregoing draft of Constitution, prepared by a Special Committee of the General Council, is here published for the information of the delegates to said Council, who adjourned to meet in September next to act upon the same.]

E. H.