

sessed by the Cherokees to the "outlet west." It is a question on which eminent jurists and government officers differ; and the commissioners, to avoid any disputation upon the subject, propose to buy "all title, claim or interest" which the Indians may have. The United States cannot compel a sale or take the land without the consent of the Cherokees, except by violating their treaties. But they can settle friendly Indians thereon by paying an appraised value. But the Indians have the right to lease the outlet lands to whom they wish.

The Cherokee Indians, when they sold their lands east of the Mississippi to the United States, received in exchange 7,000,000 acres, to be used as homes; 800,000 acres (since sold), and the "outlet west;" in all over 14,000,000 acres, in addition to a money consideration. In the treaty describing the boundaries of the two first mentioned tracts, there "is further guaranteed to the Cherokee nation a perpetual outlet west and a free and unmolested use of the country lying west of the western boundary" of the lands set apart for homes; "and letters patent shall be issued as soon as practicable for the land guaranteed."

The land was so surveyed and the patent issued in 1838, by which the Cherokees were "to have and to hold the same together with all the rights, privileges and appurtenances thereto belonging to the Cherokee nation forever," provided, however, that certain rights be reserved to the United States, these being mainly to allow other Indians to get salt from the salt plains thereon; that if the Cherokee nation become extinct, or abandons the same, it shall revert to the United States; and the United States may settle any friendly Indians thereon, to be taken in compact form in quantity not exceeding 160 acres for each member of said tribes thus to be settled, the parties interested to agree upon the value to be paid; and in case of disagreement the President of the United States to determine the price to be paid to the Cherokee. "But until thus sold and occupied by friendly Indians, the Cherokees nation retains the right of possession of and jurisdiction over all of said country;" after such sale may be made, "all right of possession and jurisdiction ceases forever as to each of said tracts disposed of."

Regarding the dealings with the cattlemen in leasing their lands, the Cherokees maintain the correctness of their course by decisions of the circuit and supreme courts and the opinion of ex-Secretary of the Interior Teller. The latter, in giving his views, states that "The Cherokees are not prohibited from disposing of the grass growing upon their land, any more than they are prohibited from disposing of the wheat, corn or vegetables raised thereon, as the fruits of their labor. * * * The privilege of grazing cattle is but a license and not a lease. It conveys no interest in the lands occupied. * * * The Cherokees have a fee

simple title to their lands and do not recognize the right of the department to interfere in the management of their affairs with reference thereto. * * * The land is theirs and they have an undoubted right to use it in any way that a white man would use it, with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the department or congress, what is to their advantage or disadvantage and the government cannot interfere with the rightful occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of Article 16, Treaty of 1866, which, at most, is only a contract to sell certain portions of the lands; but until the government settles friendly Indians thereon and pays for the lands, the right of possession and occupancy is especially reserved."

The Cherokees understand their position, and in what they do, while believing that the Indians have often been unjustly dealt with, think their own welfare and benefit, rights and privileges, will not be lost sight of, and any encroachment thereon will be met by every legal power they can resort to. But there is little doubt that an amicable settlement of difference will take place at no distant day. The truth of the following statement is, however, verified in the history of the "Red Man," as far as his lands are concerned, at least: "The native tribes who were found on this continent at the time of its discovery have never been acknowledged or treated as independent nations by the European governments, nor regarded as the owners of the territories they respectively occupied. On the contrary, the whole continent was divided and parceled out, and granted to the governments of Europe, as if it had been vacant and unoccupied land, and the Indians continually held to be and treated as subject to their dominion and control." The government of the United States has not varied a great way from this rule. But there is a Being who is controlling the destiny of the Indian nations, as well as other governments, and each will fill the place assigned them in the world's history.

FRANK M.

TAHLEQUAH, Dec. 2, 1889.

COMPLAINT AGAINST REGISTRARS

On December 11th the People's Municipal Central Committee filed with the Utah Commission the following

CHARGES AGAINST THE REGISTRARS:

SALT LAKE CITY, U. T.,
December 11, 1889.

To the Honorable Utah Commission,
Salt Lake City, Utah Territory:

Gentlemen: The Central Committee of the People's Party of Salt

Lake City, on behalf of a large number of the qualified voters of said city and party, hereby make the following complaint against the deputy registration officers appointed by your honorable body for said city, to wit:

Against H. S. McCALLUM, that he has discriminated against certain voters by refusing to register them except at their homes but registering others not at their homes.

That he has refused to correct the name of a registered voter which had been changed on the list, or to re-register him or correct the wrong in any way.

That he has assumed to exercise judicial functions and pass upon the qualifications of citizens, ready to take the oath prescribed; that he has declared his intention not to register such persons at any time, but threatened them with the penitentiary.

That he has refused to register voters at whose residences he had called when they were not at home but who appeared at his office and asked to be registered, he declining to register them until after December 23rd, 1889.

Against E. R. CLUTE, that he has discriminated against voters as above described.

That he has neglected his duty by spending time at stations, hotels, business houses, etc., when he should have been visiting the dwellings of citizens, thus leaving many houses in his precinct unvisited.

That he has registered some voters at his own house, and refused this privilege to others on the same day.

Against J. R. MORRIS, that he has discriminated as aforesaid and by calling at certain houses and passing by others on the same block, sometimes skipping a house, but visiting those on either side of it.

That he has refused to register, except at their homes, voters who called upon him and informed him that they could not remain at their homes, and desired to know where they could be registered, he replying that he would have an office but could not tell when it would be open.

That he has refused to state when he would visit certain families, or at what time, so that voters might remain at home to meet him.

That he has refused to register voters who called on him after he had visited their homes when they were not at home, until after December 23, 1889.

That he also has assumed judicial functions, declaring persons not legal residents who have resided in the city for many years.

Against R. D. WINTERS, that he has also discriminated against voters as heretofore described.

That he has neglected his duty as to house to house visiting.

That he has declared his registration closed on November 27th and on November 28th for the Fourth Precinct, refusing to register any more persons in that precinct until after December 23rd, leaving many of them unregistered.

Against LOUIS HYAMS, that he has discriminated against voters as aforesaid.

That he has neglected his duty as