

PROTEST  
OF THE  
OSAGE NATION OF INDIANS,

AGAINST THE

*Establishment by Congress of a territorial government of the United States  
over the Indian nations.*

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FEBRUARY 9, 1875.—Referred to the Committee on Indian Affairs and ordered to be printed.

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*To the honorable the Senate and House of Representatives of the United  
States of America in Congress assembled :*

The undersigned, representatives of the Osage Nation of Indians, would very respectfully beg leave to invite the attention of your honorable bodies to our protest laid before you at your last session, protesting against the establishment of a territorial government of the United States over our country and people without our consent, and in that connection to inform you that we still protest against the establishment of such a government over us.

The establishment of such a government over the Indians of the Indian country would be in plain violation of your treaty obligations with our nation, as well as your treaties with Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, and other Indians of this country, and would be a *breach of good faith*, which, if committed by one individual toward another, would cause the party offending to be ignored by all good society.

In the making of the Indian treaties all advantages have been on the side of the Government, because all know that generally your officers have written out the treaties, and have given us to understand that we had to sign them, and we have done so. In many cases the Indians have been forced at the point of the bayonet to sign these treaties, and have been removed and located in the Indian Territory by force, under the most solemn pledges of protection, as in the cases of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, &c.

The Seminoles were hunted up in Florida with blood-hounds, and when they were removed west six hundred of them were chained and handcuffed. Many of the Creeks were removed in chains, and the Cherokees and Choctaws had the Army of the United States behind them when they removed; so also our people, the Osages, were driven away from our home in Kansas, some of our people being dreadfully abused by the whites, and in some cases actually *murdered*. But we were all promised protection in our new home in the Indian Territory. The country that we now live in is *our own*. We have bought it and paid the money for it, according to a law you passed yourselves, and at

a price fixed by your Government. Since we removed from the limits of Kansas, we have done better than we have been doing for many years; we are opening farms, building houses, and sending our children to school, without any expense to the Government. We have also established a written government, and if not molested we expect to perfect that government, so that it will be like yours. We have also embraced your religion, we mean the true religion, so that we have no such miserable religious subterfuges among us as "Mormonism," "Spiritualism," or any other *ism*, that is contrary to reason or common sense. Nor do we have any "*nest-hiding*" in our religion, but we worship God as a Spirit, and expect to be as much responsible to Him for our actions on earth, in the world to come, as we believe the *white man will be*. We think also that we have less crime among us (we mean the Indians generally) than the whites have. There is very seldom any crime committed among us, though sometimes crime *is* committed, but generally the offender is punished. We have no robbers among our people who make a living by stealing and robbing, as is the case among the whites. There are a few of your people, however, who escape from your borders and pass through our country and steal and rob from the Indians, and in some cases commit crimes on innocent whites in our country, *but this is no fault of ours*; you should handle these outlaws with your "Indian intercourse laws," and if they are not sufficiently effective for the purpose, we think you should at once amend them so as to make them so, in order that *the Indians will not be blamed for the presence of such outcasts*.

We know that those who want a territorial government over the Indians pretend to say, as an excuse for such a government, that these bad characters cannot be reached and punished except by a territorial government. But you will see at a glance that this kind of talk is "too thin" to have any weight with sensible men. What! Can any person have the brass to look you in the face and say the Government of the United States cannot put down a few horse-thieves and murderers in the Indian country, when that Government has put down a rebellion of eight million of people? We do not think that the Indians should be censured because your own officers do not enforce your own laws in our country. We think if your honorable body would amend your intercourse-act, and give your own officers "a raking over the coals" for not doing their duty, that you would do a good work for the Indians. A great many of your deputy marshals, when they come into our country, look more after the quality of lands than they do after criminals, and they go smelling around hunting whisky, and, on finding the same, we are told that they spill it down their own throats, without ever asking a poor Indian to take a solitary drink. Indeed, in some cases, we understand that the so-called deputy marshals have actually introduced whisky in the Indian country, and hidden it in the houses of Indians, and afterward, under pretense of finding such whisky, have indicted the Indian in whose house the whisky was found. Some of these deputy marshals have been not a very great deal better than the criminals they have pretended to hunt; in fact, we have learned that not very long since the marshal of Kansas arrested two deputy marshals of Arkansas who were rusticated in the Indian country near the Kansas border, and actually sent them handcuffed down to the United States court at Fort Smith, Ark. These are the kind of officers you have had pretending to execute your intercourse-act in the Indian country.

Is it, therefore, surprising that criminals go unpunished under such circumstances? Look at the investigation you had last session of the

United States court of the western district of Arkansas—look at the ridiculous frauds and impositions proven in and about that court concerning its conduct in the Indian country, and see what an enormous expense it imposed on the Government—and you will understand one of the reasons, at least, why your laws have not been faithfully executed in the Indian country; and what looks funny to us is, that we understand that this court has asked for a territorial government to be extended over us, because it (the said court) has failed to do its duty. In fact, this court has behaved so badly that your honorable bodies have a bill pending to abolish it for its wickedness, and it is to be hoped that, for the protection of the Indian country and the good name of the Government, you will abolish it.

By reference to the statistics emanating from the general Indian council of this country, and from its several Indian nations and tribes, as well as to the reports of the Board of Indian Commissioners for the last three years, and from our Indian agents, you will find that the Indians of this Territory have more schools, more orthodox churches, church-members and ministers, a better execution of law, and less crime, have raised more agricultural produce and more live-stock than nearly all of the Territories of the United States put together, *and all without one dollar's expense to the Government.* Indeed, the Government is owing all of our nations large sums of money; and if the territorial advocates would address themselves to aid the Indians in recovering their just dues, instead of trying to destroy them with territorial governments, we think that the cause of humanity (which they plead) would be better subserved.

The Indians of this country are not prepared to be made citizens of the United States, as these territorial governments would make them; nor are they disposed to give up their own nationalities and laws, which answer the purpose of their civilization, prosperity, and happiness. What would the Comanches, Kiowas, Cheyennes, Arapahoes, &c., do under a government and laws of the United States? You had as well sing "Old Hundred" to "the man in the moon" as to read Blackstone, Kent, Chitty, Greenleaf, &c., to them. They are dressed in skins, and painted, and yet have their bows and arrows, as the Britons, your ancestors, were situated when the great Roman war-chief, Cæsar, went over to Britain over eighteen hundred years ago. If it has taken the descendants of the Britons over eighteen hundred years to arrive at their present state of civilization, can you expect a blanket Indian to arrive at the same attainment in a moment? Or is it reasonable to suppose that a territorial government would have such a magical effect? The Indians must have time to educate before they can bear any change in their government, and when such change is taken it must be done by the consent of the Indians, according to your treaties with them. This is the view taken by our Great Father, the President, in his late message to you, and also by the Secretary of the Interior and the Commissioner of Indian Affairs, who have always been our friends. We think that if you will take a peep into your law-book, vol. 14, pp. 236, 289, 292, United States Statutes at Large, you will discover the prime cause of this territorial movement against the Indian country. Many of our people can read the English language, and in the book referred to we find that certain parties have laid away for a "rainy day," neatly and snugly, large conditional grants of our lands, amounting in the aggregate to about 23,000,000 acres, conditional upon the extinguishment of the Indian title to the same, or *upon our country being turned into a Territory of the United States.* You will notice also that the grants inure

to the parties claiming them in any "Territory of the United States" unconditionally. At present you know we are not embraced in any "Territory of the United States," and the object of the *grantees* of our lands seems, therefore, to be to create our country into a territorial government in order to have their land-grants fulfilled.

Please to examine the grants, and in so doing we think you will find what is sometimes called "a nigger in the wood-pile," and which will give you a key by which you may unlock the motives and consciences, and look therein, of those who are pleading humanity, in order to destroy us with territorial bills.

We ask that these conditional land-grants be *repealed*, and by examining their chartered acts, you will find that Congress *has reserved the right to repeal them*. We have heard a great deal of talk all over the country, and have seen many notices in newspapers, to the effect that the chairman of the present Board of Indian Commissioners is treasurer and secretary of the Atlantic and Pacific Railroad Company, that holds the largest one of the land-grants referred to over the lands in our country. We do not know whether this is so or not, and we therefore do not make any charges, because we do not wish to malign anybody, much less the board. We hope that such is not really the case, for we feel that if an Osage were treasurer of the Atlantic and Pacific Railroad Company, he would be the last man to accept the management of the said board, because Madam Rumor, with her thousand tongues, would be sure to cry out that said Osage accepted said trust to help his road get the Indian lands. An Osage has too much self-respect to do such a thing, and we give the president of the board credit for being as modest and honest as any Osage. We have heard that newspapers say that a *minority* of this board have recommended since their *late visit* in the Territory the establishment of some sort of a territorial government over us, and that the Indians would consent to such a government. In reply to this we have to say that these four members of the board do not understand us. The Osages, *to a man*, and we are confident that all the Indians of this country, are opposed to such a change. The Indians do not want it. Our treaties do not warrant it. The confederation of the Indian tribes under the auspices of the general Indian council has been effected under our treaties, and works well, and is well understood. A territorial government would open our doors to immigration from the whites of all grades, and thereby debar the introduction of other Indians, as provided for by our treaties, and would soon break up our nations and tribes and destroy our people, and our lands would go to squatters and railroads, and our moneys would be absorbed and squandered by those who have no right to them. We pray you not to establish a territorial government over the Indians until they agree to it according to treaty stipulations.

We have the honor to be, very respectfully, your obedient servants and brothers:

BIG CHIEF, Chief of Big Chiefs, Band of Osages. [His x mark.]

BLACK DOG, Chief of Black Dog's Band. [His x mark.]

TAH-WOH-CHU-KEE, Chief of Big Hill Band. [His x mark.]

WHITE HAIR, Chief of White Hair Band. [His x mark.]

NEH-CHA-WAH-HAA, Chief of Second Big Hill Band. [His x mark.]

JAMES BIGHEART, Chief Bear Band.

LITTLE CHIEF, Chief of Little Osage Band. [His x mark.]

MASCHOLARKEY, Second Chief Big Chiefs Band. [His x mark.]

HARD ROPE, War Chief of Osages. [His x mark.]

WAH-TI-INKA, Chief Councillor. [His x mark.]

MASHOGUSKEY, Councillor. [His x mark.]  
 WASH-CUM-WAY, Councillor. [His x mark.]  
 HU-LAH-HEH-KAH, Councillor. [His x mark.]  
 TI-HAKEE, Councillor. [His x mark.]  
 KE-WAH-RESEE, Councillor. [His x mark.]  
 CACH-CHI-NICKER, Light Horse Company. [His x mark.]  
 HAH-KEH, Little Chief. [His x mark.]  
 WAH-NUNKER, Brave. [His x mark.]  
 YOUNG CLARMONT, Young Chief in Big Chief's Band. [His x mark.]  
 SHUNKERMORE, Second Chief of Big Hill Band. [His x mark.]  
 WAH-CO-NEE, Second Chief Black Dog Band. [His x mark.]  
 MAJOR BROKEARM, Third Chief Black Dog Band. [His x mark.]  
 MICCO-WAHLI-INKA, Brave. [His x mark.]  
 HUNKAH-WAHLI-INKA, Small Chief. [His x mark.]  
 GART-HUMMEY, Second Chief White Hair Band. [His x mark.]  
 LOO-CAH-SIAH, Second Chief Second Big Hill Band. [His x mark.]  
 AUGUSTUS CAPTAIN, Councillor.  
 THOMAS MOSIER, Councillor.

JOSEPH PAW-NE-NO-PASHE, Governor of Osages.

*Representatives of the Osage Nation of Indians.*

BIED CREEK, OSAGE NATION, December 17, 1874.

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THE FIRST CONDITIONAL LAND-GRANT ON RECORD.

Jesus said unto him, "It is written again, Thou shalt not tempt the Lord thy God."

Again the devil taketh him up into an exceeding high mountain, and showeth him all the kingdoms of the world and the *glory* of them; and saith unto him, "All these things will I give Thee if Thou wilt fall down and worship me."

Then saith Jesus unto him: "Get thee hence, *Satan*, for it is written, Thou shalt worship the Lord thy God, and Him only shalt thou serve."

Then the devil leaveth him, and behold angels came and ministered unto him. (Chapter IV, verses 7, 8, 9, 10, 11, Matthew.)