

## MEMORIAL

OF

### MEMBERS OF THE CHEROKEE NATION OF INDIANS,

PRAYING FOR

*The appointment of a commission to inquire into alleged irregularities of officers and agents intrusted with the management of certain funds belonging to that nation.*

---

FEBRUARY 10, 1875.—Referred to the Committee on Indian Affairs and ordered to be printed.

---

#### MEMORIAL.

We, your undersigned petitioners, would respectfully represent to your honorable office the following facts, and on account of which we make this our petition that a commission be appointed and duly empowered and authorized to visit the Cherokee Nation and investigate the truth or falsity of the following charges, to the end that they may take such action as the results of their investigation may warrant for the remedy of the evils complained of, if found as charged.

I. We charge that there has been irregularity and illegality in the means used to obtain control of the executive authority of the Cherokee Nation; and that that authority, when obtained, has been used for partisan and political purposes.

II. That our funds, especially the orphan and school funds, are being squandered for the benefit of a few individuals, and to the detriment of the masses of the people of the nation.

III. That the courts are made the means of political persecution, instead of affording any protection from crime.

IV. That industry and enterprise are paralyzed on account of this insecurity of life and property; and that we verily believe that men in authority are responsible for this deplorable condition of things; and that it is so maintained through individual and partisan purposes.

V. That the present condition of our people requires more liberal legislation in regard to capital and labor, and the development of the wealth of our country, and the permanent title to our improvements; but we disclaim any desire to interfere with the present form of tribal government, until such change is asked for by the people, beyond such regulations as may be made by the grand council composed of the representatives of the people.

VI. That we believe the country would be benefited by, and that a large majority of the people are in favor of, the changes recommended by the peace commissioners, to wit, a federal court in and for the

country, a delegate in Congress, and the enlargement of the powers of the grand council.

Charles Watie.	J. Lyle.	M. Diol.
E. Poe Harriss, M. D.	M. N. Diol.	L. Diol.
S. S. Stevens.	H. L. Hill.	W. M. Lyle.
T. C. Ward.	E. C. Hill.	A. Lyle.
John Ward.	G. Freeman.	Isaac Lyle.
William Cill.	Mark Freeman.	W. G. Hawkins.
Frank Woods.	F. Fields.	C. Hawkins.
Taylor Parris.	L. L. Fields.	B. Freeman.
George McGee.	L. Yeager.	M. Freeman.
J. M. Little.	J. R. Parks.	J. Yeager.
P. A. Little.	M. C. Prather.	R. R. Smith.
M. S. Little.	B. Prather.	B. H. Foreman.
Joe. S. Ward.	Thomas W. Prather.	N. Diol.
M. S. Yergen.	D. B. Prather.	M. J. Parks.
J. A. Yeargen.	G. Rogers.	R. A. Prather.
S. M. Ward.	M. Ricker.	S. Prather.
S. S. Ward.	C. Crickett.	E. Prather.
C. Y. Ward.	J. H. F. Williams.	A. Rogers.
C. D. Ward.	E. Rogers.	William Ricker.
O. S. Wiley.	Jos. Williams.	A. Crickett.
M. J. Wiley.	M. Y. Williams.	William Wilkerson.
Percy Wiley.	R. Wilkinson.	S. Wilkinson.
J. Wiley.	P. Thomas.	M. Williams.
A. S. Wiley.	William Barbee.	J. Williams.
A. P. Goodykoontz.	M. Hower.	P. Williams.
J. M. Bell.	H. Hower.	Johnson Thomas.
William Wheaton.	G. Ward.	A. J. Thomas.
Andrew Barker.	H. T. Blevins.	Thomas Hower.
George Parris.	A. S. Blevins.	L. Hower.
Tobe Barnes.	A. B. Blevins.	S. D. C. Edwards.
Robert Foreman.	L. Ballard.	T. Ward.
G. W. Right.	J. Ballard.	M. Blevins.
R. Right.	L. Ballard.	C. H. Blevins.
Fields Right.	L. L. Ballard.	L. Blevins.
R. W. Little.	J. Nellifer.	L. Arther.
M. M. Little.	Hugh T. Blevins.	G. Ballard.
J. S. Little.	Jacob Kiser.	H. Ballard.
J. C. Yeargen.	R. J. Linsey.	L. Ballard.
G. B. Yergen.	Ezekiel Squirrel.	N. Nellifer.
G. D. Ward.	J. Squirrel.	John Nellifer.
W. W. Ward.	John Hildebrun.	M. E. Kiser.
J. D. Ward.	Joseph Bick.	L. Linesey.
L. Ward.	Ezekiel Parris.	John Squirrel.
S. Smesey.	M. E. Beck.	J. Hildebrun.
R. P. Wiley.	Bell D. Beck.	Henry Beck.
F. Wiley.	John T. Scott.	Bud Barnes.
R. S. Wiley.	John B. Scott.	D. McBeck.
C. Wiley.	Lewis Wilkinson.	John H. Beck.
Able Diol.	A. England.	Charles Beck.
L. Diol.	Ezekiel Hampton.	A. M. Scott.
R. Diol.	A. W. White.	Joseph English.
M. Diol.	Bryant Ward.	William England.
P. Lyle.	Charles Barney.	William Goodwin.

P. White.	L. Williams.	Aaron Beck.
J. White.	M. Thompson.	John Sludefield.
J. Ward.	R. Ward.	James Parris.
J. Bended.	Wm. Ballard.	C. Draper.
Lot White Dayley.	M. R. Lunday.	Bob Foreman.
V. McBain.	R. E. Lundy.	M. C. Ward.
Jno. G. McBain.	E. G. Lundy.	L. A. Duckworth.
Thos. R. McBain.	J. S. Benge.	D. Duckworth.
S. Green.	J. F. Vann.	N. Gunter.
A. Barker.	C. E. Vann.	Jno. T. Gunter.
L. Barker.	Chas. Hurd.	L. Gunter.
C. Barker.	S. Hurd.	N. A. Gunter.
D. B. Barker.	L. Hildebrun.	B. G. Chandler.
I. Barker.	D. Hildebrun.	Jno. A. Powell.
C. Barker.	David E. Tiner.	Wm. Beck.
B. Night.	C. Bell.	C. Downing.
J. S. Night.	Nathl. Bill.	A. Selvege.
Wm. Blair.	Charles Water.	Jon. Selvege.
R. Dial.	Wm. Keys.	Joseph Downing.
Daniel Little.	Lewis Keys.	James Ward.
Clem Wright.	Dr. D. W. Pollson.	L. J. Ward.
James Wright.	R. Martin.	Epp's Thompson.
Franklin Wright.	P. Rogers.	J. A. Thompson.
Ezekiel Beck.	Saml. H. Downing.	P. Hicks.
Adam Beck.	J. T. Beamer.	F. Bullard.
William McGlaughlan.	R. D. Knight.	E. E. Lundy.
James Fishtrap.	J. W. McBain.	Rob. E. Lundy.
Alvin Woods.	Rob. D. McBain.	N. A. Vann.
Sweney Beck.	W. L. Green.	J. W. Vann.
L. L. Duckworth.	M. N. Barker.	M. E. Vann.
Alex. Duckworth.	G. Barker.	C. Hildebrun.
C. D. Gunter.	M. Barker.	N. Hildebrun.
L. Gunter.	R. B. Barker.	W. Hildebrun.
M. O. Gunter.	James Barker.	T. V. Vann.
L. A. Gunter.	Chonet Barber.	M. C. Bell.
E. G. Gunter.	Thos. R. Night.	D. P. Bell.
A. E. Chandler.	R. J. Night.	S. C. Water.
Benton Chandler.	Mark W. Diol.	J. Water.
Jno. Benton.	A. C. Blair.	James Keys.
S. Selvege.	Jon. Cummings.	Doc. Harris.
N. Selvege.	R. Little.	F. Pollson.
Ellis Downing.	Geo. Wright.	N. Martin.
Elic Ward.	John Wright.	A. Rogers.
G. D. Ward.	Lub. Beck.	

We propose to show a few of the facts as the ground upon which we base the petition for an exhaustive investigation into our affairs, and also for a change of government of such character as may hereafter secure our funds from such predations. To prove that this system of robbing the treasury for the benefit of a few men, and they, generally, if not always, connected with the same family, it is only necessary to refer to the records in the possession of the United States Government.

In the present statement we shall only refer to a few of the largest items that have been misapplied in the years previous to the beginning of the war. The first item is for \$94,000 paid to Lewis Ross & Co., (Lewis Ross and John Ross,) claimed to have been the amount they expended for forage before the Cherokees started from the old nation

to this country in 1835-'36, which amount was paid out of the Cherokee funds to the above-named company, and for which there was no authority of law nor treaty. (2.) The charge in excess over the contract price agreed upon by John Ross & Co., for the removal of the emigrant Cherokees to this country, amounting to nearly \$100,000, which was paid out of the Cherokee funds.

These moneys were paid under the administration of John Ross, chief, and while Lewis Ross, his brother, was treasurer of the Cherokee Nation, a number of years before the war. For the proof of which we refer to the records on file in the proper Departments, or to the sworn copies made by Hon. Richard Fields, while resident agent for the Cherokees in Washington City, which copies may be found in the records of his office, now in the executive department of the Cherokee Nation.

At the beginning of the war the Cherokee Nation, through John Ross, principal chief, together with the council, made a treaty with the confederate government, and received from that government the following amounts, as certified to by General Albert Pike, and shown by the receipts of Lewis Ross, then treasurer of the nation: (1st,) \$65,000 in coin, which is not accounted for; (2,) \$150,000 in confederate treasury notes, which, at that time, and for sometime afterward, represented an exchangeable value equal to legal-tenders. This amount, \$150,000, did not constitute any part of regular annuities, but was to be applied as part payment for what was known as the "neutral lands," which lands it was supposed would be lost by their action in treating with the so-called Confederate States, also unaccounted for.

During the years of 1862-'63-'64 we find that John Ross, W. P. Ross, and others of the family drew out of the several Cherokee funds the following amounts, at the dates specified, ostensibly for subsistence, when other Cherokees were refused any money for any such purposes:

Out of the general fund, on—

November 21, 1862, W. P. Ross, (then a confederate lieutenant-colonel on parol,) drew for subsistence.....	\$1, 500 00
November 21, 1862, John Ross, principal chief, drew.....	2, 500 00
November 24, 1862, F. H. Nash, nephew of W. P. Ross, drew.....	750 00
November 24, 1862, R. D. Ross, brother-in-law of W. P. Ross.....	1, 500 00
November 24, 1862, John W. Stapler, brother-in-law of John Ross.....	1, 250 00
November 24, 1862, Lewis Ross, father-in-law of W. P. Ross.....	1, 000 00
January 8, 1863, F. H. Nash again drew.....	375 00
January 8, 1863, John Ross, principal chief.....	1, 250 00
January 8, 1863, W. P. Ross.....	750 00
January 8, 1863, Lewis Ross.....	1, 250 00
January 8, 1863, R. D. Ross.....	750 00
January 8, 1863, John W. Stapler again.....	625 00
August 8, 1863, John Ross.....	2, 368 82
August 16, 1864, John Ross and E. Jones.....	2, 500 00
December 23, 1864, John Ross.....	2, 500 00
	<hr/>
	18, 743 82

The above were the amounts drawn from the general fund.

But we find that the school-fund, sacredly set apart for the purposes of education, did not entirely escape, for on—

May 7, 1863, John Ross drew from school-fund.....	\$1, 375 00
May 7, 1863, R. D. Ross drew from school-fund.....	283 99
May 7, 1863, John W. Stapler.....	625 00

Out of the orphan fund, on May 7, R. D. Ross, as Cherokee chief, which he certainly never was, drew \$591.01.

In addition to the above, the same parties drew, as "thirty-three Cherokees now in Pennsylvania and Delaware," for subsistence, \$15,600, in 1863.

A statement of these transactions was rendered by the Hon. E. S. Parker, Commissioner of Indian Affairs, under date of May 29, 1871, to Hon. R. Fields, Cherokee resident agent, in the records of whose office the statements, with many others of like character, may be found.

We further claim that W. P. Ross, the present acting executive, has usurped the office of chief, having caused himself to be elected by the council and not by the people as the constitution directs; and that there is no official record of any legislation by council to legalize such an action; for the proof of which we refer to the printed statutes of the council for the year in which such action took place.

That he has prostituted the authority and influence of his office to personal gain, to the detriment of the Cherokee people, in that he has, as *ex-officio* president of the board of trustees of the orphan asylum, used his influence to secure the selection of place for the site of the same wholly unfit for such purpose, as is proven by the protest of 1,400 or more Cherokees against such selection, which protest may be found in the office of the Commissioner of Indian Affairs; that he, as W. P. Ross, president of the board of trustees of the orphan asylum, contracted with W. P. Ross, executor and administrator on the estate of Lewis Ross, deceased, and in which estate he was heir to one-fourth, for the purchase of said place or improvement for the sum of \$28,000, when such place could not be sold for \$5,000, and should not have been accepted as a location for said asylum had it been tendered to the board free of charge; that the board of trustees did select and locate the asylum on the Lewis Ross place, after such place had been twice rejected by the national council; that they did exceed their authority and violate their instructions in contracting to pay, for the location and for the erection of buildings thereon, a sum in excess of the appropriations for that purpose, as is witnessed by the following joint resolution, passed by the Cherokee council on the report of said board of their action:

*Resolved by the national council,* That the board of trustees of the Cherokee Orphan Asylum did exceed their authority, granted them by the act of November 29, 1873, the same being an "Act authorizing the locating permanently of the Orphan Asylum and the Home for the Insane, Deaf and Dumb, and Blind of the Cherokee Nation, and for other purposes;" and all contracts made, or pretended to have been made, by virtue of authority of said act, are hereby declared to be null and void; and the treasurer of the Cherokee Nation is hereby required to withhold any money now in the treasury belonging to the orphan-fund, that may be drawn on either by warrant of the principal chief, or voucher, or order of the treasurer of the board of trustees of the Cherokee Orphan Asylum, on account of said contracts.

December 4, 1873.

CHARLES THOMPSON,  
*President of Senate, pro tem.*

L. B. BELL, *Clerk of Senate.*

Concurred in December 4, 1874.

JNO. R. DUVAL,  
*Speaker of Council.*

GEO. O. SANDERS, *Clerk of Council.*

Notwithstanding the positive language of the foregoing resolution, the contracts referred to have been continued in direct violation of the expressed will of the people, and we have evidence that the treasurer has, since the passage of this resolution, paid out \$2,500 or more on the warrant of the principal chief on account of such contracts.

That our general fund should be, and is, ample to pay all the necessary expenses of the government every year as soon as due; in proof of which we refer to the report of the auditor of the expenses of the last year, published in the Cherokee Advocate of December 13, 1874, and by comparison of said account with the amount of general fund turned over to the treasurer by the United States agent for the same year. Yet, on account of the management of the office and manipulation of the moneys, national scrip is only worth 50 cents on the dollar. That, although an act was passed at last council appointing a committee to make settlement with the treasurer on the part of the nation and ascertain the amount of money on hand, and the character of the vouchers for that paid out, yet, by the management of the administration members, and the absence of the treasurer for a part of the time, such examination was deferred until within the last two days of the session of council, when it was found impossible to go over the matters in the office, and the country were prevented from obtaining that information which they had asked for and which was so necessary.

That our school-fund is being constantly diverted from the purposes for which it was created.

That a part of it is now being permanently applied to paying the board and clothing for a certain class of the children, in violation of law and treaty, and to the detriment of the common-school interests of the nation.

That the whole orphan-fund is being consumed for the benefit of from sixty to seventy orphans, to the exclusion of three hundred more who have equal rights in said fund, and for the benefit of the managers of the orphan asylum.

That the law and the courts are continually prostituted to partisan purposes, and that in many cases the guilt or innocence of accused parties is not at all determined by the evidence in the case, but by the political party to which the accused may belong.

That officers of the nation are suspended from the discharge of their duties at the will of the executive, without any just cause or complaint, and partisans of the administration, representing the minority, are appointed in their place; and that the executive is responsible to no bar or tribunal for such acts, even when the council has determined great injustice has been done.

That the executive has filled vacancies, made by death or resignation, by appointment, and refuses to order an election for such offices, as is plainly prescribed by the law and constitution; this for the purpose of maintaining in office friends and partisans who could not be elected by the people.

And now, in amplification of the charge that W. P. Ross has usurped the office which he now holds, let us examine the position of this W. P. Ross in his connection with the government when a senator from Illinois district, Cherokee Nation. We find him, in the exercise of his functions as senator, insisting in the national council, at a time when accident and circumstances had given the party under his leadership a majority of *one* on a joint ballot in that department, that the proclamation of the acting principal chief, setting a time for the election to fill the vacancies occasioned by the death of Chief Downing and his assistant R. B. Daniels, be set aside and disregarded, although it was in unmistakable accordance with the constitution and the sacred rights of the people, and the duty of the acting chief to issue a writ of election; and at the same time this model statesman succeeded in substituting section 1 of Article IV of the

constitution of the Eastern Cherokees, for section 5, Article IV, of our constitution.

It can be readily seen that by this precedent, if allowed to go unrebuked, we are giving the national council the power of electing the principal chief.

The constitution only giving the national council the power to provide by law for case of removal, death, or resignation of both the principal and assistant chief, by declaring what officer shall then act as chief until the vacancy is filled, the fifth section of Article IV is the only one that applied to the emergency therein provided for; and that was the emergency in which the country was placed by the death of both the chiefs. That section, then, governed the case; but by perversion and a forced construction, and particularly that it fell into the schemes of W. P. Ross, the fifth section was ignored—no law made declaring what officer should act; but as it was by accident all in the hands of the Ross party for a short time, by the most base of all kinds of fillibustering, W. P. Ross managed to be elected principal chief by a majority of one.

Now the prime mover and principal beneficiary of this outrage was W. P. Ross; and we have a standard to guide us in the estimate of his character and intentions, of his own finding, and we do no more than justice when we judge that the intention to defraud the orphan-fund was coeval with the intention to usurp the government, and was, no doubt, the main inducement to the first act.

We see that, in the attainment of an object, W. P. Ross does not allow either the plain requirements of the constitution or solemn obligations to stand in his way, for by a certain obliquity of his mental faculties, and his great aptitude for constructions, he can and does construe the constitution or anything else to suit his purposes. An adept in sophistry, and persistent in effort, he avails himself of every opportunity to carry out his schemes; his deluded followers gladly, yet blindly, affording that opportunity whenever in their power.

He is a professional lawyer, and a graduate of a highly-esteemed university, and cannot plead ignorance as to the meaning and intent of the plain provisions of our constitution, nor can he successfully pervert them so as to blind the intelligent.

We find him examining the joint resolution passed by council on December 4, 1874, condemning his action in relation to the orphan-asylum, and in most positive terms forbidding the treasurer to pay out any money on account of the contracts referred to; but he decides the resolution, expressing the will of the people through their representatives, of no worth, and has within the last ten days received the estimates for the part of the work done, and drawn warrants for its payment, and the treasurer has paid the money from the treasury in violation of the resolution.

That this same W. P. Ross does not intend to regard either the law or the constitution, whenever they interfere with his plans, there is ample evidence already in his actions, and, unless something is done, and that speedily, our funds will be squandered and our country left bankrupt, and all respect for law and order crushed out of the land. If we raise up our voice to protest openly against these acts, it is a signal for our assassination by the sworn servitors in the interest of the Ross faction. Verily we are in strange hands for a free people, claiming any degree of intelligence and living under a constitutional government!