

THE CELEBRATED CASE THAT WON CIVIL RIGHTS FOR INDIANS

Order Issued by Carl Schurz, While Secretary of the Interior,
Brought Long-Standing Trouble to a Crisis.

SPLENDID ORATION MADE BY INDIAN CHIEF

Eloquence of Standing Bear, Pleading for His Own and His People's Rights,
the Cause of An Ovation in Crowded Nebraska Court Room—
Judge Dundy's Famous Decision.

Omaha.—The late Carl Schurz is best remembered in Omaha as the cause of the American Indians being admitted to full citizenship in this country—not through his taking the side of the red men in the long struggle, but because he, as secretary of the interior, issued an order which so aroused the west to the wrongs of the Indian that a crusade was started in Omaha which reached to all portions of the United States, lasted seven years, and ended by supreme court decisions and legislative enactments making the Indian as free as a white man if he choose to be so, and to accept the conditions of civilization.

Schurz had the order issued to Gen. Crook, then stationed at Omaha and commanding this department of the army, and immediately the cause of the Indian was taken up by Thomas H. Tibbles, late vice presidential candidate on the populist ticket; Gen. Crook, John L. Webster, Judge Dundy, and a score of other men prominent in the west.

Previous to the fight spoken of here every Indian in the United States was subject to the orders of the secretary of the interior. The government was an absolute autocrat over the destiny of the red man in the entire country.

Pitiful Funeral Procession.

Back in 1879 a pitiful procession wended its slow way northward from Indian territory, bound for the prairies of Nebraska. There were 30 Indians on foot and one old wagon, drawn by two worn-out horses. In the wagon was the dead body of a child—an Indian boy. The leader of the little party was the father of the dead child; the famous Ponca Indian chief, Standing Bear, a few years later to be the best-known Indian in the entire world—and to speak in every city in the country in behalf of his people.

Standing Bear's party was en route to the Niobrara country, in northern Nebraska, to bury the child in the ancient burying grounds of the tribe. They had started on the long trip, although permission to leave the reservation in Indian Territory, on which they had been settled against their will, had been refused.

Formerly the Poncas lived in north-

body buried in the strange country, but instead, gathering a few members of his tribe, he started for the ancient hunting grounds of his tribe, intending to bury the child where generations of Ponca chiefs lay.

Schurz heard of the runaways, and through the war department telegraphed Gen. Crook, in Omaha, to arrest the Indians and return them to Indian Territory.

But the chief of the Omahas, Iron Eye, went to meet the Poncas and offered them a haven of refuge on the Omaha reservation.

"We have all the land Standing Bear and his people wish for; we have corn and meat in plenty; come live with us," said Iron Eye.

But the government, through Schurz, said "No."

So Crook arrested the old chief and brought him and his followers down to Omaha. And with them came the wagon bearing the dead child.

Standing Bear told Crook his individual story. The great Indian fighter knew the general history of the Indians and was already indignant at their treatment, but the treatment accorded Standing Bear was too much, and even the stern warrior rebelled.

Campaign Mapped Out.

That night Crook came into Omaha and had an all-night's conference with Tibbles, then an editorial writer on a newspaper. A campaign of Indians' rights was mapped out, and both men started out the next day to carry out their parts.

Crook was to delay returning the Indians to Indian Territory until a writ of habeas corpus could be asked for from the United States court on the ground that the constitution, in the fourteenth amendment, guaranteed to all persons born in the United States equal protection of the law.

Tibbles looked out for the legal end of the deal. He went to John L. Webster, then a struggling, unknown young lawyer, laid his case before him, and asked him to defend the rights of the Indian.

"There is no money in it, but there is fame, honor and glory," said Tibbles.

Webster took the case, and asked

Lawyers, every one in Nebraska and many from the big eastern cities; business men, Gen. Crook and his full staff, in their dress uniforms (this was one of the few times in his life that Crook wore his full dress in public), and the Indians themselves, in their gaudy colors. The courtroom was a galaxy of brilliancy.

"On one side stood the army officers, the brilliantly dressed women, and the white people; on the other was Standing Bear, in his official robes as chief of the Poncas, and with him were his leading men.

"Far back in the audience, shrinking from observation, was an Indian girl who afterward became famous as a lecturer in England and America. She was later known on both continents by a translation of her Indian name, In-sta-the-am-ba, Bright Eyes.

Long and Able Arguments.
"Attorney Poppleton's argument was

make the attempt. I take my child by the hand and my wife follows after me. Our hands and our feet are torn by sharp rocks and our trail is marked by our blood. At last I see a rift in the rocks. A little way beyond there are greener prairies. The swift running water, the Niobrara, pours down between the green hills. There are the graves of my fathers. There again we will pitch our tepees and build our fires. I see the light of the world and of liberty just ahead."

"The old chief became silent again, and, after an appreciable pause, he turned toward the judge with such a look of pathos and suffering on his face that none who saw it will forget, and said:

"But in the center of the path there stands a man. Behind him I see soldiers in number like the leaves of the trees. If that man gives me permission I may pass on to life and liberty.



The Audience Listened Spellbound to Standing Bear's Oration.

carefully prepared, and consumed 16 hours in the delivering, occupying the attention of the court for two days. On the third day Mr. Webster spoke for six hours. And during all the proceedings the courtroom was packed with the beauty and culture of the city.

"Towards the close of the trial the situation became tense. As the wrongs inflicted on the Indians were described by the attorneys indignation was often at a white heat, and the judge made no attempt at suppressing the applause which broke out from time to time.

"For the department Mr. Lambertson made a short address, but was listened to in silence.

"It was late in the afternoon when the trial drew to a close. The excitement had been increasing, but it reached a height not before felt when Judge Dundy announced that Chief Standing Bear would be allowed to make a speech in his own behalf.

"Not one in that audience besides the army officers and Mr. Tibbles had ever heard an oration by an Indian chief. All of them had read of the eloquence of Red Jacket and Logan, and they sat there wondering whether the mild-looking old man, with the lines of suffering and sorrow on his furrowed brow and cheek, dressed in the full robes of an Indian chief, could make a speech at all.

"It happened that there was a good interpreter present—the son of Father Hamilton, a well-known missionary.

Standing Bear's Address.
"Standing Bear arose. Half-facing the audience he held out his right hand and stood motionless so long that the stillness of death which had settled down on the audience became almost unbearable. At last, looking up at the judge, he said:

"That hand is not the color of yours, but if I prick it, the blood will flow and I shall feel pain. The blood is of the same color as yours. God made me, and I am a man. I never committed a crime. If I had, I would not stand here to make a defense. I would suffer the punishment and make no complaint.

"Still standing, half-facing the audience, he looked past the judge out of a window as if gazing upon something far in the distance, and continued:

"I seem to be standing on the high bank of a great river, with my wife and little girl by my side. I cannot cross the river, and impassable cliffs arise behind me. I hear the noise of great waters; I look and see a flood coming. The waters rise to our feet and then to our knees. My little girl stretches her hands toward me and says, 'Save me!'

"I stand where no member of my race ever stood before. There is no tradition to guide me. The chiefs who preceded me knew nothing of the circumstances that surround me. I hear only my little girl say, 'Save me!'

Reached Heights of Eloquence.
"In despair I look toward the cliffs behind me, and I seem to see a dim trail that may lead to a way of life. But no Indian ever passed over that trail. It looks to be impassable. I

if he refuses, I must go back and sink beneath the flood."

"Then, in a lower tone:

"You are that man."

"There was silence in the court as the chief sat down. Some tears ran down over the judge's face. Gen. Crook leaned forward and covered his face with his hands. Some of the ladies sobbed.

Orator Given Ovation.

"All at once that audience by one common impulse rose to its feet and such a shout went up as was never heard in a Nebraska courtroom. No one heard Judge Dundy say 'Court is adjourned.' There was a rush for Standing Bear. The first to reach him was Gen. Crook. I was second. The ladies flocked toward him, and for an hour Standing Bear held a reception.

"A few days afterward Judge Dundy handed down his famous decision in which he announced that an Indian was a 'person' and was entitled to the protection of the law. Standing Bear and his followers were set free, and with his old wagon and the body of his dead child he went back to the hunting grounds of his fathers and buried the boy with tribal honors. It was the very first time an Indian was ever permitted to appear in court and have his rights tried."

Up at the Ponca reservation there is an old white-headed Indian (he is the only known really white-headed Indian, too). It is old Standing Bear—old and decrepit. But he remembers Carl Schurz, and still blames him for much of the hardships through which the western Indians passed.

When told of the death of Schurz, the old man smoked a full minute before answering the one word of English which he ever uses:

"Good."

Duke of Wellington's Vanity.

Among the portraits at the Royal academy, London, there are some which could tell stories; some with little touches of idiosyncrasies of subjects no less than of painters. Is the story of Lawrence's portrait of the Duke of Wellington commonly known? The duke had only one vanity—his wrist was like steel. Now, when he was given the sword of state to carry it was his infinite delight that he was able to carry it upright; all his predecessors had to slope it toward the shoulder. He would go down to posterity, he resolved, glorified by the power of his wrist.

In vain Sir Thomas Lawrence pointed out that, as a matter of art, it would never do; that the sight of a man perennially carrying a sword from the wrist would fatigue those who looked at his picture. The duke insisted upon having his way. Lawrence did manage to smuggle in a cushion upon which the duke seemed to rest his elbow, but close examination shows that arm and cushion do not meet.

Shifting the Bills.

"If you will give me your daughter, sir, we will always live with you."
"Nope; you marry her and I will always live with you."—Houston Post.



General Crook Intercepted and Arrested Standing Bear.

ern Nebraska, along the Niobrara river. They had fought the Sioux, in behalf of the white men, for years, and had lost 700 braves in the white man's behalf. For this a previous secretary of the interior had given them, in fee simple, full title to their reservation and lands.

Lands Taken from Poncas.

Then Mr. Schurz was made secretary, and at the point of the bayonet had driven the Poncas down into Indian Territory, depriving them of the lands for which they held government deeds. The Poncas were left months without rations in the new country, and more than one-third of them died while there.

And among those who died was the son of the old chief, Standing Bear. The chief refused to have the little

Judge A. J. Poppleton, then general counsel for the Union Pacific, to assist him and make the argument. Poppleton agreed, and then a writ was applied for in the United States court at Omaha, over which Judge Dundy presided.

Made Thousands of Citizens.

The case came to trial. It was the most notable trial ever brought in the west, and, in fact, the scope was as wide as any ever tried in the United States, for by its decision 90,000 people were made citizens.

Thomas H. Tibbles attended every session of that court. In his own words he describes it in this way:

"The courtroom was crowded with fashionably dressed women, and the clergy, which had been greatly stirred by the incident; was there in force.

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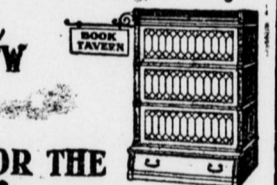
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