

## LINCOLN COUNTY LEADER.

J. F. STEWART, Editor and Proprietor.

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### Taxing Indian Lands.

The question of taxing the lands allotted to the Indians on the Siletz arose some time ago, and the Indian department made the ruling that these lands were not taxable as long as they were held in trust by the United States, which is for a twenty-five year period. Judge Burt, acting for the interest of the county, wrote a letter to the department, setting forth the facts that the State, through Lincoln county, had already extended its civil jurisdiction over them, and also setting forth the evident injustice of the protection of State laws without contributing their share of taxes toward the maintenance of them.

Last Saturday Judge Burt received a lengthy communication from Indian Commissioner Browning upon the subject of taxation of Indian lands on the Siletz. Commissioner Browning says:

"In reply to your request for information on the subject I have to advise you that the lands which have been allotted in severalty to these Indians cannot be taxed during the period for which they are held in trust by the United States—twenty-five years. It is true that it was the intention of the government to provide in the agreement with the Indians concluded October 31, 1892 (28 Stats., 324) for the payment of taxes, it being declared by article three that:

"It is hereby further stipulated and agreed that as soon as the lands which have been allotted to the Indians on said Siletz Indian Reservation shall become subject and liable to taxation by the State of Oregon, then the Secretary of the Interior may reserve a part of said interest money, so coming to said Indians, not exceeding one-third thereof for each year, and pay the same to the state and local authorities of the State of Oregon, in lieu of taxation upon the lands allotted to said Indians, under such rules and regulations as he may prescribe or as may be prescribed by law, to secure to the Indians the full enjoyment of the protection of the laws of said State, and a just share of all benefits derived from said payment in lieu of taxes; Provided, That all road taxes, which by the laws of the State may be discharged by work, may be so discharged by the Indian owners of said allotted lands on the roads in their respective vicinities. x.x.x."

"The term 'when the lands shall become subject and liable to taxation by the State of Oregon' is hardly open to question. Allotments were made on this reserve and patents issued therefor under the General Allotment Act as amended by the Act of February 28, 1891 (26 Stats., 794) and it has been uniformly held that lands allotted under said Act are not taxable until after the expiration of the 25 years trust period.

"The above quoted language of the agreement is somewhat vague and indefinite but when read in connection with section five of the General Allotment Act, and in connection with the decisions that lands allotted thereunder are not taxable for twenty-five years, it seems to be clear that the time when the lands of the Siletz reservation shall become subject and liable to taxation will be twenty-five years after the date of the patents to the allottees. This, however, was not the intention of the parties—at least not of the department and of the commissioners who were sent to negotiate with the Indians. The intention was, as shown by the letter of instructions to said Commission, to secure to the Indians the immediate benefits and advantages of the laws of the State of Oregon, by the Department pay-

ing to the State in lieu of taxation, a sum not exceeding one-third of the interest money due the Indians each year.

"For the purpose of learning, if possible, the views and intentions of the Indians with respect to this matter at the time of making the agreement, this office wrote July 12th last to Messrs. Wm. H. Odell, Reuben P. Boies and H. H. Harding who constituted the Commission to make the agreement with the Indians, for information as to what consideration was given the question by the Indians in Council, and what views, if any, they expressed thereon.

"By letters of July 26th, Messrs. Odell and Boies stated, substantially, that it was the intention to have payment of taxes begin with the date of the patents. Mr. Harding under date of July 15th, stated that it was explained to the Indians that under the law the tax money could not be withheld from them until the expiration of 25 years without their consent, and that some of the most intelligent of the Indians favored the idea of immediate taxation with the idea of benefits under the laws of Oregon, and possibly of suffrage; 'but it was finally deemed best to leave that in the indefinite way it was left, in order that in future it would be open to mutual agreement, so that the Indians while granting taxation might secure just benefits from Oregon.'

"The explanation given by Mr. Harding seems to be the most intelligent one in that it shows a reason for the use of the indefinite language found in said article three of the agreement.

"Though it thus appears that the allotted lands of the Indians cannot now be taxed, the question of denying to the Indians the benefit of the laws of the State is one that requires serious consideration. It is found in section 5 of the general allotment act, 'That the law of descent and partition in force in the state or territory where such lands are situated shall apply thereto after patents therefor have executed and delivered.'

It is further provided by Section 6 of said Act:

"That upon completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the state or territory in which they may reside; and no territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this Act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

The meaning and intention of the foregoing provisions of law is clear and unmistakable, and I should question the wisdom of any policy that would withhold from them the full protection of the state laws.

\* \* \* The Government is doing all it can to make good citizens of these people and it is not unreasonable to expect that the State, being more directly and immediately interested in the character of its inhabitants, should lend its assistance to that end.

"A copy of this letter is furnished to Mr. Hermann for his further information on the subject.

Very respectfully,

D. M. BROWNING,  
Commissioner.

By the foregoing letter it will be seen that it was clearly the intent of the department and of the Indians themselves that the lands be liable to taxation at the time of the issuance of the trust patents. It was evidently the belief of Senators

Dolph and Mitchell and Representative Hermann that such was the provisions of the treaty and agreement at the time they secured the passage of the Siletz bill. There is no doubt but that the matter can be easily adjusted by the next session of congress, in line with the intent of all parties to the treaty, and that the Indians will be guaranteed all the rights and privileges of the state laws, and in return the taxes on their lands out of the interest funds on hand in the U. S. treasury.

Another question that is settled beyond the shadow of a doubt by Commissioner Browning's letter is that of Indian citizenship and their right of suffrage. According to section 6, of the general allotment act, quoted above, there can be no possible doubt but what the Indians are entitled to all the rights of citizenship as soon as they are allotted lands in severalty.

Dr. Paine, the new superintendent of the state insane asylum has laid down the proposition that in the future the asylum is not to be made a home for inebriates or aged paupers. If he will strictly adhere to this rule he will be the means of saving the state a large sum of money annually. It is a shameful fact that a large percentage of the inmates of the asylum are not insane at all, but are victims of whiskey or opium, or what is more shameful, are aged persons on whom the natural childishness of years has fallen, and who have been deserted by those who should have been a stay and a prop in their old age. The practice has grown up among the counties of turning all these elements over to the asylum for the state to bear the burden instead of bearing it themselves. The practice should be stopped. Each county should be compelled to support its own whiskey and morphine fiends, and its aged and helpless paupers.

W. B. Farwell, a San Francisco hop buyer, who has visited all the hop growing districts in this state says that the hop crop throughout Oregon has never been so great or of so good a grade as this year, but fears that many of the growers will not greatly profit by it. In the first place, said he, the hop-raiser is in a speculative frame of mind, and wants "top-notch" prices. In the second place, it will be a difficult, if not an altogether impossible matter, to harvest the crop, because of the scarcity of help. In Marion county alone, as I understand it," remarked Mr. Farwell, "they need 3000 hands to pick hops, and how to get them no one knows. I've heard a good deal about unemployed men and women in Oregon, but I judge their number must have been greatly exaggerated, from their dilatory manner in accepting the work offered them by hop-growers. If the needed help is not soon forthcoming, much of the hops will go to waste."

About three week ago, near Bear Lake, about 30 miles from The Dalles, a bear ate up an Indian child that was left in the brush asleep while its mother was picking berries. The poor woman heard the cries of her infant, and thinking that it was being injured, picked up a butcher knife and rushed to its assistance. She found a savage bear with the baby in its claws, and gnawing the prostrate body. Heroically she began the fight; but the bear was too powerful for her, and, although she fought bravely, when she was rescued by the Indians she was nearly killed, the brute having clawed and mangled the flesh on her body in a fearful manner. The little child was dead, and almost every particle of flesh on its body was devoured by the angry animal.

Gustav Rowan, one of the survivors of the Colima, wrecked on the 28th of May off the coast of Mexico, who was seriously injured by floating lumber while drifting about after the vessel sank, has instituted suit against the Pacific Mail Steamship Company for \$50,000 damages. He bases his suit on the alleged carelessness of the company in loading the vessel.

### The Wages of Sin.

Harry A. Smith, the ex-sheriff of Clatsop county, who skipped from Portland some months ago, writes from Antwerp to Curtis J. Trenchard, of Astoria, in a manner that indicates that evil-doing brings its own punishment, even if virtue does not bring its own reward, as some people claim. Smith writes in part, as follows:

"No wonder my hair has turned snow white. The truth of it all is, when I went to Portland to sell those warrants I had or never had or never had a thought, why I never dreamed of such an act as leaving. I received the money, \$3,000, from Bernard, on Friday, at 12 o'clock, and on Saturday afternoon, the day following, I was confronted with a condition that I must either face the public or choose the latter course, and of course, with my whiskey-soaked brain, I did what I have done. I left on the Northern Pacific to the East, and there embarked on a steamer and landed in Antwerp on the 5th day of May with \$216.60 and one extra coat beside the one on my back, and I had left Portland with \$340. On my arrival in New York I tried to gather courage to return, and face the music, for the whiskey had left me sufficiently to know what I was about; but no, miserable wretch that I was, I had not the courage. The particulars of how it was that I left Portland with only that amount of money, I shall not explain, for God knows, the affair is already disgraceful enough. It is an expensive lesson to get over the habit of drinking whiskey and seeking company for the balance of my miserable existence. I have not the heart to write to my dear, beloved wife and daughter, if I may call them such yet, for God knows that they have been kind and loving to me, for no truer woman exists."

Talk about this not being a stock country! It can't be beat on the face of the earth. To prove this statement note the following. Last Thursday night a cow belonging to Dunn & King gave birth to twin calves. On the same night a cow belonging to Chas. Day, a neighbor on an adjoining farm, gave birth to twin calves. All four of the calves were heifers, too. If these calves do as well as their mothers have done, it will only be a few years until the country is full of cattle.

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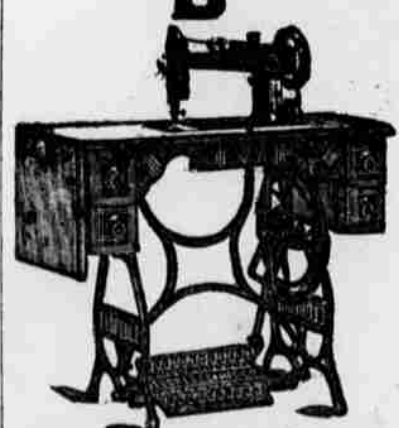
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