

Adams, John D

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# ELIAS CORNELIUS BOUDINOT.

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Born August 1, 1835.

Died September 27, 1890.

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*"One touch of Nature makes the whole world kin."*

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*Death can not come  
To him untimely who has learned to die.  
The less of this brief life, the more of Heaven;  
The shorter time, the longer immortality.*

—MILLMAN.

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## ELIAS CORNELIUS BOUDINOT.

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IN OBEDIENCE to the request of a number of friends, and in pursuance of an idea already formed before the pleasant duty suggested itself to others, I have collected and had printed in this little volume all the data I could obtain in relation to the life and character of that noble specimen of manhood, the late Elias Cornelius Boudinot. Among the letters I first received containing a request of this kind was one from Hon. Augustus H. Garland, late Attorney-General of the United States, between whom and the deceased there existed the warmest friendship. In this letter, Mr. Garland refers to our much-loved friend as follows:

“He was a bright, smart, intelligent man, and always entertaining. I know of no one who has contributed more to the enjoyment of his friends than he. Since 1860, when he came to Little Rock to edit the *True Democrat*, I have known him dearly and well. He was

in the Confederate Congress as a delegate. We crossed the Mississippi together in those perilous days, and went with Governor Flanagan's flag of truce, with Brother Stuart and others, to General Reynolds in 1865, and 'I do not know what it is we have not seen and done together. You know all your houses were open to him, and he came and went as freely as one of the members of the family he was visiting. When here a few months ago, he dined with me at home, and charmed us all with his music and recitations. He was so bright and cheerful then that he looked little like dying soon. In the Confederacy at the capital, and here at Washington, he was a visitor to all the best places, and always charmed his company."

E. C. Boudinot was a man loved by all who knew him. There was only one side to his nature, and that could be seen by anyone in his open, manly, and honest face. He was brave and courageous as a warrior, with a disposition soft and tender as a child. His tastes were simple and his thoughts were as pure as it was possible for them to be. Every act of his life bore the impress of sincerity, and love dominated his entire being. He did nothing for policy's sake. He came nearer living up to the teachings of the Golden Rule than any man

with whom I have ever had an intimate acquaintance. He was one of the most confiding men in the world, and upon his friends he bestowed that unlimited confidence that made them love, honor, and respect him. He was extremely sensible to the short-comings of human nature, and though a lawyer and a tireless worker, he never accepted a case in which he was required to appear as a prosecutor. On one occasion when he declined to take the aggressive side in an issue of this kind, he was told that he was afraid to do so. His answer to this remark was characteristic of the noble man that he was. He simply said: "No, I am not afraid. My reason for declining to serve is because I believe that prosecution is the duty of the Government." This answer he thought was sufficient. I have known the deceased since the fall of 1853, when he returned from school. He was the most lovable character I ever knew. He was refined in his manner and peculiarly charming in his conversation. He was an excellent story-teller, and could amuse a company for hours. In all our intercourse, covering a period of thirty-seven years, I never heard him use an expression or relate an anecdote that was not couched in the purest language and that could not be told in the presence of the most refined of the opposite sex.



Up to the date of his marriage he lived for his friends and their enjoyment, many of whom believed that by this marriage they would be deprived of the social pleasures they had so long enjoyed with him; but in this they were mistaken. While in Washington, he met Miss Clara Minear, a lady with splendid connections and excellent accomplishments. Each was peculiarly suited to the other, and it proved a very happy marriage. She clung to her husband as the ivy to the oak, each absorbing and living upon the love of the other. To her his life was a mainstay and joy; without it, an incurable sorrow. The love and affection entertained for her husband are now transformed into grief for the dead and sympathy for the living. Her husband was a man who made the world better for having lived in it, and there are none who so keenly appreciate her sorrow and who weep with her over the new-made grave, as those who were honored with his confidence and friendship, and who look upon his death as the loss of a brother. The most acceptable biographical sketch of the deceased was written by John Hallum, and appears on the following pages.

## BIOGRAPHICAL.

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THE HISTORY of the Cherokee Indians dates back to the first settlement on the James River, in 1607. Kill-kee-nah, the father of Colonel Boudinot, was descended from a long line of tribal chiefs. His Indian name translated into English means buck or male deer. Kill-kee-nah was born in Georgia about 1795, and was with his brother, the celebrated John Ridge and Stand Waitie, his nephews, sent to school in Cornwall, Connecticut, where all acquired a good education. They afterward became distinguished leaders. Whilst at school, Elias Boudinot, a gentleman of local repute in New Jersey, visited Cornwall, and was attracted by the sprightly and vivacious Kill-kee-nah, and the intimacy which followed resulted in the Indian taking the name of his friend and admirer, and henceforth he was called Elias Boudinot. After these Indian boys left Cornwall, they returned to the Cherokee Nation, in Georgia, and assumed their tribal relations. At that time the United States were treating with all the Indian tribes east of the

Mississippi River for their removal west. The celebrated John Ross was then principal chief of the Cherokees, and resisted the policy of removal. Boudinot, Stand Waitie, and Major and John Ridge, in a spirit of true diplomacy and statesmanship, advocated the exchange of their possessions in Georgia for land in the Indian Territory, and influenced the consummation of a treaty to that end in 1835.

This resulted in dividing the Cherokees into two factions, and led to the bitterest feuds known to Indian annals. The adherents of Ross settled the north, and the followers of Boudinot and Stand Waitie the south of the Cherokee Nation, in the Indian Territory. This geographical division of the tribe gave them the names of Northern and Southern Cherokees. John Ross was only about one-eighth Indian blood, and his personal appearance gave no indication of that adulteration or amalgamation. No man ever excelled him in knowledge of Indian character, and he subordinated it without let or stint to crush all opposition and promote his personal ends, and took care of his conscience at a more convenient season. In June, 1839, the Ross party brutally assassinated Elias Boudinot, his brother, Major Ridge, and nephew, John Ridge, leaving, by miscarriage, Stand Waitie the sole great survivor and leader of the opposition.



These preparatory statements are necessary to accurate comprehension of the historic ground intimately associated with the life of Elias C. Boudinot, who without question belongs to the highest type of Indian character yet developed on this continent. He was born August 1, 1835, near Rome, Georgia, the year his father and kindred triumphed over Ross in consummating the treaty of 1835. Immediately after the assassination of his father, Stand Waitie sent all the children to New England. Elias C. was left at Manchester, Vermont, where he mastered a good education. At first, he chose civil engineering as a profession, and at the age of seventeen he spent one year as civil engineer to railroad interests in Ohio; but because of physical injuries in the ankle, existing from early infancy, he abandoned that profession for the law, and entered the law office of Hon. A. M. Wilson at Fayetteville, and there, in 1856, was admitted to the bar. He practiced in the State and Federal courts—much in the latter courts. One of the first cases he appeared in was as junior to the celebrated Alfred W. Arrington and Wilbur D. Reagan, in the defense of Stand Waitie, charged with murder, in the Federal Court for the Western District of Arkansas.

Boudinot led off in the defense, following his old

preceptor, the Hon. A. M. Wilson, then United States Attorney, in one of the most effective and polished orations ever delivered by a man of his age. Reagan was then a great criminal lawyer, in the prime of his life, and Alfred W. Arrington was one of the most gifted orators America has produced.

After hearing an account of this trial from persons who witnessed it, I asked Colonel Boudinot about the chief incidents attending it, and he made this memorable remark: "All the innocent blood and sufferings of my race came in panoramic procession before my mind as vivid as the lightning's flash, and determined me to make an effort worthy of my lineage or ruin my brain in the attempt."

A portion of the time during his first years at the bar, he mounted the editorial tripod as associate editor of the *Arkansian*, an ably edited weekly published at Fayetteville in the interest of Democracy. In 1860 the Democratic State Convention made him chairman of the State Central Committee, a very distinguished compliment for any man only twenty-five years of age. This position as one of the great leaders of Democracy led him into editorial charge of the *True Democrat*, the leading Democratic organ published at the capital. These positions,

for a man so young, indicated extraordinary mental vigor, and they were supported with sufficient ability to give him a national reputation. In 1861 he was elected secretary of the Secession Convention by acclamation, and when that body adjourned he embraced the cause of the South, and repaired to the Cherokee Nation and aided his relative, Stand Waitie, in raising one of the then Indian regiments for the then Confederate service. Stand Waitie was elected colonel, and he was elected major, and soon succeeded to the position of lieutenant-colonel by succession. That great man—General Albert Pike—was commissioned by the Confederate Government, then at Montgomery, to raise and command a brigade of Indians, and he did so. John Ross was still principal chief. In October, 1861, he concluded a treaty with the Confederate States, espoused their cause, and issued a stirring proclamation to his people, penned by the hand of a master, in which the author reads the genius of General Pike. He was then at Tahlequah, the capital of the Cherokee Nation. He was engaged in the bloody battles of Oak Hills and Elkhorn. Under a provision of the Cherokee treaty with the Confederate States, he was elected to the Confederate Congress in 1863, and served in that capacity to the conclusion of peace. In September, 1865, the



largest Indian council ever held in this country convened at Fort Smith, to determine the terms of a treaty then under consideration between the United States and the various Indian tribes inhabiting the Indian Territory. Boudinot represented the Southern Cherokees in that council, and made an able and manly defense of the course pursued by them during the war. John Ross came to the council crying "traitor and treason" against the Southern Cherokees for aiding in the rebellion; either forgetting or being shameless of his double treason and treachery to both sides. He deserted the South in 1863, and proceeded to Washington to sue for peace and pardon on the ground that he had been morally overawed and forced to join the rebellion against his will, and that Boudinot and Stand Waitie were the responsible parties. When Boudinot came to answer these charges, he did it with documentary and official proofs against Ross, at once convincing, overwhelming, irresistible; pursuing now the patient, deliberate methods of the trained logician, then rising to the highest offices of the impassioned orator, he covered the name of John Ross with the brand of assassin and traitor, and overwhelmed it with an all-consuming fire which will burn in lurid light as long as the history of the Cherokee Nation is preserved. He followed Ross to Washington,



and checkmated and foiled all of his machinations and combinations to inflict flagrant injustice on the Southern Cherokees.

John Ross died before the final ratifications of the treaty in July, 1866, and his faction tried to perpetuate their power in the person of another Ross, but signally failed. He had survived his usefulness and his fame—had lived too long. He saw the son of the murdered Kill-kee-nah, with the force of powerful logic and polished oratory, carry senates against him. He lived to see the murdered martyr triumphant in the person of his noble son, as he sank beneath a cloud of shame into a dishonored grave. In 1868 Colonel Boudinot was the chief actor in behalf of the Cherokees in negotiating a treaty with the United States. The tenth article of the treaty of 1866 contained a special provision exempting the Cherokees from taxation of every kind. Under this solemn treaty guaranty, Boudinot established a tobacco factory in the Indian Territory in 1867. In 1868 Congress imposed a tax on the manufacture, and authorized confiscation for violation of the act. Immediately on the passage of this act, Colonel Boudinot entered into a correspondence with the Secretary of the Interior, and obtained from that high official and his law adviser a con-

struction of the revenue act of 1868, and the treaty of 1866, exempting his manufacturing enterprise from taxation—a construction in accord with the highest obligations of national faith, and one about which, it seemed, there could be no grave doubt in the minds of jurists, especially in view of the fact that it had been universally conceded that the legislative department had no power to annul a solemn treaty compact.

But Boudinot's factory was seized and confiscated, and the condemnation was sustained, by a divided court, on appeal to the Supreme Court of the United States. This strange and anomalous decision stands out in solitude and unenviable notoriety. But the court attempts to soften the injustice and rigor of the nation's violated faith in the assurance that Boudinot had kept his skirts clean, and the suggestion that he appeal to Congress for restitution. Judge Dooley, the great jurist and constitutional expounder, was president of the commission that negotiated the treaty of 1866, and as an act of justice to the Indian, agreed to the tenth article of the treaty exempting him from taxation, and did not then, and I presume does not yet, doubt the binding force of that article. Congress did ultimately grant relief by conferring jurisdiction on the Court of Claims to settle and adjust

the equities between Boudinot and the United States; and this tribunal, fifteen years after the injury, adjudged restitution. For many years he has advocated, with great learning and ability, the organization of a paternal government over the Indian Territory, and a division of lands in severalty, coupled with the rights of citizenship, as the best solution of the great question now confronting the people of the United States.

On these questions, at intervals during the last fifteen years, he has made many able arguments before committees of Congress—learned, comprehensive, and statesmanlike. In the history of his race he reads, in the near future, annihilation, if wiser measures than have obtained in the past are not adopted to avert it. He prefers the process of absorption to that of inevitable extinction. Fifty thousand Indians, surrounded by the most enlightened and progressive people known to the world, can not, in the nature of things, long maintain an impassable wall; can not long stay the tide of the higher civilization and restrain it from developing an agricultural area capable of sustaining five millions of people.

Colonel Boudinot, like Belshazzar, sees the handwriting on the wall, and for years has labored with great ability to educate his people up to his own intellectual



standard. He favors the creation of a large school fund from the proceeds of their lands, to be held sacred and guarded vigilantly. The more cultured Indians now come up to his views, and adopt his standard, but are largely in the minority. To the mind of the author, the problem is now working out a satisfactory solution, without involving the breach of any treaty stipulation or national faith. Physical and moral with natural causes now concur, and are focalizing in that direction, and consummation will follow in the near future, if tinkering politicians and our abundant supply of ill-advised statesmen do not, by unwise legislation, postpone the result. It may be postponed, never defeated. The Government, in virtue of the right of eminent domain, and in aid of *quasi* public enterprises, has granted charters to a net-work of railroads through and across the Territory, which is ultimating in the influx of a large population from the States favoring the settlement of the Territory. Many of these, under the tribal laws, are intermarrying with the Indians. Another potent factor is found in the number of good schools in the Territory where the native children are being educated. Education always antagonizes ignorance. Fifteen years ago, our national law-makers, following the opposite arc of the Boudinot pendulum, became



so conscientiously considerate of Indian rights, and Government obligations to them, as to forget the right of eminent domain, and consulted the "Old Tubby" Indian population as to their opinions of railroad charters through the Territory.

This action of the Government in consulting the ignorant element was founded in as much wisdom as that which established the Egyptian worship of storks and onions, after all the wise men joined the society of mummies and went napping on the Nile. But I am wandering too far; my subject can speak for himself better than his biographer. Some years ago, the Hon. Daniel W. Voorhees, and many other distinguished members of the Senate and House of Representatives, united in a written request to Colonel Boudinot to deliver a lecture in Washington on the Indian races, from which the following extracts are taken:

"These tribes are rapidly wasting away, and soon, as in the East, the places in the West that know them now will know them no more forever.

"Ye say that *all* have passed away;  
The noble race and brave;  
That their light canoes have vanished  
From off the crested wave—  
That mid the forest where they roamed  
There rings no hunter's shout.

Ye say their cone-like cabins,  
 That clustered o'er the vale,  
 Have disappeared as withered leaves  
 Before the autumn gale—  
 But their memory liveth on your hills,  
 Their baptism on your shore,  
 Your rolling rivers speak  
 Their dialect of yore."

"The report of the Board of Indian Commissioners contains the following language:

"'If the national honor requires the observance of national obligations entered into with the strong, how much more so with the weak! To repudiate, either directly or by indirection, our solemn treaty stipulations with this feeble people would be dishonor meriting the scorn of the civilized world.' These words are but as 'sounding brass and a tinkling cymbal,' in view of the fact that Congress has deliberately repudiated the Cherokee treaty of 1866 in a vital particular, and has been sustained by the highest judicial tribunal in the land. If, then, professed philanthropists think the repudiation of the last Cherokee treaty is 'dishonor meriting the scorn of the civilized world,' why is it no word of protest is heard? Why do they not lend a helping hand to reinstate the violated treaty? It has been struck down in their presence without calling forth one word of remonstrance from them. I have more cause to complain of the violation of

Indian treaties, perhaps, than any living man. In more ways than the loss of property have I suffered by that act, which we are told by the very men who helped to commit it is dishonorable, '*meriting the scorn of the civilized world.*' Yet it is a fact accomplished. The tax-gatherer is sent to the civilized tribes, by authority of Congress and your courts, to levy tribute for the support of this great country, in spite of the solemn treaty which stipulated it should not be done. Is it not right and just that we should have some voice in your Government when you compel us to contribute to its support? Then make us citizens and clothe us with the prerogatives of freemen; arm us with the rights, if you impose the responsibilities of citizens. Do this, and depend upon it the Indian will bless you, if he but understands that he is elevated from the degrading rank of a subject to the elevated dignity of a citizen. You struck the shackles from four millions of slaves, and, while still dazzled by the full blaze of liberty, you girded them with the arm of citizenship, and bade them protect their new-born rights. You transformed the ignorant slave into an American citizen. Do as much for the Indian. Give him a voice in making the laws which are to govern him, and the right to sit on a jury which is to try his countrymen. Give him that representation



which should go hand in hand with taxation, and do not longer trample on the laws and traditions of your race. Give the Indian those equal rights before the law which you concede to all other people. Arm him with the powers and privileges of an American citizen. Give him that title to his land which he can protect and defend. *Then*, and not till then, will he have a country which he can call his own; *then*, and not till then, will he be possessed of indefeasible title to his home; *then*, and not till then, will he have a home freed from the dark forebodings of the future."

One of the finest legal arguments I ever read was made March 5, 1872, by Colonel Boudinot before the House Committee on Territories, in favor of a territorial government for the Indian Territory, and in reply to argument advanced in opposition. Another great effort was made before the same committee in May, 1873, in favor of the bill to organize the Territory of Oklahoma. In May, 1866, he replied to the slanders of John Ross, before the Commissioner of Indian Affairs, in one of his happiest strains of phillipic and convincing logic. In one of his lectures in 1873, he says of John Ross: "He had but little Indian blood in his veins, was inspired by no savage virtues; he was unscrupulous, sordid, grasping,



loving power and wealth. He was possessed of great administrative ability, understood Indian character thoroughly, and never failed to turn it to his advantage. He died in Washington City, in 1866, after an unbroken reign of forty years." Of Hopothleyoholo, he says in the same lecture: "The bitter feuds existing among the Creeks had their origin, as among the Cherokees, in the cession of their lands east of the Mississippi, and removal to the Indian Territory. McIntosh was chief of the party favoring a cession of their lands, while Hopothleyoholo bitterly opposed it. This remarkable chief was the uncompromising foe of the white man. He is described by a writer in the time of the younger Adams as 'a chief of rare abilities and great daring.' He was a powerful speaker, fluent as a fountain, and extremely vigorous in expression; his imagery was original and beautiful, apposite and illustrative; his words and manner were passionate to wildness. I saw Hopothleyoholo last in 1861. At that time his eye was not dim, nor his natural forces, to appearances, abated. Though carrying the weight of nearly a century, he stood proud and erect as in his younger days, and gazed with a look of hate and regret at the progress of the white race. In the late war, he carried his party to the side of the Union, whilst the

other party followed the lead of the brave McIntosh into the rebellion; but he was animated by hatred to McIntosh, and not patriotism, in this move. Hopothleyoholo was unsurpassed in ability, and as an orator was the peer of Logan and Tecumseh. He regarded the white man as his natural enemy, and hated him with a perfect hatred to the day of his death, which occurred at Leavenworth, Kansas, in 1863. He was actuated by the loftiest spirit of Indian patriotism, hating the civilization of the white man, and loving his people and the graves of his fathers with all the passion and fervor of his wonderful character."

There are many beautiful and striking passages in this lecture. Of his native language he says: "The Cherokee language seems to be distinct and independent of all other tongues; it is smooth and soft, and when spoken, by females, especially, sounds most musical. There are but two words in the language which require the touching of the lips to pronounce; those words mean water and salt, and have the sound of M. The Cherokees are the only Indians who have an original alphabet for their language. The Creeks and Choctaws use the English characters, but the Cherokees have an alphabet of their own, invented by a Cherokee who could not speak a word of English; his name was Slquoyah. He was

the Cadmus of his race; had none of the lights of science or civilization to guide him, but conceiving the idea of enabling the Indian to 'talk on paper,' as he one day saw an agent of the United States doing, he shut himself in his cabin for one year, and endured, like many reformers and inventors, the gibes and jeers of the ignorant and thoughtless, who all pronounced him crazy, until he came forth with a perfect alphabet, and established his claim to be ranked among the first inventive minds of the century of wonderful inventions. This alphabet was invented in 1822, and consists of seventy-eight characters, and, strange to say, is most easily learned by children." Colonel Boudinct is an able lawyer, a polished and refined gentleman, and possesses the most fascinating conversational powers. To these many accomplishments is added a wonderful musical talent and one of the most charming voices given to men. He is a Mason of the thirty-second degree.

His cousin, the sister of Stand Waitie, is reported to have been one of the most beautiful and charming of her sex. She married Henry W. Paschal, once Associate Justice of the Supreme Court of Arkansas. Some years since, he married one of the reigning belles of Washington, a beautiful and accomplished lady. The author's lit-

tle six-year-old boy, after seeing great numbers of Indians, pointed out Colonel Boudinot to one of his little playmates as "the best Indian I ever saw." "How are you, my pale-face friend?" was the uniform salutation he extended the author during an intimate acquaintance of two years.



## DECEASE AND BURIAL.

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COLONEL BOUDINOT died at Fort Smith, Saturday morning, September 27, 1890, at 9 o'clock. At his bedside were his wife, Dr. D. T. Johnson, Mr. W. W. Wheeler, and Mrs. Wheeler. He had been unconscious for several hours, and passed away without pain. Three weeks before his death, Colonel Boudinot went to St. Louis, and was there taken sick and lay for ten days at his hotel. He grew tired of the place, and determined to risk everything to reach home, his wife, and his friends. Accordingly he came. He grew better, then worse, and better again until two days before his death, when it became evident that the Great Spirit had called the gifted Cherokee to the happy hunting grounds. His funeral occurred Sunday afternoon, September 28, at 3.30 o'clock, and was very largely attended. The remains were buried in Oak Grove Cemetery, the ceremonies being conducted by the Masonic Order.

# MEMORIAL SERVICE.

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*HELD IN THE UNITED STATES COURT-ROOM AT  
FORT SMITH, ARKANSAS.*

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THURSDAY morning, October 9, 1890, the court opened at 9.30, it having been arranged for the reception of the members of the Fort Smith Bar and their friends to present resolutions and addresses in memory of the late Colonel E. C. Boudinot. Every seat was filled with friends and acquaintances of the departed brother and friend. A number of ladies graced the meeting with their presence. Mrs. Boudinot, accompanied by Mrs. Judge Parker, was seated in the inclosure to the right of His Honor. There were also present:

Mrs. Thomas H. Barnes, the Misses McCloud, Miss Brogan, Mrs. Ed. White, Miss Kate Hurley, Mrs. Bonneville, Mrs. Kerr, Mrs. Clendening, Mrs. J. N. Hewes, Mrs. W. M. Mellette, Mrs. Colonel DuVal, and a number of other ladies.

The Committee on Resolutions were: T. H. Barnes, chairman; Benjamin T. DuVal, Joseph M. Hill, William S. Murphy, E. E. Bryant, J. H. Clendening, Thomas Boles, W. R. Martin, J. B. McDonough, and James Brizzolara.

Judge Parker opened the meeting by saying: "This is the morning set apart by the committee for the memorial services over our departed brother, the late Colonel E. C. Boudinot." He then called upon Thomas H. Barnes, chairman, to present the following resolutions on behalf of the bar, which he read, and then made a short tribute to the worth and endearing qualities of his dead brother and late partner, evincing much feeling, deep affection, and affliction at the loss he and others sustained.

#### THE RESOLUTIONS.

"WHEREAS, On the 27th day of September, 1890, Colonel Elias C. Boudinot, after a lingering illness, died at his home in this city; therefore be it

*"Resolved,* That by his death the bar has lost one of its most valued members, one whose every energy was devoted to the interests intrusted to his charge, and whose labors were in no sense bounded by his gains. As a lawyer, he brought to the bar legal attainments of the highest order; as an advocate, eloquence of the most persuasive power, and as a writer and thinker, literary attainments of extensive character, and a mind of wide grasp and high polish.

*"Resolved further,* That by his death the country has lost an advanced statesman, one who, as an Indian, many years since advocated measures which his people at the time rejected with great bitter-



ness; but time has vindicated the wisdom of his progressive views as statesmanlike and foresighted, and his people have come to recognize him as their truest and best friend, and the people of the United States as the most eminent citizen and greatest genius of the Indian race.

*"Resolved, further,* That in his death society has lost one of its brightest ornaments, one whose presence was like sunshine, and whose society was sought by the greatest and best of the men and women of this Nation.

*"Resolved,* That we extend to the widow and relatives of Colonel Boudinot our heartfelt sympathy in their great bereavement.

*"Resolved,* That these resolutions be presented to the District Court of the United States for the Western District of Arkansas, and the Circuit Court for the Fort Smith District of Sebastian County, Arkansas, with the request that the same be spread upon the records thereof."

#### ADDRESS OF MAJOR T. H. BARNES.

As one after another of those known and dear to us pass away, we realize not only how brittle is the thread of all animate existence, the vanity of all our jealousies, strifes, and more worldly ambitions, but we more clearly perceive that mutability and death are written upon all earthly things. There is absolutely nothing that man can create, from the tiniest and most delicate to the strongest and most colossal object upon land or sea; there is nothing the human head or brain has wrought, that will withstand the shock of time.

"All has its day below; the fatal hour was registered in heaven ere time began. We turn to dust, and all our mightiest works die too. The deep foundations that we lay, Time ploughs them up and not a trace remains. We build with what we deem eternal rock. A distant age asks where the fabric stood; and in the dust, sifted and searched in vain, the undiscovered secret sleeps."



Your Honor: An associate and friend dear to us all has fallen before the Great Destroyer. He has been called from the theatre of his services and renown to that final bar where the lofty and the lowly must meet at last. However perishable are material things, the beneficial impress of his thoughts and actions will be felt upon the Indian race and among the American people so long as our free institutions survive.

The professional business relations existing between Colonel Boudinot and myself grew, in a measure, out of similarity of thoughts and sentiments that seemed naturally to bring us together, and no language of panegyric can express the perfect bond of sympathy, concord, and affection which existed between us. Words now seem the poorest vehicles of thought and feeling. I can scarcely realize that never again on earth shall I feel the warm, magnetic touch of his hand; look into his kindly and expressive face, often beaming with pleasure and glowing with the corruscations of genius, as, with gestures and attitude natural and graceful, he expressed his thoughts and views upon some pleasing and important topic in a voice so cultivated and modulated that it fell upon the ear like the melody of enrapturing music. Whatever may have been the shadows, he looked for the silver lining of the clouds, and found it in the gentle amenities of social life, the devoted friendships which this personal magnetism, his love for and portrayal of the true, the beautiful, and the good secured him.

He has been cut down in the bloom of manhood, on the verge of a brighter day, at the threshold of the realization of his most ardent hopes and ambitions. Yet, while the heavens bend above us, his best epitaph shall be written in our hearts.

## COLONEL DUVAL'S ADDRESS.

It is with feelings of profoundest grief that I recall the sad event which is the occasion of our being here to-day. There are some persons whose lives are so bright, so accustomed to shed light and happiness upon their friends and family, that we never think of them in connection with death.

I shall never forget the pang felt when, a few short weeks ago, one of the counsel arose in the midst of the trial of an important case in another court, and announced to the court and jury, and counsel and other men, that the news had just been received that Colonel Boudinot was dead. After recovering from the shock, my memory wandered back over the long years since I first knew him in the heyday of youth. Bright, genial, and gifted, he was fitted to pluck the flowers in life's pathway, as well as to attain the highest success in life's contest.

I can not fix the date of our first acquaintance—it was several years before the war. He then lived at Fayetteville, which he considered his home until he finally settled in our own city. I used to meet him in the practice of his profession in this court, at Van Buren, in company with the gifted Reagan, who now sits in darkness, deprived by his affliction from beholding the great changes in our land ; with the gallant Pettigrew, who sleeps in the silent tomb; with our Wilson, who still lives, honored and beloved, to mourn with us the loss of our friend. There were also with us in those early days of our manhood, Jo Green, who died many years ago. Among those whose names I now recall, there was one who was his warm and tried friend and companion. I mean the gifted, genial, and warm-hearted Granville Wilcox. Although many springs have come and gone since he was laid to rest

by loving hands, his memory is as green in our hearts as the sod that adorns his grave.

Colonel Boudinot, although raised in the Northern States by a mother who was a native of New England, was a devoted Southerner in feeling, and in 1861, when the war between the States began, he enlisted in the confederate army, and was on General Hindman's staff at the battle of Prairie Grove. After the battle, he carried a flag of truce to Fayetteville, and there arranged with General Blunt for the proper disposition of our dead comrades who had fallen upon that field. He was afterward selected by the Southern Cherokees to represent them in the Confederate States Congress, and remained in that position until about the close of the war, when he returned to Arkansas. While in Congress, he was recognized for his ability, and made the acquaintance of all the leading men connected with the Government of the Confederate States.

In 1866 he participated, in this place, in the negotiation of the treaties made that year between the United States and the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, by which the status of those members of the tribes who had taken part with the Confederacy was defined, and the relations between the United States and the several tribes were definitely established. Here, as elsewhere, his intimate knowledge of the character of his people and of their history, and of the laws and treaties, marked him as a prominent and useful actor.

He resumed his practice in this court, and pursued it with success for several years, until the seizure and condemnation of his factory for the manufacture of tobacco in the Cherokee Nation. He had, in connection with others, established a factory in the Indian Territory, not



far from Mayersville, Benton County, Arkansas, believing honestly that the revenue laws did not extend into that Territory. In this it proved afterward that he was mistaken. The whole of his property and fortune was confiscated, and in the effort to obtain compensation he went to Washington City, where he spent many years of his life, and finally Congress gave him a partial relief.

Colonel Boudinot became convinced in early life that the highest development his race could attain lay in their becoming citizens of the United States. To that end, he advocated the organization of the five civilized tribes in one territorial government, the subdivision of their land and its allotment per capita in certain proportions, and the balance be sold and the proceeds paid over to the members of the several tribes, or into the common treasury, for the establishment and maintenance of public schools and other beneficial and necessary purposes. No one could conceive a proposition more hateful to the Indian than this. When it was first advocated by Colonel Boudinot, we all remember that he was outlawed by his people, his property confiscated, and his life declared forfeited. He could not cross the border for many years, and was an alien to the country and people he loved so well and for whose welfare he thus imperiled his life. He lived to see his policy accepted and advocated by a large portion, if not a majority, of the Indians. It will not be many years until the Indians of the five tribes will be clothed with the inestimable boon of citizenship and in the enjoyment of all the rights, privileges, and benefits which the Government confers.

I have often counseled with him during the years of his heroic effort in behalf of a people who denounced and villified him and pursued him with demoniac hatred. Strong in his convictions, resolute



in action, he pursued the right with unswerving devotion, undaunted by danger and uninfluenced by flattery.

I regret that I have been prevented by other duties from giving more of the events which characterized the life of our friend and marked him as a great man. He fell, like many of the benefactors of their race, in the front of the battle in the very hour of victory. He lived long enough to know that hatred had softened and hands once armed to slay him were extended with fraternal love. His presence among his people on their soil was no longer at the risk of his life, but warm-hearted greetings welcomed his presence there, and his public advocacy of his policy, once so hateful, had respectful and approving attention. His death is a great loss to his people as a community, and in the coming time, when enjoying the fullness of American manhood, the free and equal citizens of this great country, the name of Boudinot will be spoken by them with reverential respect, and the coming generations, the descendants of those people, will be taught to look upon him as the Moses who led them to the summit of Mount Pisgah and looked into the Promised Land of their freedom, and had died before his work was fully accomplished.

To us, his friends and brethren at the bar—his pale-faced brethren, as he used to call us—how sad this occasion. Boudinot is dead! No more shall this court-room resound with the music of his voice; no more will the jury feel the sway of his resistless and impassioned eloquence; never again will the court listen to his logical exposition of the law and enjoy the rich treat of his learning. His association with the members of this bar, who only knew him of late years, I know will ever be treasured by them as the most pleasant period of their lives, for it may be truly said of him: "To know him was to love

him." To those who knew him longer, his loss is greater, because they knew him better, and in their daily life at the bar they will miss his warm-hearted greetings and his generous counsel.

In social life, Colonel Boudinot was always welcome, for he was ever entertaining, genial, and courteous.

In 1874 and 1875 I spent many months with him in the city of Washington. They were months of struggle for us. They were, in fact, part of them, months of poverty and self-denial; but amid all discouragements, when everything was darkest, his hopeful nature never flagged. He knew more public men than anyone I ever met. He was on familiar and easy terms with the learned justices of the Supreme Court, with stately senators, members of Congress, distinguished military men, and, indeed, with every class of society. I have heard judges of the Supreme Court address him as cordially as one of us would. I have spent the evening with him at General Sherman's more than once, and the features of that grim warrior would brighten as he extended to him a cordial welcome, and Mrs. Sherman treated him with a warm cordiality that showed how much she esteemed him. There was not a door there, or elsewhere in this broad land, where Boudinot was known, that did not open wide with generous welcome to our gifted friend. And in many households in distant parts of this great country, both high and low, the news of his death wrought tears and sadness.

But I feel that I am trespassing upon the rights of others, whose hearts are full with feelings that must have utterance. There is one whose loss is irreparable, to whom words of human sympathy would be but simple mockery. The bereaved, the grief-stricken wife, whose heart lies buried in the cold grave with the husband she loved so well,

and whose life she brightened for a few brief years—years that sped so quickly that it seems but yesterday when he proudly presented to his friends the treasure he had been blessed with in the maturity of his manhood—she can find consolation only from Almighty God, who “loveth those he chasteneth,” and in whose mercy there is a never-failing well-spring of love and hope.

In the more than a quarter of a century of my friendship and association with our deceased brother, I never met him without pleasure. He was always cordial, affectionate, and magnetic.

In the darkest hours of my life—and I have had some—he sympathized with me, and his words were full of encouragement, and his earnest friendship inspired me with courage to overcome all difficulties, all opposition. He thus brightened my life, as he did those of others, by that genial, loving nature which made him the idol of his friends and the admiration of all who came within the range of his acquaintance.

When I look back, may it please Your Honor, to the time when I first knew our lamented friend, and recall those we were associated with at the bar, in the field, and in the social circle, and whose places are vacant among the living and whose abiding places upon the earth are marked only by little mounds, a feeling of inexpressible sadness overpowers me to which I can not give utterance. I can not realize that my long-time friend has preceded me to that land from whose bourne no traveler returns. As one by one my friends fall by the wayside, and are gathered to their fathers, I feel more and more lonesome, and I begin to appreciate the fact that one of the penalties of age is its isolation. The friends of youth and manhood drop into the grave until the living find themselves alone and without companionship, and natu-



rally turn their eyes lovingly to the past and yearn for the companionship that they can never have again on this earth. It has been said that after "our shadows begin to fall toward the east we make no new friends." This is not literally true.

It is with a heart full of grief, not unmixed, however, with pleasure, that I participate in these proceedings in honor of the memory of one I loved so well. I mourn his death, shall ever mourn for my warm-hearted comrade, the loss of his genial and magnetic friendship; but I am proud that he was ever my true, tried, and firm friend, in adversity and prosperity, even unto the end.

"What tho' no sculptured shaft  
Immortalize his name;  
What tho' no monument epitaphed  
Be built above his grave."

His memory will live in our hearts when marble wears away and monuments are dust. I have yet many ties and many duties to perform, and life is very pleasant; but the time is coming when my voice will no more be heard here, and the day will come when all of us will leave this room never, never to return. Then let us—

"So live that when the summons comes to join  
The innumerable caravan that moves  
To that mysterious realm where each shall take  
His chamber in the silent halls of death,  
We go not like the quarry-slave at night  
Scourged to his dungeon; but sustained and soothed  
By an unfaltering trust, approach our grave  
Like one who wraps the drapery of his couch  
About him and lies down to pleasant dreams."

### JUDGE BOLES' ADDRESS.

Naturally our mind goes to scenes by-gone, in which our departed brother had a part. I remember in 1860 politics ran high. The



Whig party had disbanded, the Democratic party had come into power. At that time I remember his writings were as brilliant, able, and keen as any I have seen. Then the war came up, and I met him in 1868 at Washington, with the Blue and the Gray, with senators and judges.

At one memorable meeting, there were present General Pike and a number of others who had taken part on both sides in the war. General Pike had written a song, and Boudinot, who proved himself the life of the party, not only sang this song, but accompanied himself on the piano. As a school-boy, an old classmate said he was the very soul of gallantry and honor, and a hard student at Bird's Seminary, Vermont. Professor J. Wickham, his professor, still living, aged ninety-three, when written to, replied by letter in the highest and most commendatory terms of his departed pupil. He was a man of rare foresight.

I believe Colonel Boudinot saw the handwriting on the wall, and the Indians will acknowledge that he was a far-seeing, unselfish, and patriotic statesman. He was welcome in the wigwam of the Indian and the mansion of the millionaire. I understand he was even introduced to the Queen of England.

#### COLONEL CLAYTON'S ADDRESS.

Knowing Colonel Boudinot and loving him as I did, I feel I would be recreant to my duty were I not to add my testimony to his virtues. I knew him intimately. When he was here on the trial of Colonel Boudinot's nephew, Senator Voorhees, speaking of Colonel Boudinot, said his was the grandest character he had ever known. This, coming from a man of the Senator's standing, was a grand eulogium. Shakespeare says "the evil that men do lives after them ; the good is oft

interred with their bones." If that were true of Colonel Boudinot, it would be deplorable; but of him it is not true, it is the reverse. This being true, the memory of our departed friend and brother will ever be green in the minds of those who knew and loved him. His social qualities pre-eminently shone in marble halls with the elite of the land, or in the wigwam with his dusky brethren. There he sat enthroned king with his genial nature. He wore his heart upon his sleeve. He loved his fellow-man, and was always doing good. Men loved him, not as men love men, but as men love women. Whatever theologians say, if a man live up to Christ, when such a one shall have come down to die, he may say, in the language of Paul: "Oh, Death! where is thy sting? Oh, Grave! where is thy victory?"

#### COLONEL CLENDENING'S ADDRESS.

The death of our brother, Elias C. Boudinot, admonishes us that

" Art is long and time is fleeting,  
And our hearts, though strong and brave,  
Still like muffled drums are beating  
Funeral marches to the grave."

It admonishes us of the uncertainty of life and the certainty of death. No friends of his had ever associated "Boudinot" and "Death" in the same thought. He lived and met with us day after day as if we were to live forever. He was not stricken down in weakness, but in the full life and vigor of a splendid manhood, and on the borders of the beautiful field of life, in which the hand of love had built beautiful bowers, and in which "Home," with all of love and life that word conveys, was beginning to be realized, and in which life's hopes were upon the point of blooming into fruition.

Had we thought at all, it would not have been that this picture would have been the next that the blighting hand of death would obliterate; but, as said by Prentiss: "There is no appeal from the great law which dooms us all to the dust. \* \* \* Men seldom think of the great event of death until the shadows fall across their own pathway, hiding from their eyes the faces of loved ones whose loving smile was the sunlight of their existence. Death is the antagonist of life, and the cold thought of the tomb is the skeleton of all feasts. We do not want to go through the dark valley, even to Paradise; we do not want to lie down in the damp grave, even with princes for bed-fellows."

Death is nature's supreme abhorrence. There is nothing beautiful or lovely in death. It is the natural enemy of life. Before it everything human must fade and fall. The sacred writer tells us that the last enemy the Savior of the world will overcome will be death. It lurks in every home and in every heart. Its quiver is filled with arrows which are thrown with unerring aim. It strikes high and low, the rich and poor, the good and evil, friend and foe alike, and from it there is no escape. We know not but while we speak and listen, but that its icy fingers may be toying with the heart-strings of speaker or listener, ready to snap them asunder. Then wonder not that the human heart, broken and desolated by death's ravages, should rebel, and in its anguish, at times, cry out against the Lord of life and death.

There is, however, in the midst of this desolation, a rock upon which humanity may rest, a rock firmer and more abiding than the universe. It is, thank God! that man remains immortal. This short span of life, with its joys and griefs, its triumphs and defeats, its hopes and fears, the hungering and thirsting after knowledge, continuing to the very portals of the tomb, is not all there is of man. The dark



waters of death can not obliterate nor the insatiate grave consume life's activities. No; it is the pride of man that amid the crashing of worlds and the destruction of the universe, that he may stand, and, watching the light of day fade into darkness, say---

" Go, sun, while mercy holds me up  
On nature's awful waste,  
To drink this last and bitter cup  
Of grief that man shall taste.  
Go, tell the night that hides thy face  
Thou saw'st the last of Adam's race  
On earth's sepulchral clod.  
The darkening universe defy  
To quench his immortality,  
Or shake his trust in God."

In this glorious hope of man there is consolation, not only to the dying, but to the bereaved as well. It would be presumption on my part to suppose that those who knew him as he was known here, that by any word of mine I could add anything to the beauties which will ever surround his memory, or increase the respect which his life commanded from those who knew him best. Yet, when not only the bar, but the country, loses such a man, it seems meet and right that those who knew him should, on such an occasion, add their mite of the well-deserved tribute to a life so bright and full of those kindly words and deeds that spread social sunshine over the circle in which he moved. It is well thus to come together and compare the knowledge we have of the life and character of our now lost friend and brother. It is said that---

" We rarely appreciate  
Until we have lost, for it so falls out,  
That what we have we prize not to the worth  
While we enjoy it, but being lacked and lost,  
Then we find the virtue that possession would not show us."



While this may, in some measure, be true, it is not altogether just. The fact of having the confidence and friendship of such a man creates a feeling of quiet satisfaction and pride, the depth of which is not known or appreciated, even by ourselves, until the object of it is snatched from us. 'Tis not that we now more highly appreciate those characteristics which made him so lovable, but that our grief over such a loss prompts us to give expression to our appreciation.

"A good man has gone to rest,"

And the country, although poorer because of his death, is better because he lived. We mourn the dead, but rejoice that such a life was lived, for—

"When the soul doth leave its dwelling,  
The glory of one fair and virtuous action  
Is above the escutcheons on the tomb,  
Or silken banners o'er it."

It is thus we love to think of the departed. His memory needs not the blare of trumpets to announce his life's acts and virtues. The generous impulses of his nature prompted him to acts which will stand as monuments to his memory.

His constancy and consistency were shown in his advocacy of an advanced policy for his race. A quarter of a century ago, he read the signs of the times and took advanced grounds on the Indian question, which were at that time and for years thereafter rejected by the masses of the white race and bitterly opposed by the leaders among his own people. None of those things moved him. He pursued the course marked out with enthusiasm, until the statesmen of the white race accepted his views and the leaders among his own people were compelled to admit the greatness of the man whose views they had so long rejected. Had Colonel Boudinot been a time-serving man, with his ability and

energy he might have been a popular leader of the people and have amassed a fortune, as others did, but he was not moved by such considerations. He earnestly and consistently labored for advancement of his people, and waited for the logic of events to vindicate his course; but at the very moment when his hopes for his people were about to be realized, he was laid low by the fell destroyer. But when his people shall have attained the advancement which he had sought for them, the name of "Boudinot" will stand prominent as among the greatest and the best of his people.

He amassed no fortune, either in the practice of his profession or in the service of his race, but he received the confidence not only of his own people, the members of the bar of which he was an honored member, but became the best and most favorably known Indian in America. He became a man of national repute, one whose name was ever prominent where the Indian question was discussed, and whose name and fame will be remembered long after the language of his race shall have been forgotten. His tribe and the country at large will mourn him as a valued and valuable citizen, but those who knew him as we knew him will deplore his loss as that of a friend and brother.

"We shall meet, but we shall miss him."

The hand whose touch was that of gentleness is palsied in the grave; the light in those eyes which bespoke the friend has gone out; the heart so filled with generous impulses that there was no room for malice has ceased to throb, and the tongue which knew no venom has in death lost its power to charm. All that is left to us of Elias C. Boudinot is the memory of a most lovable life and character, which let us fondly cherish.

### COLONEL CRAVENS

Addressed the assembly in his usual clear and concise style, waxing eloquent at times. He commenced by saying that "death loves a shining mark" was never truer then in the taking away of Colonel Boudinot from our midst. He was a shining mark among his brothers and his nation. Prominent for his love for the lawyers he associated with, he stood their friend and "loved and was loved." He then related that President Nathan Green said, when he came to argue his first cause in court, when he had spoken a few sentences he trembled and leaned, pale, on the back of his chair. He trembled till his blood began to circulate, when, knowing that his future career depended on this his maiden effort, he braced himself and finished his argument. The older lawyers present, seeing his embarrassment, gathered around him and encouraged him. Many a time since has he given encouraging words and lent a helping hand to young lawyers. There was magnetism in the grasp of his hand. Colonel Cravens closed with a beautiful tribute to his worth.

### JUDGE BRYANT

Compared him to the last of the Greeks and the noblest Roman. Some great poet said he need not fear who leads a noble life. His life was truly noble. He bore the blood of the brave Phillip and of Tecumseh the Great. We admired him for his nobility of character and for his grace.

### J. F. READE.

"There is always a sad pleasure to be able to testify, when a brother has gone, of his kindness, his goodness, his acts." He then related an incident at Washington, when Colonel Boudinot took him



for a drive to see Joaquin Miller, the poet of the Sierras, who said to him: "I am glad you know Boudinot. I never appreciated my poetry until I heard it read by Boudinot." His great characteristic was his kindness of heart. He always had something good to say of a person, or he never said anything.

### JO. JOHNSON.

I can say from the depth of my soul that I love and revere the memory of Colonel Boudinot, not because he loved the bar, but because he loved all mankind. He was an honest man, with broad and warm sympathies.

### JUDGE CADY.

I never spoke to an Indian before coming to Fort Smith who could speak the English language. Once at a social meeting he stepped to the front and read a poem. "My God!" I said, "is that an Indian?" Never before have I heard such melody. I introduced myself; I never found a touch that carried such an affinity—a union. It was because he was a good man.

### JAMES CLARK.

I only knew him a year, but for years have I known his writings. He was a man of grace in any position. He was undoubtedly a genius, and his brilliancy would live after him, for nature had endowed him with brains, and incessant study had cultivated them. He followed the divine mandate: "Do unto others as you would be done unto."

## JUDGE PARKER'S TRIBUTE.

GENTLEMEN OF THE BAR: On receiving the resolutions offered as a testimonial of his worth by his brethren of the profession to which Colonel Boudinot belonged, I trust it will not be deemed inappropriate for me to add a word to what has been so appropriately, eloquently, and well said by the resolutions offered, and the remarks of the gentlemen who have spoken.

Solomon, that wisest man of antiquity, in his Proverbs, said: "Boast not thyself of the morrow, for thou knowest not what a day may bring forth."

How forcibly we are reminded of the truth of this declaration by the death of our friend and legal brother. But a few days ago he was among us in the full vigor of mature manhood. When I saw him, then leaving here on a mission of mercy, on the 9th of last month, the very picture of health and in the most buoyant of spirits, I little thought in twenty days thereafter we would join a long procession of mourning friends to follow his remains to the tomb.

Day after day we see our friends falling around us. "The air is full of farewells to the dying and mourning for the dead." In the midst of this grief for the departed ones, let the thought of Longfellow occur to us, because it is consoling—

"There is no death; what seems so is transition.

This life of mortal breath

Is but a suburb of the life elysian,

Whose portal we call death."

This event, so fruitful of sorrow and grief, has its deep meaning. We have but to reflect to be fully impressed with the fact that no life is ever lived in this world which, when it goes out, does not leave behind it an influence for good or evil, to be felt by all within the

circle of its power. A human life, with all that makes it up in its influence, is like a pebble dropped in the great ocean; no matter how small this pebble, when dropped it starts a rippling, circling wave that reaches the farthest shore. So, when a human life has a place in the great ocean of Time, it exerts an influence felt by all around it, and often by those who are yet unborn. That life starts a wave of influence which goes beyond even the shores of Time, and is felt in Eternity.

The life of a good man, as an example to be followed, is as useful and cheering to the tempest-tossed soul in this world as the beacon-light of the light-house is to the storm-driven mariner as he is drifted by winds and waves toward the dreadful rock-bound coast. The life of a bad man looms up dark and gloomy before us, as does the rock in mid-ocean to those who go down to the sea in ships. The things which go to make a life a bad one are to be shunned as the mariner shuns the dreadful rock. The useful character of such a life is in teaching us to avoid the shoals and quicksands of folly, vice, crime, and immorality which make it up. So, good or bad, no life is without its influence. We are all sowers of seed in the field of life. These bright or gloomy days of our lives are the seed-time. Every thought of our intellects, every emanation of our hearts, every word of our tongues, every principle we adopt, every act we perform, is a seed whose good or evil fruit will be the bliss or bane of some human life. By our example, we may raise a mortal to the skies, or we may drag even an angel down. To us on this side the grave, the great lesson of a death is to call our attention to the life that has gone out, that we may take it as an example to be followed or shunned.



Mr. Dickens, that wonderful pen-painter of human emotions and the nature of man, when writing of the influence on the living of the death of the young, with wonderful beauty and power says:

“ For every fragile form from which He lets  
The parting spirit free  
A hundred virtues rise,  
In shapes of mercy, charity, and love,  
To walk the world and bless it;  
Of every tear  
That sorrowing mortals shed on such graves,  
Some good is born, some gentler nature comes.”

So it is with any death. I have known our departed friend well on to twenty years. I have seen him mingling socially with the great and powerful of our land, and the very talents which God gave him, and which he had improved by cultivation, qualified him to entertain presidents and cabinets, generals and statesmen. The highest and lowest in the land have been entertained, edified, and instructed by his beautiful recitations, and the music of that rich, mellow, sweet voice, as it brought out the sentiment and beauty of the songs he sung. How often have we all, at social gatherings, listened to him, and by so doing been elevated and made better in thought and purpose. Some part of our better nature was quickened by sentiments uttered by him; some chord of memory he caused to vibrate so as to bring vividly to our minds some sacred recollection of the forgotten past. He touched some sentiment of affection that makes the whole world kin. He could produce the tear of sentiment or sorrow, or the smile of amusement or joy. All his efforts to entertain his fellow-men were lofty grand, and elevating. They would be sometimes amusing, but they were never low, vulgar, or groveling. He was a man of broad, liberal views. He had a heart filled with kindness for all mankind. He had

a hand ever ready to do a charitable deed. He had a tongue that never spoke evil of any mortal. He was a man that could not entertain malice. He was a man of such ability that, if he had devoted his time and talents from early manhood to his chosen profession, he would have taken very high rank in it. He was a good thinker, and he possessed the most happy faculty of arranging his thoughts so as to present them briefly to a court or jury. His manner in court and before a jury was of the most affable, gentlemanly, and pleasing character. He was, consequently, a good advocate. Whether at the bar or in the forum, he was an orator.

I think he was very much misunderstood by some of his people. They had a belief that he was not true to their interests, and that he was willing to barter away their rights. This was a great mistake. He was as jealous of the rights of the Indian as any of them, and I believe he was ever ready to defend their rights of life, liberty, and property. He was just a little ahead of his people. He wanted them to fall into the ranks of that great column of civilization and progress, as it goes marching grandly on to that higher, greater, and nobler goal of the nation. He saw they must accept the civilization of the century as well as of the future. To do this they must look forward, and not backward. Colonel Boudinot believed that the position of the Indian was side by side with his white brother, as a citizen of this great Republic.

Colonel Boudinot, like Moses of old, died in the very sight of the "promised land;" for we all now see our red brother will very soon take such a stand affecting his political relations that he can point with pride to the fact that he too is an American citizen, in possession of all the great rights that status brings. Then Colonel Boudinot's

position will be fully vindicated, and his having learned "to labor and to wait" will not have been in vain. Then his memory will be held in grateful remembrance by those of his people who have misunderstood him. This event, so important to the Indian, will come with his full and free consent, in God's own good time; and that time is even now in sight.

Our friend was not without his faults. Who is? Echo answers: No one. If we find such a one we must look higher than mortality.

But we can truly say Colonel Boudinot has not lived in vain, for the world is better for his having lived; for he favored and advocated all that is great, noble, and grand in our progress and civilization. We can say, with truth, he has left for good effects "his footprints on the sands of time."

The resolutions will be spread on a memorial page of the records of this court.

At the conclusion of Judge Parker's eloquent and feeling tribute, the court was adjourned.



# TRIBUTES.

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WASHINGTON, D. C., November 8, 1890.

*Dear Major:* Your favor of the 1st instant, touching reminiscences of our worthy friend E. C. Boudinot, is received, and after going over in my mind the past thirty years as well as I could, I beg to reply.

I first became acquainted with him in the early part of the summer of 1860, when he was associate editor of the *True Democrat* at Little Rock. During his stay there he was a frequent and always welcome visitor at my house—the one I bought from you in 1856—and I met him quite often at the houses of friends, and he was the same cheerful, sprightly, bright spirit on each and every occasion. His contributions to the *True Democrat*, in a most exciting period of our history, were well written, strong, and attractive. Not long after the elections of that year, if I remember correctly, he left Little Rock and went back to Northwest Arkansas, his old home. When the convention met, in March, 1861, to consider the relations of that State with the Union, he was made its secretary, and a competent and faithful one he was in all respects. After this convention finally adjourned, in May, 1861, he went into the Confederate service with all his energy and ability, and used his full influence with his people in this cause.

About the latter part of the second year of the war, he came to Richmond, Va., as a delegate from his nation of the Indian tribes to the House of Representatives of the Confederate Congress.

His uniform kindness and great social qualities won for him then, in those turbulent times, friends on all sides. On one occasion, especially, do I remember when he showed to great advantage, and captivated the House to a man. At his solicitation, I drew up a resolution touching Indian affairs, and indicating what would be a proper course to pursue with regard to these people. After offering it and making some general remarks upon it, I moved its reference to the Committee on Indian Affairs, and stated that before it was referred Mr. Boudinot desired to be heard on it. He arose with perfect composure, with every eye in the House turned upon him, and delivered one of the most brilliant and entertaining speeches I ever heard, and it was applauded by the listeners most vociferously. At its close, I believe all the members, without exception, gathered around him and gave him most hearty congratulations. We had no short-hand reporters there, and the proceedings of the Confederate Congress, unfortunately, are known only in its records, except the short articles the newspapers then gave of them. It is a pity that speech could not now be read and enjoyed by people of this day. It was eminently worthy of preservation.

After that time, till the end of the Confederacy, I was with him quite often, making together, in those perilous days, two different trips across the Mississippi River going to and from Richmond, and a more genial and captivating companion than he, on such a journey, could not be found. And finally at the winding up, when General Flanagan sent me, under a flag of truce, to General Reynolds, at Little Rock, in June, 1865, he and Brother Stuart, as we familiarly called him, were *aides*, as then jocularly named. There were many sad and some laughable scenes along this trip, which was made in

safety, but with conflicting emotions of the deepest kind. Many, many times after it did we refer to it as a curious and instructive period in our lives.

From that time until I came to Washington, in 1877, I saw him only at intervals, but always with undisguised pleasure. My house was ever open to him as one of the family.

After coming here, in 1877, I found him active and full of life, and the same old "*Boudy*" we all used to know so well and esteem so highly. He had charmed everybody around here, and was regarded as an essential part of Washington society; his friends all about were countless, and are to this day. Most of his life here is public history.

The last visit he paid here he was a guest at my house, and looked so well and seemed so cheerful and hopeful we could not believe his end was so near. I never saw him in a better mood, and I was painfully shocked at hearing, not long afterward, of his death.

A brave, generous, intellectual, cultured man he was, with warm and sincere friends all over the land to mourn his loss and mingle their sorrow with that of his stricken wife; his name will live long, and be cherished in every place he was known.

I have lost many a friend from the ranks of the living, but none truer or better tried than Boudinot.

Your friend,

A. H. GARLAND.

MAJOR JNO. D. ADAMS, Little Rock, Ark.

*Fort Smith Times:*

The gifted Boudinot is dead. Perhaps Colonel Boudinot was not his own best friend. Perhaps he was not the cool logician who sought to accomplish ends without regard to means, and hence failed to



acquire that competency which brings ease and comfort and perfection. But without effort and without method he acquired the wealth of a name that will live when the wealth of fortune's favored sons is forgotten. Colonel Boudinot was a man of friendship. To hate was no part of his nature, and though he hated his enemies with all the fervor of his soul, he did it religiously—did it with the impulsive feeling that not to hate them would be treason to the memory of his father and friends who had suffered at the hands of savage cruelty.

Colonel Boudinot was a classic man. He loved the classics intuitively. He loved the beautiful in marble, in painting, in music, in faultless rhythm. He loved beautiful words and beautiful accounts, and most of all, beautiful thoughts.

Now that he is gone, we shall miss him. That dark face of his which looked grim to the stranger, when saluted by a friend lit up with a sparkling light no words can describe. But it will light up no more to the loved and loving friends he leaves behind until the resurrection morn gleams its light upon us all.

*Arkansas Gazette:*

The announcement of the death of Col. E. C. Boudinot, made in Sunday's *Gazette*, was read with deep regret by all who knew the deceased in life. For many years Colonel Boudinot was prominent in Arkansas affairs; was known by all classes of our citizens, and possessed qualities which rendered him a prime social favorite everywhere. He was the soul of honor; brave and chivalric. He bore his heart on his sleeve, that all might see it, for he had nothing to conceal from friend or foe. His long and varied career, if properly written, would make one of the most interesting of contributions to the history of life in the Southwest.

*Arkansas Democrat:*

Colonel E. C. Boudinot, the famous Cherokee lawyer and ex-Confederate soldier, died in Fort Smith, Saturday, after an illness of ten days. He was surrounded at the time of his death by the friends who had known him best and loved him most. It was a sorrowful summons, and the news of its fulfillment saddened many a heart, not only here in Arkansas, but in other sections of the country.

*Fort Smith Call:*

In the death of Elias C. Boudinot, the city of Fort Smith loses one of her most useful citizens, the bar one of its most brilliant members, and the Cherokees one of their greatest and most progressive leaders. For twenty-five years Elias Boudinot has been one of the most noted Indians of America. Driven from his native land years ago because of his progressive views, his property confiscated, a price set upon his head, he fled to Washington, where his natural brilliancy, his powers of logic and conversation, his great knowledge of human nature, soon won for him a name and fame both in social and national affairs. Few men were possessed of such personal magnetism, and he made friends wherever he went; and though an exile, he never forgot that he was a Cherokee, and the land and people that had spurned him always occupied a warm place in his heart, and he was ever a ready and ardent defender of their rights. More than twenty years ago, he advocated in a public speech the holding of lands in severalty by the Cherokees. He was far ahead of his people in ideas and in works, but he has lived to see the day when thousands of his tribe have accepted the same views for which he was exiled from his country in his early manhood, and to live down his wrongs, and find himself once more an honored and respected citizen of his native land. The last years of his

life he has spent in this city, practicing his profession and winning laurels at the bar of the land, and working out the dream of his life, which was the building for himself a home in his own land and ending his days peacefully among his own people. And just as his dream was about to be materialized, death stepped in and claimed him for his own, and to-day, all over this fair land, there is many a heart that will bend in sorrow for the chieftain whose life has held so much of life's bitterness, and on the brink of the grave all mankind will drop a sympathetic tear and softly whisper, "Peace be still."

*Fort Smith Elevator:*

Colonel Boudinot was an extraordinary man, and will occupy a marked place in history. Taken in all phases of character, he was, perhaps, the best representative of the Indian race that ever existed.

The following expressions of opinion by those who had been intimately acquainted with the deceased appeared in the *Fort Smith Times* of Sunday, September 28, 1890:

DOCTOR BAILY.

Colonel Boudinot died about 9 o'clock. He had been unconscious eighteen or twenty hours. His mind had been wandering for two days, though he frequently talked rational, and indulged in humorous allusions. He didn't suffer any pain. He returned from St. Louis two weeks ago Tuesday next. I was called to attend immediately on his return. I told Mrs. Boudinot I did not think he could live, but he rallied and gave me some hope of his recovery. He got so that he would talk about his friends, and tell funny things that occurred to him. He



had a number of letters written to distant friends, not, however, with any seeming expectancy of death. He became worse in the last two days. He had been sick ten days before he came home from St. Louis. He exerted himself to get back here. He and I were old friends. He was the only man I ever knew in my life who was universally loved. I never heard a single man in my life say a single word against Boudinot. When I had to go to Greenwood, Doctor Johnson was called in. I didn't want to go, but was compelled to. When I returned and took his hand, as he lay with his eyes closed, his wife told him that I had come.

"Yes," said he, "I know his touch."

I was not with him when he died—left about an hour before. I went home to rest, and in my sleep I dreamed of Boudinot, and thought I saw him in his health and vigor, and heard him singing the plaintive old song he loved so well. The song was "Sweet and Low," and when I woke the melody was ringing in my ears. The vision was gone, and I knew too well poor Boudinot was gone forever. I had been with him from half-past three to seven. He was a very dear friend of mine. I was born in the Cherokee Nation, and though not a Cherokee, they always claimed me as such, and Colonel Boudinot claimed me, too, and loved me as a brother. I don't think Colonel Boudinot ever did a mean thing in his life. He was incapable of doing a mean act.

### COLONEL LE FLORE.

I can't remember when I did not know Colonel Boudinot. It was years before the war. I knew him always as a public man. I was with him at Washington in 1866, when the Indians were renewing their relations with the Government which resulted in what is known as the

treaty of 1866. Colonel Boudinot was with the Cherokee delegation, and I was with the Choctaw delegation. We were closely associated there for several months. He was a well-posted man in the business of his nation, and while unpopular with his people for many years on account of his advanced ideas of the policy best to be pursued by the Indians, they would have lost nothing by adopting his policy. He was a man of more than ordinary capacity. The Cherokees finally adopted largely his views and policies, many of them forgetting the animosity they entertained for him in former years. He was a friend to his people, eminently trustworthy, and entitled to their confidence. We must go out to-morrow and see him buried. It is all we can do now for the old hero.

#### JOHN VAILE.

I have known Colonel Boudinot—I don't know how long—a great many years. I have traveled with him frequently on our way to and from Washington, and was with him a great deal in Washington. He was a whole-souled, generous, liberal-hearted man, one of Nature's noblemen in the full sense of the term. We always appreciated him in Fort Smith, and at our little social gatherings he contributed to their success by his wit, humor, and eloquence. The last time we had the pleasure of hearing him was at Doctor Baily's anniversary. He had some favorite selections, that he delighted in giving, and that his friends delighted in hearing. "The Origin of the Indian," "The Fine Old Arkansas Gentleman," and others, will always be identified with the gifted Boudinot.

#### JUDGE MURPHY.

Since coming to Arkansas I have known Colonel Boudinot intimately, and have been honored by his friendship, though quite his

junior. One of his many good traits was his kindness and consideration for younger men.

While it is usual to say kind things of those who have departed, I can say with sincerity that he is the only man I ever knew of whom I never heard one unkind remark, but, to the contrary, words of the highest esteem from all. As a friend and representative of his race, the Indians have lost one of their best and greatest men, and his friends and companions one whom it was an honor and a pleasure to know.



# FRIENDSHIP.

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As soon as the wires announced the death of Colonel Boudinot, a number of telegrams were received by the sorrowing widow, among which were the following:

LITTLE ROCK, September 27.

MRS. E. C. BOUDINOT: You have our heartfelt sorrow in your great bereavement.

SAM B. ADAMS.

WASHINGTON, D. C., September 27.

MRS. CLARA BOUDINOT: We tender you our sincere sympathy in your grief at the loss of our friend, Colonel Boudinot.

D. W. VOORHEES,  
JOHN L. MORGAN.

WASHINGTON, D. C., September 27.

HON. I. C. PARKER: Your dispatch received. In the journey of life I have met no nobler, gentler, braver manhood than Colonel Boudinot possessed. He was an honor to the blood of both races which flowed in his veins. Peace to his ashes.

D. W. VOORHEES.

NEW YORK, September 27.

MRS. E. C. BOUDINOT: Your telegram just received in New York, and fills me with grief. I deeply sympathize with you in this,

the greatest misfortune that could have befallen you. I would be with you in this trying hour if it were possible. I grieve with you for my best friend. My wife sends her love.

JOHN D. ADAMS.

FAYETTEVILLE, September 27.

JOSEPH M. HILL: Tender sympathy to Mrs. Boudinot. Sorry indeed. Will be there to pay respects to-morrow.

J. H. VAN HOOSE.

## COMMENTARY.

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THE foregoing citations of facts in relation to the life and character of Elias C. Boudinot constitute but a small fragmentary evidence of what might be written of a man who will always be regarded as "the noblest Indian of them all." He lived during the most exciting period of his country's history, at a time when problems touching the future welfare of the Republic required solution by men of quick and active brain, and possessed of that courage and bravery, born of patriotism, which lead them on to battle for their country's good in field and forum, the sacrifice of personal interests always being necessary to the accomplishment of their aims, and purposes. Such a character was E. C. Boudinot. His statesmanlike efforts in behalf of human liberty and of his people were made at the proper time and in the proper place, and when the art of stenography had not reached that degree of perfection to which it has now attained. Consequently, many of his best speeches and noble utterances will forever remain a part of the unwrit-



ten history of the nation. I regret that the incidents of his active life can not be given in fuller detail, and consoled with the knowledge that all that was good and commendable in his nature has already been written in that Great Book whose observant Author noteth even the fall of a sparrow, and leaveth nothing unfinished, I close this little volume, which I desire to dedicate to the loving and sorrow-stricken widow, whose bereavement awakens genuine sympathy in the hearts of the many friends who were devoted to her noble husband; and with the assurance that his name and memory will always continue to be remembered and honored, I remain,

Very respectfully,

JOHN D. ADAMS.

JND  
3-27-36

*There is a calm for those who weep,  
A rest for weary pilgrims found;  
They softly lie and sweetly sleep  
Low in the ground."*