

Indian Office : Criticism and Abuses

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A Cycle on the American Indian

A SYMPOSIUM

Since the publication last March of the debate — "Our Indian Problem" — between Flora Warren Seymour and Mary Austin, scores of letters have come to THE FORUM presenting various aspects of a question which obviously interests the thoughtful American citizen. In April appeared a symposium on the problem, an expression of many divergent views sent in to the Editor. During these intervening months a wealth of additional material has been submitted, from which the following "Indian Cycle" has been edited. Having opened the windows to ventilate freely an issue of such national importance as Indian welfare THE FORUM cannot close them without admitting additional gusts of fresh air.

A CENTURY OF DISHONOR

Thomas L. Sloan, Vice President on Legation, of the Society of Indians, Washington, offers a fund of detailed facts:

"The Indian Bureau is not in accord with advancing civilization. It is un-American and backward. Its one hundred years of existence, soon to be celebrated, is a 'Century of Dishonor' that should terminate with its extinction. The Indians of to-day under the supervision of the Indian Bureau are the most unfortunate of our population. It is a supervision that robs rather than helps the Indians, and no relief is available through court proceedings which are open to all other persons in the United States. No worse conditions existed under the Spoils System.

"Indian estates are being rapidly dissipated and the present system will soon make them paupers. Honest administration of their estates would enrich them, or permit them to work out their lives in comfort. In preparing laws to be enacted, Congress lends its ear to the officials who spend the Indian money but it does not listen or give hearing to the Indians whose money is to be spent. If the public could hear directly from the Indians; if they could know their experiences, there would be oil deals, land deals, timber deals, water deals, grazing deals, and impositions of every kind possible to the detriment of the Indians, requiring explanation. Held as they are in subjection upon reservations, they are dominated, restrained, held in an environment that has kept them away from the contact with civilization and the knowledge and experiences necessary for them to have in order to learn how to retain their property and secure relief.

"If you could hear the heart cry of the Indian you would know how he suffers, but unless you are an Indian or a very close and dear friend you will not know from him what it is.

"The promises and obligations of one treaty-making power has been exchanged with another. The claims of this government are that they do not take by conquest, nor unjustly. The rights of the Indians under the treaties are the most sacred trusts, and when treaty making was abolished by an Act of Congress, then agreements were made and adopted by Congress in Acts that were law. No other than honest intentions can be ascribed to parties to the agreements. All promises and agreements on the part of the Indians have been fulfilled, but not so on the part of the officials of the United States charged with the duty of carrying the agreements into effect. The sordid selfishness of the Indian Bureau system, with its arbitrary, un-American, and unjust exercise of power, bring sorrow, suffering, disease, injustice, and poverty. Many of the Indians mistreated are heroes of the World War; some who while fighting in the front ranks of our American Expeditionary Forces against the German Empire were being despoiled of their rights and property at home, — property held in trust by the United States.

"Not until the great American public demands just treatment of the Indians by the Government of the people will their wrongs be righted and the stains removed from the record of our country."

"THIS WARD BUSINESS"

Bruce Kinney, Director of Indian Missions with headquarters at Denver,

claims the expression "both wards and citizens" a contradiction of terms. He quotes from a decision of the United States Supreme Court that "citizenship is not incompatible with tribal existence or continued guardianship . . ." and adds:

"Supreme Court or no Supreme Court, that sort of citizenship would not be tolerated by any white man. Thus, a bare statement that the Indians have 'citizenship' conveys a wrong idea to the average white man. I know of an Indian who is trying to get his grant of citizenship revoked because it involves more trouble than it is worth. If he succeeds many will follow his example. This whole 'ward business' has a tendency to make the Indian dependent rather than self-reliant. The full-blooded Indians who have really made a record for their race to be proud of have had to utterly break from it. One such, who had brains enough to graduate from a professional school of a great state university said to me, 'The Indians can never appreciate what they have until the time comes that they have nothing except what they have earned.'

"Another alleged statement is 'They are enjoying wealth from the proceeds of oil lands operated for them.' Here is a general statement as though it applied to all Indians. The Osage oil money is tribal and hence is divided on a per cent capita basis. The Creeks and Cherokee have individual allotments on some of which oil has been found. Probably not 200 of these last named tribes have an annual income of ten thousand a year. There are a few individuals of other tribes who have some oil wealth. While there are oil prospects on several other reservations it is probably well within the truth to say that 300,000 of the 350,000 Indians in the United States have absolutely no oil wealth or any other wealth of any appreciable sort."

Dr. John Randolph Haynes of Los Angeles writes along similar lines. "Highway Robbery," without, it would seem, standing on the ceremony of a highway or under the cover of darkness. "The Indian reservations cover more than one hundred thousand square miles and include natural resources valued at over four billion dollars. The policies of the United States Government toward Indians are generally an expression of the

determination of Congress and of the legal constituency back of Congress, to get hold of Indian wealth. Because the Indians have only a shadowy constitutional protection, it is easy to rob them.

"We pretend to set the Indian free from guardianship and at the same time we establish in Oklahoma the system of professional guardianship which according to the conservative estimates of the three leading Indian welfare societies has resulted, and now results, in robbing the Indians of eighty-five cents out of every dollar of their income, this money going into the pockets of local politicians, lawyers, judges, divorce promoters, and many others, including undertakers."

FORCED ALLOTMENTS

Dr. C. Hart Merriam, Research Associate, Smithsonian Institute, writes on "The Cruelty of Forced Allotments in California."

"Only a year ago the Indians of Palm Springs on the edge of the Colorado Desert in California were thrown into a state of apprehension and dismay by the sudden unannounced appearance of Government surveyors sent by the Indian Office to subdivide their communal village and pasture lands into individual allotments. Not only was this a terrible shock, but when the surveyors had gone, the anxious Indians were kept in suspense for months until Secretary Hubert Work, at last learning the truth, indefinitely postponed the final order.

"It is well to remember that long ago the Indians had apportioned their land among themselves, in accordance with their own tribal laws, and that in their councils no action is taken except by *unanimous consent*.

"It is only a few months since the Palm Springs Indians were assured that, for the time being at least, their homes would not be broken up. They and their friends rejoiced, believing that the verdict in this case applied not only to Palm Springs but also to other small reservations in Southern California. But they were destined to disappointment, for the accursed work is still going on. It is now announced that the Indian Office has decided, — in spite of protests and petitions from both Indians and whites, — to allot the remaining Indian lands of Southern California!

"Forced allotments mean the practical confiscation and resubdivision of Indian homes, gardens, and pasture lands that have been occupied for long periods, — sometimes for generations. And in some cases they mean that the home and improvements of one Indian are transferred to another. They mean more. They mean the destruction of tribal government with its established system of laws and social codes, — laws and codes that for ages have controlled the conduct and activities of the people. It is a heart-breaking affair; one calculated to destroy the last remnant of faith in our Government and to rob the Indian of ambition for the present and of hope for the future.

"One of the agents in charge, when confronted with some of the iniquitous features of the proposed allotments, replied that such injustices 'are necessary to the carrying out of the allotment plan,' — as if the plan *had* to be carried out, suffer who will!"

TENDENCY TO THINK LOCALLY

A plea is sent from Frank B. Linderman of Kalispell, Montana, begging that the public refrain from following the example of some members of the Board of Indian Commissioners who "think locally and speak generally" upon this vital subject. "They do not consider that there are Indians in the North, East, South, and West; Indians of the fertile lands, of the arid deserts, and Indians of the mountains and plains. These people are living as they have always lived, under different climatic conditions, so that whatever will benefit one may not bring good to another. A member of the Board of Indian Commissioners should know this, and yet a member declares that 'the Indians are enjoying wealth from the proceeds of oil lands operated for them.'"

The General Secretary of the American Association for the Advancement of Science, D. T. MacDougal, writing from the Desert Laboratory at Tucson says:

"Nothing can be done to atone for the past jumble of tragic mistakes and shameful failures of contract and obligation. The displacement of any population is unavoidably accompanied by serious damage, so intricate and vital is the relation of a people to its country. The administration of each tribe should be based upon

facts accurately ascertained, and considered without religious bias or political prejudice, in so far as this may be humanly possible. Specifically, it should be realized that our chief aim is the welfare of the Indian rather than the aggrandizement of the Indian Bureau."

This view is likewise held by Phil S. Locke of Aberdeen, Washington, who says: "No 'Indian Policy' can be framed to fit the American Indian, for the same reason that no single scheme of government is suitable for all nations and all peoples. As small as the unit may be, their capacities and inclinations should be studied to the end that the great wrong done the American Indian should be in part atoned for and that further wrong cease."

SURVIVAL OF THE FITTEST

Dr. J. Walter Fewkes, Chief of the Bureau of American Ethnology, Smithsonian Institute, contributes a distinctive paper on the American Indian. In part he says:

"The law of the survival of the fittest applies to the growth of culture that determines the state of civilization. The development of the Indian as compared to the European has been hampered by the physical character of the American environment, and man's effort to raise himself nearer his ideals has been a fierce struggle of superior and inferior races. This long story of conflict is marked with injustice and disregard of the rights of the weaker race. The immutable law of nature has been that the better part of the earth becomes the home and possession of the race strongest in physical force and mentality.

"Even the strongest sentimentalists could not, I think, find adequate argument to show that the Indians should be kept like animals in a zoölogical garden, in their native state, for the inspection of the curious. An Indian deserves the rights of manhood and necessarily should not be deprived of an education that all citizens deserve. Men may differ as to the kind of education. If there is any agency that has done its duty in education of the Indians, it is certainly the Office of Indian Affairs. The education needed by the Indian is that fostered by the Indian Bureau along the lines of industrial development. The problem is to equip them with the most practical aids to support themselves.

Agricultural pursuits, stock raising, and proficiency in mechanical arts appeal to them most strongly. In offering this education to the Indian it is not necessary to hasten the destruction of his characteristic culture. We need what is good to strengthen our future citizenship. One can readily understand the desirability of preserving for posterity the characteristic arts, industries, music, and legends of the Indians."

Argument along much the same line is contributed by C. H. Asbury, Superintendent of the Crow Agency, Montana, who begs that we establish first our well defined purpose, in our dealings with the Indian, then our duty, based on these findings. He offers to the public two alternatives:

"If it is our purpose to retain the Indian as an ethnological specimen, or as a study in anthropology, or as a curio, then every effort should be made to keep him in his original savagery, ignorance, simplicity, and superstition. If, however, we are working toward making of these Indians self-respecting, useful members of society, and citizens, then we must work away from his native uncivilized environment and habiliments."

"Emotion and Fireworks" is the descriptive term used by Rodney W. Roundy, Laconia, N. H., in speaking of the recent Teapot Dome revelations. He concludes his letter with the remark:

"My experiences with those who have had at heart the interest of the Indians has been that all who are interested in their education and religious welfare wish to preserve all that was good in their old cultures. They have, however, been continuously insistent that the Indian must be prepared to live in the America that now is, and not in the America which was, when he hunted the buffalo with bow and arrow."

FROM THE INSIDE

Miss Margaret Muskrat writes of her people, sending her letter from Mt. Holyoke College: "To us who look at it from the inside, who must carry the burdens so widely being discussed, the picturesqueness and the romance, if there be any, in our situation fades into nothing in the face of a great and immediately overwhelming problem. To sentimentalize

over the misdeeds of past generations is quite as easy as it is futile. We who constitute the younger generation are not very deeply concerned with what the pioneers did to our forefathers, beyond a realization that our staggering burden is a result of that past. We are troubled with a much more pressing question demanding immediate attention. What is the American of to-day going to do to the Indian? On that question undoubtedly hinges the future of this race of people who have been placed, for weal or for woe, in the charge of the nation."

CONCLUSION

In the post-debate discussion on the Indian question, published in the April FORUM, the situation from the point of view of health and sanitation was thoroughly discussed. Miss Stella M. Atwood, of the General Federation of Woman's Clubs, on the Committee of Indian Welfare, contributes further to the illuminating disclosures laid bare through public agitation. Charles L. Bernheimer, of New York City, also protests against crude methods in medical treatment and in dental service. In his estimation the situation is deplorable and should be speedily corrected.

Individual tribes of Indians and their needs are discussed by several contributors. Miss Erna Fergusson sends from Albuquerque impressions of the Pueblo Indians, contrasting the primitive Indian with the one on the reservation to-day. Roberts Walker, of Scarsdale, N. Y., writes of the Indians in New Mexico as he has known them. His pertinent question is, "In what coin shall we pay our debt?" And his answer, "Without proselytizing or openly 'Americanizing' the Indian; by making our own civilization and beliefs so real and so inviting that they will in time gladly come over to us." Dr. E. N. Wright of Olney, Oklahoma, working among the Choctaws is seeking relief for his people from the grievances due to the action of the Indian Bureau. Mrs. John Wetherill presents the problems of the Navajo Indians, among whom she has worked for the past twenty-four years. Her plea is for a more competent educational system throughout the reservations. Enlightenment is the crying need of the American Indian.

Is It the End of the Road?

Remarks of
Hon. Burton K. Wheeler
of Montana

in the
Senate of the United States

May 1, 1929



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Condition of Indians in the United States

REMARKS
OF

HON. BURTON K. WHEELER

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the CONGRESSIONAL RECORD a short article by Miss Vera L. Connolly, appearing in Good Housekeeping, with reference to the Indians.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

THE END OF THE ROAD
(By Vera L. Connolly)

(As we advised you last month, Miss Connolly's third Indian article was withheld from the April issue to give the Indian Bureau a chance to prove that the first article was, as it charged, "full of misrepresentations." Had Miss Connolly been discredited, the present article would not have been published and we should have apologized to our readers and to the Indian Bureau. But in not one essential particular could Miss Connolly's statements be disproved. Conditions on some reservations are not as Miss Connolly stated, but the changes have been made since the investigation was made last summer. As a matter of fact, Miss Connolly has understated rather than overstated the condition of the Indians. Not on all reservations, to be sure—there seem to be many bright spots in the Indian country—but on so many of them that the indictment stands as drawn. And so we are publishing here the third and last article in Miss Connolly's series. Read it.)

On June 12, 1926, at the request of Secretary of the Interior Work, the Institute for Government Research undertook a detailed survey of Indian affairs. The report of this survey was submitted to Secretary Work February 21, 1928. By direction of the Secretary it was printed in book form. The result was an 872-page book, entitled "The Problem of Indian Administration."

This book is the most restrained, yet the most heartbreaking analysis ever made of the health, education, and human needs of the Indian. Obtain a copy of it. Read it. Learn—with a sense of shock and dismay—what conditions the institute's scientific investigators found on Indian reservations and in Indian boarding schools.

The book is couched in the quietest of terms. But the facts it offers are such that no American of conscience can lay it aside and forget. Nor can he comfort himself with the excuse, "Exaggerations offered by reckless and irresponsible individuals."

For behind this report are Lewis Meriam, technical director of this survey, and his staff of investigators, consisting of Ray A. Brown, assistant professor of law, University of Wisconsin; Henry Roe Cloud, president of the American Indian Institute; Edward Everett Dale, head of the department of history of the University of Oklahoma; Miss

Emma Duke, sociologist; Dr. Herbert R. Edwards, on appointment, medical field secretary of the National Tuberculosis Association, now director bureau of tuberculosis control, New Haven department of health; Fayette Avery McKenzie, professor of sociology and dean of men, Juniata College; Miss Mary Louise Mark, professor of sociology, Ohio State University; W. Carson Ryan, jr., professor of education, Swarthmore College; William J. Spillman, agricultural economist, Bureau of Agricultural Economics, United States Department of Agriculture.

These men and women are not reckless, irresponsible individuals. They are sober, scientific specialists. After almost two years of close study of this problem, they arrived at such conclusions as the following:

"An overwhelming majority of the Indians are poor, even extremely poor * * *." "Tuberculosis is extremely prevalent. Trachoma, a communicable disease which produces blindness, is a major problem because of its great prevalence and the danger of its spreading among both the Indians and the whites." "The survey staff finds itself obliged to say frankly and unequivocally that the provisions for the care of the Indian children in boarding schools are grossly inadequate. The outstanding deficiency is in the diet furnished the Indian children, many of whom are below normal health. * * * The effort has been made to feed the children on a per capita of 11 cents a day, plus what can be produced on the school farm, including the dairy. At a few, very few, schools the farm and the dairy are sufficiently productive to be a highly important factor in raising the standard of the diet, but even at the best schools these sources do not fully meet the requirements for the health and development of the children. At the worst schools, the situation is serious in the extreme."

These are a few of the statements in this report. Others are:

"The question may very properly be raised as to whether much of the work of Indian children in boarding schools would not be prohibited in many States by the child labor laws, notably the work in the machine laundries. * * *." "Instances were noted where a child with incipient tuberculosis was required to assume duties too difficult for his strength." "The boarding schools are generally crowded beyond their capacity so that the individual child does not have sufficient light and air." "A few buildings are in use the safety of which is open to question. The outstanding illustration is the boys' dormitory at Santa Fe, which has been condemned for some time because of serious cracks in the main walls, but regardless of that fact the number of children housed in it has been increased."

And the report comments on the cruel punishment of the children in these schools, as follows:

"* * * It is well to mention the methods employed in incarcerating obstreperous children. * * * At the time of the visit from the survey staff nearly all schools had some such facility, either a simple room securely locked or perhaps an isolated building actually designated as the 'jail.' At Albuquerque attention was drawn to * * * a solid concrete, box-like building, with a door and one small window. It was barely large enough to accommodate two iron beds and a small stove. Otherwise it was devoid of furnishings. It was surrounded by a barricade of heavy wire and miscellaneous boards woven into a high fence. The grounds surrounding this unit were untidy and the interior was dirty. There were no toilet facilities or running water. Perhaps this was the worst example seen, but the principle of the 'lockup' prevails in many other schools."

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And one of these institute investigators, in his unpublished field notes, adds the following regarding the Albuquerque school on January 13, 1927:

"The case of Carl Gorman, 22 years of age, was cited as an example of the methods used at this school. The physician reported that the boy went to the principal's office to ask to be let out of the jail and return to his school work when the disciplinarian who was standing near by struck him down, causing his teeth to bleed. The boy was thrown bodily into the jail again.

"On the second floor of this building was found the mending room. There was a large number of small girls who had been working since 7.30 a. m. in the morning and it was then after 10 o'clock and they had had no rest or relaxation, and they were apparently working under pressure.

"The doctor reports that he has considerable difficulty in keeping tab on the malnourished or defective children who are detailed to heavy duties."

But there is not room here even to touch on the various sorts of misery among the Indians, recorded in this sober report.

Let me urge again earnestly—obtain it and read it. It is one of the authoritative sources from which these articles are drawn. Among the other sources are the United States Census, annual and special reports of the Interior Department and Indian Bureau, the Board of Indian Commissioners, the State Board of Health of California, the State Child Welfare Department of Montana; the American Red Cross; the State Boards of Public Welfare and Education of California, the testimony of the director of public lands of the United States Department of Agriculture for Nevada and California.

READ THE SENATE HEARINGS

Obtain also the current Senate hearings and read, in volume 3, the report of Miss Florence Patterson, who was appointed by the Red Cross a few years ago to investigate the need for public health nurses on Indian reservations. Miss Patterson made a thorough and detailed investigation. Of the little Indian children she says:

"The manifestations of malnutrition were general and acute in a large proportion of the children seen by the writer. They repeatedly presented a picture similar to that of groups of children in eastern Europe whom government and voluntary agencies rushed in to feed in the war-devastated regions. * * * Moreover, the boarding school records showed that children who had developed tuberculosis in the schools were constantly being returned to their homes, to live for a time, perhaps, and to spread the disease among other members of the family."

Miss Patterson's report is, like the institute report, quietly voiced. But its indictment of us, the American people, and the Indian Bureau we have created and permitted, through 70 years, to grow into the brutal "guardian" it is to-day of Indian lives and property—is terrible! She tells us of hungry, sick, neglected childhood; of faked health records; of undernourished children fed on cups of strong tea, the tea being on the shelves, the food not. "Seeing one little girl, barely 6 years old, badly undernourished, help herself to two large cups, the writer wondered how much tea there was in the commissary. The information was gleaned from the chief clerk that there was an over-supply and in consequence he had ordered it to be served promptly. * * * His job was to check up on accounts, not conserve child health." Frightful living conditions in homes and Government schools;

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lack of sanitation; lack of health care; malnutrition, ignorance, despair. This is the picture Miss Patterson draws for us. A menu she observed at one boarding school consisted of, "Breakfast, bread, coffee (black), sirup. Dinner, bread and boiled beef. Supper, bread and beans."

Commenting on this Red Cross report, Dr. Haven Emerson, of Columbia University, points out:

"This report was delivered in 1924. It was suppressed by Indian Commissioner Burke, who denied even to individual members of Congress the privilege of reading it. The institute's survey was made in 1927 and identical heartbreaking conditions were found in identical schools throughout the identical reservations. Through the intervening years the bureau officials, though possessed of all the facts, painted to Congress and to the public a picture of Indians healthy and growing healthier, rich and growing richer, indeed superprivileged."

Last June the Secretary of the Interior received from the hands of his departmental engineers a 3-volume report more disturbing even than the reports of the Institute for Government Research and the Red Cross. This document, prepared under Secretary Work's directions and not yet made public, describes the wastefulness and, in many cases, the collapse, of numerous irrigation and reclamation projects of the Indian Bureau—projects paid for from Indian tribal funds or charged against the Indians to a total of more than \$31,000,000. One quotation is given here as a sample. It tells of the Fort Peck, Mont., Indian irrigation project:

"It would be difficult to conceive of a more hopeless situation than that presented by the Fort Peck Reservation project. It is the opinion of the advisors that the only possible function this project can serve is that of a monument to the futility of attempting to build an irrigation project without a water supply, and in a country where the necessity of water for irrigation at all is questionable. The inconsequential results attained as compared with the large expenditures, nearly \$1,000,000, present a spectacle that is really appalling and humiliating."

LEARN THE CONDITIONS TO-DAY

And now, in 1929, at the hearings being held in Washington, D. C., before the Senators who are investigating the Indian problem, conditions as bad and much worse are being described, by sworn witnesses as existing on numerous reservations and in numerous Indian boarding schools to-day!

For 70 years our Indians, Federal "wards," have been under the absolute control of the Indian Bureau. This bureau has been their official "guardian." To-day its record is being laid bare in sworn testimony before the five investigating Senators in Washington—FRAZIER, PINE, WHEELER, LaFOLLETTE, and THOMAS of Oklahoma.

These hearings have been more systematic and exhaustive than any previous investigations in Indian affairs since the beginning of the Government's responsibility for the Indians. And the masterly conduct of the investigation is due in no small part to Mr. Louis R. Glavis, attorney and chief investigator, whose reputation was made long ago in the conservation struggles during President Taft's administration.

The fullest opportunity has been given to the Indian Bureau to be heard at all times. It has not rebutted a single point in the indictment against the bureau and the Indian affairs system.

Last summer, as a representative of Good Housekeeping, I visited groups of Indians in Utah, Colorado, New Mexico, Oregon, Washington, and Wisconsin. Here I observed suffering and obtained information identical with much that is recorded in these Senate hearings.

Besides, I have been down in Washington recently, attending these hearings, which are intensely poignant and dramatic. At one end of a long table, the investigating Senators. At the other end, facing them, the Indian Bureau officials. In a chair midway between them, the witness who is being examined. And lining the great room Indians—from Oregon, from the Dakotas, from Oklahoma! Indians listening with rapt, anxious faces, as their cause is pleaded or denied.

The testimony, as I have said, is horrifying! A white American listens to it with a sense of shame and wonders if the debasement of the white race in its exploitation of these helpless people is not a greater tragedy even than the suffering of the Indian. Listening, one marvels, too, that the Indian race has managed to survive at all!

EXCUSES ARE BEING OFFERED

"Congress has been to blame," is the panicky outcry of the Indian Bureau as the revelation of its 70 years of mismanagement continues to be made. "Congress has denied us sufficient appropriations."

But Congressman FREAR, of Wisconsin, when I interviewed him in Washington, indignantly exploded this excuse.

"Now that the Senate investigation is pinning the crime for conditions squarely on the Indian Bureau," he declared angrily, "the bureau is asserting that Congress refused to appropriate sufficient money, and that that accounts for the starving and beating of Indians and the looting of their estate. This is patently absurd! Besides, money was always appropriated by Congress when asked for. But the bureau was trying to make a record of economy. So instead of asking for money needed they went ahead with their costly program—a program designed chiefly to benefit the whites. And they charged the cost of it, in large part, against the Indian estate as debt."

"The time has come," he went on emphatically, "for us to demand a square deal for these wards! Not an argument can be advanced for the perpetuation of this heartless Indian Bureau policy. Its expenses have increased as the Indians' property has dwindled. The bureau employees have multiplied as the Indians have decreased in number. The criminal maladministration of this bureau not only justifies but demands its abolishment and provision for some substitute until the Indians are on their feet."

The health and education of the Indian, Congressman FREAR believes, should be turned over to the States concerned. But Indian property should be placed in a Federal board, where Indians will have some voice in the decisions. This could be arranged by each Indian tribe incorporating, these corporations being subject to supervision by the Federal Government.

"In any case, all Indian property must be taken away immediately and entirely from the Indian Bureau," he urged sternly.

Congressman FREAR pointed out that the Indian has been made a citizen. As such he should be equipped to take his place.

"Indians have brains and initiative," he concluded. "They are a highly gifted people. They need only support in their ambitions. We've done this in relation to the Porto Ricans and Filipinos. We've fallen down as regards the American Indian. Had there been a despotic, grafting Porto Rican bureau, or a Philippine bureau, those native peoples would to-day be as crushed, as backward, as the American Indian."

This view was corroborated by Maj. George P. Ahern, one of the most distinguished Army officers in Washington and a leading American authority on forestry. For many years, when a young officer, he was

thrown with the Indians. He grew to know them well and love them. Sitting Bull was an especially dear friend.

Later, in 1900, Major Ahern organized the Philippine Forest Service and was at its head until the World War. He then became secretary of the War College in Washington.

"Ever since 1882 there has been gross and continuous mismanagement of Indian affairs, to my certain knowledge!" he declared. "Our country could have handled the Indian problem properly and put this able, brilliant people on its feet. We gave the Filipinos schools and teachers that measured up to the highest of standards. Filipino youths were encouraged and aided to carry out all they knew. They were given positions of the utmost responsibility in their own government. To-day many members of the former 'wild tribes,' the head hunters, are college men—mayors, governors, legislators—playing a vital part in public affairs of the islands. This shows what can be done with a primitive people."

Our treatment of the American Indian was just the cruel opposite, Major Ahern said. He was crushed, held down, moved from place to place, cheated, lied to, given the lowest types of schools and teachers, and kept always under the heel of a tyrannical bureau.

Major Ahern concluded with: "Then, again, there are the Indian forests. Timber becomes better and increases as you handle it in large blocks, cutting it properly and leaving the seed trees. The Indian Bureau is cutting the Indians' timber (where allotments have been made) to the ground and doling out some of the money in petty amounts destructive to Indian morale. This is criminal. The Indians' property should be kept intact. Indian corporations are the only thing for handling Indian timber—and, indeed, their other joint property. But the courts should have a look-in on these corporations."

BUT THE TRUTH IS EVIDENT

Three other eminent men, close students of the Indian problem, to whom I put my question, "What is the solution of it all?" were Senator KING, of Utah; Senator PINE, of Oklahoma; and Congressman KELLY, of Pennsylvania.

It was Senator KING who framed the resolution which precipitated the present investigation of Indian affairs.

"The Indian problem is one of vast proportions," he said thoughtfully. "Not only economically; there is a humane and moral element that transcends the other. One thing I do know—that the United States has failed deplorably to handle the Indian problem in a way to fulfill its obligation as trustee."

"In my opinion," he concluded, "the problem should be studied deeply by the entire country. I hope that all thoughtful men and women will study this question and present their views to the investigating committee now acting for the Senate, thus enabling this committee to suggest legislation that will satisfy the ideals and conscience of us all."

It was Senator PINE whom I interviewed next.

"The solution of the question?" he repeated. "Simply this: Earnest, aggressive, intelligent, honest administration of the law as it exists. That is a good first step. It would accomplish much. The Indians to-day are not getting an honest deal. In matters of health and education especially, the bureau has developed no standards at all. Read their last report on health among the Indians. It is a masterpiece of weakness and vague supposition. They feel this and that to be true about tuberculosis among the Indians. After 70 years they don't seem to know anything."

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And he added, in conclusion: "The system we have is not bad, in my opinion, if carried out honestly. I repeat, honest, intelligent administration of the law, even through the system we have, would cure many evils complained of."

An example of the evils to which Senator PINE refers is the notorious Jackson Barnett case. Jackson Barnett, an illiterate Creek Indian about 70 years old, was snatched away in 1921 by Annie Laurie Lowe, a white woman. She took him into two different States and married him twice to make sure that the marriage was legal. In 1923 the woman brought Jackson Barnett to Washington, where, in the office of Commissioner Charles H. Burke, it was arranged to split the Indian's estate, in the amount of \$1,100,000, half of it being given to the woman and half to a philanthropic institution in Oklahoma.

Thereafter Members of Congress directed the attention of President Coolidge to certain remarkable and suspicious aspects of the case, and the Department of Justice intervened, in opposition to the Indian Bureau, on behalf of Barnett, a Government ward.

The case finally was tried before Judge Knox, of the United States District Court of New York. Judge Knox found that fraud had been committed; that the aged Indian was practically a half-wit; that no evidence existed to prove that Commissioner Burke or anyone else had even explained to him what he was doing when he gave away \$1,100,000. The "amazing" transaction, as Judge Knox termed it, was set aside by the court. An attempt to appeal was unsuccessful, and to this extent the aged Indian was protected.

CONGRESSMAN KELLY'S SOLUTION

Finally, I sought out Congressman CLYDE KELLY at the House of Representatives.

The Indians have not a better friend in Congress than this quiet-voiced man. He pronounces the Indian Bureau un-American, irresponsible, dominated by despotic tendencies, and determined to perpetuate itself.

"The Indians must become self-supporting individuals," he urged. "Must learn to manage their property and their lives. In 1924 they were declared citizens. I battled for years to help bring that about. But it has accomplished nothing. They enjoy none of the rights guaranteed to citizens under the Constitution. Every guaranty in the Constitution is systematically violated by the Indian Bureau in its conduct of office."

"Is there no way out for the Indian, Congressman KELLY?" I inquired.

"Most certainly there is," he returned, with spirit. "I would urge first, let us guarantee the Indians full constitutional rights as citizens. Second, let us work toward distributing the activities of the Indian Bureau among the States concerned—transfer them, that is, to the State departments of education, health, relief, and agriculture. Indian property, I believe, should be owned individually by the Indians, with certain restrictive safeguards placed around it for a time."

It would be impossible here to quote a tenth of all those with whom I discussed this problem. Not only on the Atlantic seaboard but in many Western States I queried veteran students of the Indian question as to the best solution of it.

At Odanah, Wis., Rev. E. P. Wheeler, an authority on the Chippewa Indians, recommended an intensely interesting plan for the Wisconsin Indians. This could be adapted to any State.

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He urges that the Indians of Wisconsin be turned over to the United States district courts in Wisconsin and handled on a probate basis. White wards with property are handled by the probate courts. Why should not Indian wards be cared for in the same way, he asks.

"One proposal in the Wisconsin plan," explained Doctor Wheeler to me, "is to have these United States district courts manage the Indian estate by two holding companies to be appointed by them, one for each district. Another suggests holding companies consisting of three persons, one a woman to be nominated by the women's clubs of the State; and the other two, business men to be nominated by the Federal Council of the Christian Churches of the State. These holding companies are in accord with probate usage where large business interests are to be provided for."

In New York City, at Columbia University, I discussed possible solutions of the Indian problem with Dr. Haven Emerson, professor of public health administration and former health commissioner of New York. Doctor Emerson has thrown himself into the campaign to help the Indians obtain some semblance of their rights as citizens.

He spoke with deep, sober indignation of the maltreatment of the Indians to-day.

"At last Congress is to get the facts! The hearings to date have proved extremely wicked and possibly criminal maladministration at every level, from the Secretary of the Interior to the Indian agents. A hundred and more witnesses have testified.

"A few of the cruder facts," he went on, "are: Indian children are beaten and put in chains; are starved, for discipline; are crowded in the presence of disease; are worked to exhaustion; are hired out for pay; are forced to eat wormy meat and polluted flour; are locked in cellar jails for little breaches of politeness; are denied advancement in school so that profit may be made of their child labor; are beaten until they bleed and whipped with straps until they are cut."

AT LAST WE HAVE THE FACTS

Here Doctor Emerson was called from the room. And as I sat waiting, my mind ran back over the countless cruelties and atrocities revealed in the hearings day by day.

Doctor Emerson might have added that on some reservations feeble old Indians are being asked to exist on 73 cents' worth of rations a month per person. That young Indians are arbitrarily put down on worthless land—mountain peaks 8,000 feet up, stony hillsides, sagebrush country without water; are given not a dollar to farm with; are forbidden to borrow the necessary money or to contract with any store for seed and implements. If such an Indian develops his land anyhow, making it valuable, he is almost certain to be moved away. (One Indian was thus moved nine times.) If not moved, he is prohibited from willing this land intact to his children.

Doctor Emerson could have told of one cruel school where only 9 cents a day is spent for food for each child. Some young girls ran away and were brought back. One was beaten and all were forced to carry cordwood on their necks throughout the afternoon as punishment. These girls were also chained to their beds and even marched to their 3-cent meals in chains.

He could have told of Indian children dying because the reservation doctor would not bother to go to them; of old Indians whose thumbs had been forced down on deeds of sale to their lands by rascally whites whom they dared not disobey; of the drinking water for a large reservation flowing in an open ditch, fouled by cattle wading in it; of a filthy, unprotected reservoir on a northern reservation, which, when

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finally cleaned, produced 9 inches of slime and the rotting bodies of many kinds of animals.

He could have told permitted bootlegging on many reservations; of one agent's written permit to a young unmarried Indian couple to live together until they could get down to the agency to apply for a marriage license; of the jailing of men, women, and children without court trial under terrible conditions—one Indian for disagreeing with the agent, being thrust into a tiny hut of a "jail" on the blazing Arizona desert, with insufficient water and the thermometer at 120. When indignant white citizens appealed for his release, the agent's retort was:

"If you had not made this suggestion, I would have let him out. Now I will keep him a while longer."

He could have told of the meagerly nourished little Indian children falling ill at their school in Arizona because the Government teachers had taken all the dried fruit to make into booze.

He could have pointed to the thousands of other Indian children whose backs are bending beneath the child labor required of them at the schools and of the conscience of a bureau which controls a billion and a half in Indian property, yet bullies and half starves its wards.

He could, finally, have told of Miss Florence Patterson, of the Red Cross (already referred to), who several years ago made a courageous survey of health conditions among the Indians. This survey was mysteriously suppressed. And when Mrs. Stella M. Atwood, at that time chairman of the Indian Welfare Division of the General Federation of Women's Clubs, asked Edgar B. Meritt for a copy of it, he replied that she would be permitted to see it if she would enter into a "gentlemen's agreement" that she would not make it public.

But my thoughts were brought back abruptly to the interrupted interview with Doctor Emerson, for at this moment he entered the room.

"What is the solution?" he echoed. "What shall we substitute for the system we have?"

He was silent for a moment.

"First, State and county service for education, health relief, and agriculture. Second, the establishment of property rights and reviewable accountability for Indian funds and estate—the right of due process of law. Third, the delivery of all tribal property to the incorporated tribes under a board of control designated by Cabinet officers."

And this, I have found, is the program which most of those who love the Indian race seem, to-day, to approve.

MR. COLLIER'S PLAN

John Collier, secretary of the American Indian Defense Association, probably the most keen, cool, far-visioned, practical student of the Indian problem to-day—a man who has battled fearlessly for the Indians for many years, in Washington and out, in the face of slander and opposition—assured me recently in Washington that the program as stated above embodies his views, with this modification:

"It can not all be achieved immediately! We shall not be able to turn the personal care of the Indians over to all the States at present, for many States are not ready or equipped to assume it. It is the ideal arrangement. And it is gradually coming about, State by State. Three States are now bidding for it, and a fourth now has in Congress a bill providing for it. All such States—those ready and eager for the task, and able to meet a certain standard—should be permitted at once to take over the purely human side of the Indian problem within their borders—health, education, relief.

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"Since many States, however, are not ready for the measure, I think the logical first step in solving the Indian question is to distribute Indian Service among the various Federal departments—that is, to put the Indians' forestry and farming problems under the United States Department of Agriculture; their school program under the Bureau of Education; their health problems under the Public Health Service; and so on."

All these Federal agencies, Mr. Collier pointed out, work closely with the State services. The two combined form a vast system of education, social guidance, and relief, which we have been building up slowly for a hundred years. European immigrants, Chinese, Japanese, Mexicans, Negroes—all except American Indians—enjoy the use of it.

"I propose," urged Mr. Collier, "that we throw open to the American Indian this great system. This service to the Indians would gradually be decentralized, being transferred first from the Indian Bureau to the various Federal agencies and then spreading out across the country into the States, State by State, beginning with those most ready to cooperate."

(It has occurred to the writer of this article that here is a campaign the women's clubs might find interesting, encouraging the States in turn to take on the health, education, and relief problems of their Indian populations.)

"Roosevelt planned to do, and partly did, just what has been suggested," continued Mr. Collier. "That is, put Indian Service under the Federal agencies equipped to render it. For example, he put the Indian forests under the Department of Agriculture's Forestry Bureau, and this bureau handled the job admirably. But he did not bother to have Congress safeguard his reform by statute. So it slid back quietly into the old and continuing Indian Bureau monopoly."

"You have not mentioned Indian property, Mr. Collier. Should that be under State control, in your opinion?"

He made a gesture of positive dissent. "No! The solution of the Indian property problem is obviously this: To restore to the Indian tribes their ancient dignity and authority by permitting each tribe to organize and hold property in the modern way. That is, each tribe would become a corporation. The Klamath Indians have a delegation at Washington now petitioning for this.

"The corporation," he went on, "would be able to buy and sell and make contracts; to go ahead and make something of itself. Allotted lands could be paid over into the corporation, if a man wished, and his equity represented in shares of stock."

"You propose no safeguard over these corporations?" I asked.

"Most decidedly I do propose a safeguard!" he returned quickly. "This: That every corporation be under Federal protection, and that the Federal Government continue to be trustee over it. Each corporation could have a board of directors chosen by the Indians, and have an administrator subject to the Federal courts. The latter would be required to make an annual financial report, and be a technical advisor as well.

"If he thought," Mr. Collier added, "the corporation was being badly run, he would report this to the courts, and they would name a receiver. There might still be also an Indian commission made up of the Secretary of Agriculture, the Secretary of the Interior, and the Attorney General—some one from each department that could do something for the Indians.

"The corporation scheme," he concluded, "with the tribes managing their own estate, would mean a saving of at least \$6,000,000 to the

Government. If the Indians could have this spent on their health and education, and used to give them credit, they would soon be on their feet."

The Institution for Government Research makes numerous recommendations. It recommends an emergency appropriation of \$1,000,000 to relieve the gradual starvation of children in the Indian Bureau boarding schools. But its most important recommendation is the creation of a technical staff of men and women, experts in education, agricultural organization, home economics, law, and sociology. This technical staff would be the brains of a new Indian service, which might either be organized as an Indian bureau, distinct from the other Government departments, or as a coordinated Indian service carried out by the various existing Federal agencies, such as the Department of Agriculture, Bureau of Education, Children's Bureau, and United States Public Health Service.

IN DEFENSE OF THE INDIAN

Now, just one last word about the Indian as a lovable, gifted being whom we can not afford to lose from our civilization.

As has been said before in this article, I traveled last summer by auto thousands of miles through the Indian country. I visited Indians in New Mexico, Colorado, Arizona, Oregon, Washington, and Wisconsin.

Everywhere I found dignified gentlefolk—hospitable and gracious. Their usual demeanor is quietness of spirit. They depart from this only when deeply stirred. And then there is no railing, no harsh invective.

I saw much hunger and distress. Desperate poverty. Pitiable disease. Yet in the midst of suffering and want I found flaming talent. Genius, even, that took the breath! The Indians of the Southwest especially are instinctive artists. Everything they touch seems turned to loveliness.

Their baskets and jars are traced with intricate designs they have inherited from heaven knows what ancient forebears. Their silver and turquoise jewelry is richly barbaric. Their paintings? In a school in Arizona is an assembly room with a drop curtain painted by Homer Cooyama, a Hopi schoolboy, untutored and unequipped; a painting so lovely that artists make trips to view it. Their blankets? I wish you could watch a Navajo woman seat herself before a rude loom strung up to a tree, and—with no traced design to guide her—weave a blanket of daring beauty.

Yet we hold solemn conferences, we whites. And some pale young man arises to urge, "Indian girls would make splendid servants if given proper training, and the boys good porters and chauffeurs."

Except when goaded to self-defense the Indians have ever been hospitable to the whites. All great Americans have loved them—Washington, Lincoln, Roosevelt, a host of others.

"If I live," said Lincoln in 1863, "this accursed system of Indian affairs shall be reformed."

Christopher Columbus in his letters tells us in quaint astonishment of his reception by the American Indians:

"What they have they do not refuse to those that ask. With deep love they prefer others to themselves. They give much for little, and bear with small or no return. When we landed * * * women and men, children and adults, youth and old, forgot the fear they had felt for us and pressed to see us. A great crowd filled the road, some bringing food, some drink, but all affected by the sweetest love and an almost unbelievable good will."

Such was the Indians' hospitality to us, the white race, when we were strangers within their gates. To-day—pitifully enough—it is they, crushed, bewildered, who are strangers within our gates. Cruelly treated strangers in a land which once was theirs.

A cry of anguish is going up to-day from Indians in almost all parts of the United States. A stifled, inarticulate, "Come and help us!"

It is a cry from the heart, not the lips. For many Indians are not even able to speak sufficient English to make their sufferings known to us. And others are prevented by racial shyness from uttering any plea.

A STORY YOU WILL NOT FORGET

Occasionally, however, some one of their number, an inspired leader, makes a superhuman effort to inform the general public of the anguish of his people. Such a one was Joe Peete, of the Torres-Martinez Reservation. And as his story is typical, I shall tell it to you in parting.

Picture a stretch of barren land on the blazing desert 125 miles southeast of Los Angeles. This is the Torres-Martinez Reservation. The Indians were removed to it from fertile California soil by the Federal Government many years ago, despite a guaranty given them under the 18 treaties of plenty of "good land" and assistance in agriculture.

Without irrigation this land is wholly useless. And water can be obtained by only one means—deep wells, 1,500 to 2,500 feet deep. This fact is widely known. For the whites farming successfully in that region have all had to dig just such wells.

The Indian Bureau, however, dug for the Indians only shallow wells, 300 to 500 feet deep, and charged the cost of those ineffectual wells against the Indian lands as debt. In addition, finally, it dug one very deep well, able to water 20 acres. Seeing this the Indians took heart. They looked toward the good well hopefully. Water—at last?

But a fence appeared around the well and its rich acres. The place became a "demonstration farm." Surely a sardonic joke. For all it "demonstrated" to heart-broken, impoverished Indians was what they might have done with their soil if they had been given similar wells and farming equipment. Furthermore, the cost of the well was charged against them, increasing their debt for wells in that region to over \$100,000.

It was the beginning of the end. The Indians had lost hope. Their inadequately watered lands became desert once more. One by one they surrendered. Many of them moved away.

One family remained, however, and determinedly kept battling for justice. This was Joe Peete and his wife. He was captain of the band and was deeply loved by his people; he would not desert their cause. Six years ago his wife became bedridden. Eventually she died. But still Joe Peete stayed on, alone, in extreme poverty and falling health, his heart growing weaker as his determination increased.

Then—in 1928, a flash of hope. Joe Peete heard of the Senate investigation. It had begun. The investigating Senators were soon due to arrive in southern California. Joe Peete arranged all the facts in precise order in his mind. The tribe—none of whom fully understood English—looked toward him eagerly. He was their only witness, their last hope. After all their long, terrible years of waiting the Torres-Martinez Indians were to have their hour at last.

Joe Peete arose from a sick bed, saying nothing of his illness, and hurried to the hearings of the Senate committee. To his dismay he found other witnesses ahead of him. A white man as ill as he would have requested an immediate hearing. But Joe Peete was an Indian—shy, courteous. He hung back, quietly awaiting his turn. The day dragged on. He was not called. Next morning, when he was summoned, he did

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not answer. In the night Joe Peete had died, his precious message forever undelivered. Other members of his tribe were summoned in his stead, but they were confused, unable to speak English clearly, and unprovided with names, dates, figures. Joe had carried the details in his mind—Indian fashion—all those painful years. At his death the hope of his people had perished, too.

But there are other Joe Peetes, countless others. And other wronged and suffering tribes who are striving courageously to hold on, hold on somehow, till the heart of America shall awaken at last and justice be done.

WHAT YOU CAN DO TO HELP

These groups are longing, trying pitifully to make themselves heard to-day. I pray that you who read this may open your hearts to their mute cry. I beg of you, write to your Senators and Congressmen, and to President Hoover, who has never yet failed to succor the oppressed, demanding that justice be done the American Indian to-day. Form within your churches and clubs permanent Indian welfare groups, resolved to fight on through the years, if necessary, and not to relinquish this battle until it is won. Help these helpless people, not only for their sake, but for the sake of all of us—a white, God-fearing race.

Ranged opposite you in the fight you will find all the most formidable forces of organized corruption—what Cleveland called "the adhesive power of public plunder."

This power may at first appear invulnerable. But it has its fear spot. It fears to-day, more than any other one thing, the righteous wrath of American womanhood—of home women, consecrated women, aroused to deep indignation and banded together in a crusade to obtain justice for the oppressed.

I soberly believe it is this righteous force—and this alone—which can to-day, and will, rescue the American Indian and wipe from our flag and our consciences this century-old dishonor.

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Public Works advertised for bids for the pipe. On March 4 the city engineer recommended that the lowest bid, made by a New Jersey concern, be accepted as it was \$22,000 below the price quoted by a local concern. A week later the Board of Public Works awarded the contract to the Eastern firm which promised delivery of the pipe early in August.

Enter the politically minded city fathers. The local concern objected; "home industry" should have been given the contract. Pressure was brought to bear on the politicians. They yielded. Knowing the necessity for utmost speed, they directed the Board of Public Works to cancel the award of the contract to the Eastern firm and advertise for new bids. Late in June the slow jaws of the courts were closing down on the disputed contract, and the definite award was not made until completion of the pipe line before 1925 had become impossible.

The politicians risked a water shortage for a city of 700,000, invited a suit for damages and were willing to pay \$22,000 more than was necessary for the sake of a few votes. This instance demonstrates why the public-ownership movement is making such snail-like progress.



America Starts to Remedy an Ancient Wrong

Though sometimes the existence of the apparatus that brings the blush of shame to the cheeks seems doubtful even here, America is one of the few nations possessing an active and troublesome conscience. That conscience is now getting in its deadly work, stirring Americans to a realization of the shameful and brutal wrongs inflicted by them on the aboriginal Americans, the Indians. As a result of this awakened conscience Congress during the last session passed more remedial Indian legislation than the most optimistic friends of the submerged race had a right to expect.

One of the new laws conferred citizenship on all Indians not yet enjoying that privilege. This action, however, does not change the legal status of the Indian; he remains a ward unable to obtain redress in any court of the land except through his autocratic guardian, the Indian Bureau.

A second act appropriates \$5,500,000 for the construction of the San Carlos dam behind which the flood waters of the Gila river will be stored. When that dam is completed, the Pima Indians will be saved from the starvation that has threatened them for fifteen years. It was no fault of theirs.



NEWS NOTE - MORE OFFICIALS WILL BE NEEDED TO GUARD BORDERS. BOOZE AND DOPE SMUGGLERS MAY BE LARGELY INCREASED BY SMUGGLERS BRINGING IN JAPANESE IN THE FUTURE.

Armstrong, in the Tacoma News-Tribune

An Ever Increasing Problem



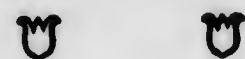
Gale, in the Los Angeles Times

The Red Man's Burden

Peaceful and skilled farmers, they had irrigated their fields with the water of the Gila for a thousand years before the whites came. The settlers diverted the water above the lands of the Pimas, leaving them none at all. The Indians, having the status of incompetent minors, could not bring suit to save their water rights except through the Indian Bureau, and the Indian Bureau did not act. Now at last sufficient pressure has been brought on Congress to right this wrong—though at a heavy expense to the Pimas who agreed to pay their share of the dam's cost.

The third constructive piece of Indian legislation is an act empowering and directing the President to appoint a commission of three for the purpose of straightening out the complicated land-title problem of the New Mexican Pueblo Indians who in the course of the years lost five-sixths of their irrigable land through the continued intrusion of squatters who could not be removed except by the Indian Bureau which again failed to act. Much depends on the personnel of the commission; if a fair, impartial and sensible board is appointed, the work should proceed with despatch and give satisfaction to all parties. But if New Mexican politics, the worst brand of politics in the West, is allowed to dominate the commission, long and expensive litigation, bitterness and hatred will be the result.

It required great popular pressure on Congress and tremendous effort on the part of the Federation of Women's Clubs, the American Indian Defense Association and other organizations to attain these ends, but at last the American conscience has been aroused and it will not be appeased until the complete reorganization of the Indian Bureau demanded by the national convention of the federated women's clubs has been brought about.



Off With the Heads of the Indian Bureau

The Indian Bureau *must* be completely reorganized, its present executive heads removed and the Service taken out of politics if the remaining Indians are really to have a square deal. The unfitness of the present heads of the Indian Bureau for their jobs, their lack of understanding and sympathy for the Indian have been demon-

strated. A year ago General Hugh Scott, former chief of the general staff and one of the Indians' best friends, accused the Indian Bureau executives of murder in connection with the "uprising" of the southern Paiutes in Utah. After Indian blood had been shed the Bureau at last took the simple action recommended by General Scott annually for seven years.

Now the heads of the Indian Bureau are demonstrating their total lack of understanding by their stubborn and cruel attempts to suppress the ceremonial dances of the Pueblos and rob them of that fundamental American right, religious liberty. Despite the Indian Bureau's old trick of issuing blanket denials, it is a fact that with the connivance of the Bureau the religio-political organization of Zuñi Pueblo has been forcibly broken up. Despite the Bureau's denials it is also a fact that Taos Pueblo was ordered not to withdraw from school the two boys selected for instruction in the ancient religion and traditions of the tribe, an order which would ultimately bring about the death of the Pueblos' religion and the dispersal of the tribes.

Similar incidents will continue to occur, the vast properties of the Indians will be frittered away and the remnants of their ancient culture will vanish completely unless the demand of the women's clubs is carried out and the Indian Bureau is completely reorganized.

U U

Baiting the Forest Trap With Cash

The Far West should be grateful to the Congress which adjourned lately for passing the Clarke-McNary Forestry bill. While this bill is considered entirely too weak by the impetuous conservationists of the Gifford Pinchot type, it nevertheless is a move in the right direction and through it scientific forest management should be introduced with the minimum of resistance by the lumber interests, though the process of educating the operators will be rather slow.

The Pinchot group wanted a law that would *compel* the owners of timber land to log it scientifically with the least possible injury to reproduction; the Clarke-McNary Act endeavors to *lure* timber owners into rudimentary forest management. Recognizing that fire is the worst enemy of virgin timber and second-growth, the bill provides an annual fund of \$2,700,000 to be spent for protection against forest fires in every state which has established an approved forest protective organization, Uncle Sam paying only half the protection expense, though. The other half must be raised by the state. Part of the appropriation is to be used to investigate the effect of present-day taxation methods on

forest perpetuation. In addition various sums are to be spent annually for tree seeds to reforest denuded lands and to assist farmers in establishing or improving wood lots.

This sounds rather dry and technically theoretical. Remember, though, that we are cutting and burning timber three times as fast as we are growing it; remember also that the cost of lumber has trebled in ten years and that this increased cost has contributed materially to the joy of the landlord on rent day. The fool handling of our forest resources is costing *you* not less than a hundred dollars a year, and your contribution is going up. You ought to be glad to know that an effort is being made to check this rise.

Incidentally, a group of Far Western lumber companies is beginning to see the light. Through the Western Forestry and Conservation Association this group is studying not only the best methods of reforesting its enormous holdings of cut-over lands, but is also endeavoring to work out logging systems that will make the restocking of cut-over land as easy as possible.

Between the pull of the Government money and the push of private enlightened enterprise, rational forestry should at last begin to get under way in the Far West.

U U

The Inefficient Use of Uncle Sam's Wealth

Uncle Sam is a lucky old bird. We, his nieces and nephews, should be exceedingly thankful for the privilege of living in his domain. Compared with the struggle for existence in the Old World, not to mention the Orient, the task of providing food, clothing and shelter is child's play in the good old U. S. A., politics, income tax and presidential years notwithstanding. We are blessed with such an abundance of natural resources, we have so comparatively small

a population to divide nature's bounty, that we all should be happy as kings if we had more sense and more love for one another.

Take coal, the basis of industry and transportation, for instance. Our coal deposits are many times larger than those of all Europe put together. The seams are closer to the surface, they are thicker and more uniform than those in Europe where the narrow veins are broken and faulted, whereas over here they lie mostly flat and dip at a regular angle. We have so much coal that we leave a third of it in the ground as pillars while we mine all round it, whereas in Europe they dig out every ton of the thin seams and build up pillars of rock and waste to keep the stopes from caving in.

The coal wealth of the United States can be shown most graphically by the amount of human labor necessary to produce a unit of the fuel. To produce 1,000,000 tons of coal

(Continued on page 77)



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How's this for a spectacular National Park show? It's an outburst of Kilauea volcano in the Hawaiian National Park, and the performance of this greatest of all active craters promises to continue for quite a while

INDIAN MYTH PUNCTURED, AND BUREAU SCORED BY GENERAL PRATT

Yakima's March to Capital Is Called Just a "Humbug Publicity" Policy—Red Men Decked in Feathers to Help Garner Cash for Salary Brigade

Scathing denunciation of what he termed "the humbug publicity policy" of the Government's Indian Bureau was voiced today by Brigadier-General R. H. Pratt, U. S. A., retired, originator and for twenty-five years superintendent of the Indian School at Carlisle, now abandoned.

He charged, in an interview, that the recent pilgrimage of a party of Yakima Indians to Washington to protest against attempts to "civilize" them was manipulated by men holding political jobs, to encourage the belief that the "Indian problem" still is acute and necessarily the public money must continue to be spent in meeting it.

Used by Politicians

The Yakima Indians, led by Chief Meninock, went to Washington in spectacular war-bonnets and told all who would listen that they did not want the responsibility of citizenship, or the conduct of their own business, or to assume ownership of their lands. According to General Pratt these Indians in no measure represented the vanishing race of original Americans, but were togged out in feathers and skins, long since abandoned in everyday life, and brought to the Capital at the instigation of the Indian Bureau politicians. He declared that the whole proceeding misrepresented the Indian question, and deceived the government and people, which it was intended to do.

Yakima Indians Cared For

The Yakima Indians since 1849 have been under Government care at a cost of hundreds of thousands of dollars, and whatever their present condition and purposes, they are the result of bureau control. Every one of the men in the party that made the trip was born under the bureau administration. If they still want to be dependents and have learned nothing of the ways of white men, the facts reflect directly upon the policy of the Indian Bureau.

General Pratt further declared that the spectacular presence of Indian chiefs in full regalia, laying war-clubs on the grave of the unknown soldier at Arlington Cemetery last November, was but another instance of the same "publicity humbug" on the part of the Bureau. He declared they were in no way representative of the 15,000 Indians, many of whom were killed, who served the flag during the World War.

Were Loyal Indians

These men, declared General Pratt, were loyal, progressive Indians who enlisted in many branches of the Nation's service, from many States. He also decried the ceremony at one of the western Indian reservations at which the commanding general of the American forces was adopted by the tribe in a "silly, feather-bedecked ceremony." The purpose back of the frump-ery, according to General Pratt, was to perpetuate Indianism and restrict citizenship development for the Indians, to the utmost limit.

"To civilize the Indian," declared General Pratt, "this nation must get him into civilization. To keep him civilized, let him stay in civilization. How is an Indian to become a civilized individual man if he has no individual civilized chances? It would rob of manhood and make paupers of immigrants coming to this country from any other nation in the world, to reseruate and double-bureauize them as we do our Indians."

Salary Hunger

In the view of General Pratt the welfare of the Indians has been made secondary to the personal salary-hunger of the 7000 whites and 8000 Indians who have jobs in the Indian department of the Government. If they can keep the country convinced that Lo! the poor Indian is going to be a problem as long as his race survives, they'll hold their jobs and the nation continue to spend about \$15,000,000 annually, all of which might be saved. Also, the job-holders won't be put to the necessity of looking for genuine productive work.

The evil of bureaucracy in Indian affairs has continued under Republican and Democratic administrations alike, General Pratt pointed out, and it is just such propaganda as the pilgrimage to Washington by the feather-topped "warriors" that it is kept alive for future administrations.

Waste of Money

He declares that it was a sheer waste of the public's money to spend thousands of dollars to have that Indian delegation make the long journey from the State of Washington to the Capital to prove they are still "primitive" and want to continue to be primitive under a bureau whose original purpose was to raise them out of their primitive condition. General Pratt charged that the Yakima Indians as a people have no voice in the matter of sending a delegation to Washington, and that the

affair was managed by salaried bureau employes, who persuaded a few old chiefs to get into almost forgotten regalia and parade across the continent.

General Pratt declared that American Indians who are reaching the civilized state are doing so in spite of, rather than because of, government control.—Los Angeles Times.

THE ABUSED INDIAN

William Hart, famous on the screen, steps out of the glare of the camera to speak not as an artist, but as a man, on behalf of the American Indian. He makes a strong plea, and very evidently it comes from the depth of a warm sympathy. Moreover it is based on a series of facts of which the white American has reason to feel ashamed. Hart would have the money now wasted on the Indian bureau, devoted to the good of the Indians, and not to that of the officials who administer it. He would have the Indians made citizens and not kept in subjugation. In all this he enlists the approval of those who have given the matter thought. There could not well be, in the circumstances, a different conclusion.

The story is old but retains interest. The sorry record is familiar but has not lost its power to inspire in the mind a sense of shame. From the first coming of other races to this continent, the doom of the Indians was sealed. They were slaughtered mercilessly and needlessly by the early Spanish. The colonists who settled what is now the eastern shore of the United States might have had the friendship of the natives, but proved themselves unworthy of it. They stole Indian lands under guise of trading. Generation after generation they drove the Indians back, and when the last holding of the red man had become valuable, their descendants took that. The Indians, overpowered by mere pressure of numbers, and outwitted by the chicanery of their conquerors, sank to a condition worse than servitude. They became paupers classed as "wards." So still they are. The wrong and the wanton wickedness of it all lies at the door of the white man.

It is to be hoped that the gentle and just Mr. Hart, the "two gun" terror of the silent drama, may find more time to devote to the subject he treats so well.—Pasadena (Cal.) Post.

"CHILDREN"

An Alaska Indian was arrested for murder. His captor started with him upon a wearisome journey over snow, which stretched several hundred miles of waste between him and jail. During the journey the captor fell ill; so ill that he was helpless. Whereupon the Indian dragged him the remaining hundred miles to his safety and his own imprisonment, or perhaps, death.

A short time ago an American Indian, under sentence of death, got a stay of execution that he might arrange his affairs and harvest his crops for his family. At the end of the reprieve he voluntarily showed up for execution.

Nor are these instances unique; there are many such.

Apparently the untutored savage has a great respect for law. To his mind, the ukase of real authority is made to be respected and obeyed. If broken, the law enacts a punishment. The Indian mind does not "see" any point to evading that punishment. Even the fact that the punishment may mean death, does not deter him.

There have been instances of white men who left jail on parole and returned; yet one would hesitate to trust any man with freedom, who was under sentence of death!

With such examples given by savages, men with little or no education, civilization, or training, it is the more reprehensible when we, the citizens of a nation which prides itself upon being self-governed, deliberately violate laws because we don't like them. Instances are everywhere; big business violates the law; see any federal trade commission report. Automobilists violate the law; see any police court docket. Granted that misparking and mislabeling are not crimes to be mentioned with murder. Nevertheless, a violation of the law is a wrong; it is un-American, unpatriotic, cowardly.

Indians are said to be men with children's minds. With the above instances in mind, "A little child shall lead them," takes on a new meaning.—Santa Rosa (Cal.) Republican, May 10, 1923.

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"The Accursed System"

*Why Lincoln's Denunciation
of the Indian Service is
True to This Day*



NEARLY two years ago, SUNSET began publishing the truth about American Indians. About that same time, the General Federation of Women's Clubs fully launched an effort for Indians, and soon thereafter the American Indian Defense Association was formed. Have these two years given grounds for hope or taught any lessons?

A public interest intense enough and national enough to solve most problems has been aroused. It has not solved the Indian problem. It has gained a result here and another result there, mostly temporary, at enormous labor. It has dealt successfully with some of the results of a system; it has not yet successfully dealt with the system. That system is so old and so entrenched that President Lincoln said of it: "If I live, this accursed system shall be reformed." He did not live, but the system lived; and it outlived President Grant who tried to cope with it, and Carl Schurz, and President Roosevelt, and Commissioner Valentine under the Taft Administration, and Franklin K. Lane. It is just as strong as it ever was, and it consists of three parts:

Why the System is Accursed

First, the Indian Bureau—the perfect example of bureaucracy's menace to civilization, tyrannical and omnipotent over the Indians, helpless before its own routines.

Second, the Indian policy of Congress. This is the log-rolling policy which gives to the local Congressional delegation the say about the property affairs of local Indians and in return gets postoffices for Ohio and river and harbor appropriations for Alabama.

Third, the American attitude toward Indians. More than a two years' campaign of education will be needed to change this attitude. It was summed up recently by a third-grade California school boy: "When the White people came, they found the Indians a refined people, and rich. Then it was like eating all the good part off the apple. Now the White people want to throw away the core!"

The March SUNSET told of the degradation, robbery and peonage of 20,000 Oklahoma Indians and their dependents.

By John Collier

Author of: Our Indian Policy, etc.

Shortly after that article was written, three organizations acting jointly published a report on "Oklahoma's Poor Rich Indians" which deserves a place beside the records of the Belgian Congo. Thereupon Senator Harreld of Oklahoma introduced a bill repealing the Federal law which had instituted the scandal of local guardianship over Indians. All the facts contained in the joint report of the Women's Federation, the Indian Rights Association and the American Indian Defense Association were matters of acknowledged record and have not been and never will be disputed. How did Congress respond to the challenge?

Instead of passing the Harreld bill (which Senator Harreld, of Oklahoma, appears to have introduced in order to get smothered) Congress shouted: "An investigation—we must investigate!" The House Committee on Indian Affairs reported a bill granting \$25,000 to be used in learning the facts already completely known and unquestioned. Then Congress thought better of this scheme of investigation—for the Oklahoma scandal, like Indian affairs generally, is a bi-party and non-partisan affair. So the investigation died and the Harreld bill at this writing slumbers in committee.

With the Oklahoma House delegation solid against it, and a presidential election coming along, it may be taken for granted that Congress will not offend Oklahoma voters. But the horrid facts of the situation have been made known to millions. Next year, if not this year, this enslavement of nearly a third of all the Indians in the United States must be brought to an end. Meantime, voters should bombard the Indian committees of Congress and their own Congressmen on this subject.

In 1856, Lieutenant Milcher of the United States Army wrote: "As we journeyed along the Gila (Southern Arizona) we found lands fenced in, and irrigated by many miles of *acequias*, and our eyes were gladdened with the sight of rich fields of wheat ripening for the

harvest—a view differing from anything we had seen since leaving the Atlantic States. They grow cotton, sugar, peas, wheat, and corn."

These were the Pima Indian farm lands. The Pimas have been the White Man's friend for over 300 years. They have never shed White American blood. They gave food and protection to the immigrants to California, in the old Apache days. They over-subscribed every loan in the World War and exceeded their quota in the last war-work drive by 508 per cent. The first Arizona man killed in the World War was a full-blood Pima who had voluntarily enlisted.

But they are wards of the Indian Bureau. And their woes go back to the beginning of their wardship, as do the woes of the New Mexico Pueblos. In 1859 we find the special Indian Agent, Lieutenant Mowry, pleading for protection of their waters from trespass and illegal appropriation, just as in 1852 we find Indian Agent Calhoun pleading with the Indian Bureau to defend the New Mexico Pueblo lands against illegal seizure.

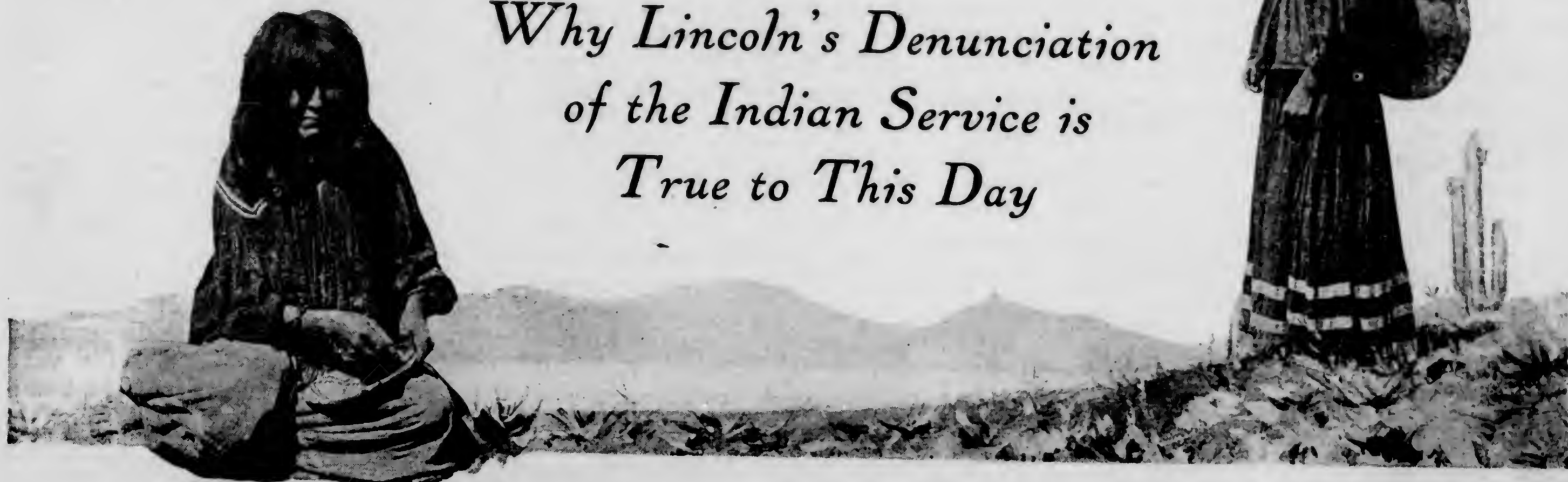
The Pimas Have Hopes for a Meal

The Senate Committee on Indian Affairs has just issued a report. First that report testifies that of all the blooming fields, fifteen miles one way and two to four miles the other, which the Pimas were irrigating when our guardianship began, *not one acre* can be irrigated from the Gila river at the present time. The Whites have taken all the water. The Senate Committee then states: "Gradually, by reason of the white settlers above them diverting the waters from the river, the cultivated land of the Pimas was reduced to barren and desert land. Being wards of the Government, they could not protect their rights through the courts."

Being wards of the Government, the Senate Committee could have added, the Pimas were entitled to Government protection in the courts. Instead of giving this protection, the Indian Bureau secured funds from Congress and built a diversion dam up-stream on the Gila. This enabled the Whites to take the last drop of Pima water. Then the construction of the aqueduct to bring water to the Pimas

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omitted. So now for five years the Pimas have been wholly destitute of water save for the water pumped on to 2000 acres of their land at heavy expense. There are 4000 Pimas.

The failure to build the aqueduct bringing water to the Pimas was jointly the fault of Congress, which withheld appropriations, and of the Indian Bureau which lets Indians suffer and starve before it will offend Congress by making shocking facts known. The Presbyterian board of Home Missions, the Indian Rights Association and the General Federation of Women's Clubs have agitated year after year, and at this writing the Senate has at last unanimously passed a bill appropriating \$5,500,000 to build the San Carlos Reservoir, which will jointly benefit the Whites and enable the Pimas to feed themselves. Every reader should urge his representative in the House to vote for this San Carlos Dam and Reservoir appropriation.

Must the Palm Springs Tribe Die?

Bureaucracy's gods are named Tradition and Routine. It is a tradition and routine of the Indian Bureau to allot the lands of the Indian tribes. The Bureau possesses complete discretion to allot or not to allot. But it is believed that allotment destroys the tribal life, which is considered a good object. Furthermore, the Indian Bureau has a power to lease and sell allotted lands, practically unlimited and unregulated by law, which is not the case with unallotted tribal lands. Hence about 61,000 square miles of the Indian Country have been allotted (the total area is about 123,000 square miles.) The great bulk of Indian agricultural land has been allotted. The 61,000 square miles here mentioned of allotted land is held under Government trust. How much of the allotted land, patented in fee simple to the Indians, has passed to White ownership, no one knows, or no one publishes his knowledge.

The Palm Springs or Agua Caliente tribe has lived immemorially on its present ground, which is at the beginning of the great California desert and under the shadow of San Jacinto mountain rising 11,000 feet. Its land was guaranteed under one of the "Lost treaties" of California. Subsequently the Southern Pacific railway was granted by Congress the section of land occupied by most of the Indian farms and best watered. The Indians adjusted to this legal theft (for aside from the "Lost Treaties," we had guaranteed them the use of their land in the Treaty of Guadalupe Hidalgo with Mexico), they moved to an adjacent section which was granted to them by Uncle Sam, and resumed their farming, though with a very insufficient water supply. They parcelled the area among the several families and proceeded to build up their land. Through thirty-six years they have lived peacefully here, adjusting their economy to the limitations of their land; some farming, some doing garden-work or carpenter work or hauling for the White colony across the road.

One fine morning last Autumn the Indians waked to find that they had been allotted. Each received a notice that pursuant to his request (which he had not made) he was now

to be the possessor of such and such parcels of land. Also he was to be deprived of such and such parcels, and in many cases his farm-land, his orchard, even his buildings, were snatched right away from him. Indians with no wish to farm—including very aged men and babies—found themselves favored with patches of corn to hoe, fields of alfalfa to water and orchards to tend. The best of the farm-land was cut up into town lots, this being the land immediately across the road from the land-hungry Whites who had bought up the railway section. It is understood, of course, that allotted land held under trust can be sold or leased by the Government at will, regardless of the Indian's wishes; it is only necessary to declare him "incompetent."

The whole tribe sent a written protest to Washington. The Federated Women's Clubs, the American Indian Defense Association and other bodies protested. Came back the answer: "It has to be!"

Finally the Santa Barbara Indian Defense Association sent surveyors to the reservation. Pictures were made showing what a chaos the allotment would result in. Affidavits were taken. A project, which from its sheer idiocy should have been dismissed with a wave of some higher official's hand, was argued as laboriously as the question of the German war-debt or the Boulder dam. Finally, a delegation representing many organizations went to Washington. Secretary Hubert Work received the delegation, listened a few minutes, brushed aside the allotment chief and the Indian Commissioner, and indefinitely postponed the allotment.

But was this the end? No. Even the Secretary of the Interior's action was not conclusive. At this writing the Indian Bureau has returned to the fray. Again the Palm Springs Indians have been called together by the Bureau, again the subject of allotment is in the air. The number of Indians involved here is about fifty-five and the values are a few thousand. Let the reader picture what the friends of the Indians are "up against" when the number of Indians in a tribe is thousands and the property values at stake are millions.

The case of Palm Springs is dealt with here for a reason. It is not an important case. Compared with the Pueblos, with the vast Navajo reservation and its 38,000 Indians, with the Sioux and the Oklahoma problems, the Palm Springs question is only a trifle, and a child of four years can understand it. That is why the case is interesting. If the stubborn brainlessness of the Indian Office system deals with Palm Springs as here described, what may it be expected to do with the business and educational problems of 340,000 Indians

and with the Indian property, equal in area to the whole of Japan proper and worth billions of dollars?

It is these little cases like Palm Springs which give the most crushing indictment of the Indian Bureau. For in these cases Congress is not driving or blackmailing the Bureau, and the public sympathies are almost wholly with the Indians, the job is simple as daylight and still it is bungled. The Paiute case, which General Hugh Scott described in SUNSET last year, is a similar tiny instance which reveals much. For eight years the obvious thing remained undone. The most responsible spokesman on Indian affairs alive warned the Indian Bureau and kept on warning it. Finally after a shooting-up, resulting in General Scott's charge of "deliberate murder" against the Indian Bureau, the obvious thing, recommended for years past, was done in two weeks. The homeless Paiutes were given land from the public domain, which could have been done at any previous time.

The Bureau's Trail of Misery

How this system operates where special interests are to be served is seen in the Blackfeet case in Montana. We see the building up of fine individual and tribal cattle herds, then the hurried disappearance of these herds through drought and the sudden withdrawal of rations; the construction of huge irrigation works and the neglect of any leadership to help the Indians on to a farming basis; the yearly change of superintendents. Finally, 2200 of the 3000 Blackfeet are on the Government's charity rolls, with the tribal funds irretrievably squandered, and the scandal becomes so notorious that a capable superintendent is at last given security of tenure and freedom from bureaucratic dictation and nearly the whole tribe is lifted off the charity list in two years! But there are over 200 reservations, and it is not often that public attention becomes fixed, even thus tardily, on the miseries of an Indian tribe before the moral and material assets of the tribe have been dissipated entirely. Just now a struggle led by Senator Shipstead of Minnesota is going on to focus attention on the miseries of the White Earth Chippewas, whose story by itself (partly told in SUNSET, March, 1923) should awaken rage against the Indian "system" in any reader. The Bad River Chippewa reservation of Wisconsin presents an even more depressing and a wholly up-to-date case. There is not space here to tell of the theft of the Chippewa lumber, the noteworthy action of the Wisconsin legislature in forcing this outrage on public attention, and then the labored manipulations of the Indian Bureau and the Department of Justice to avoid a suit for recovery of damages by the Indians for their stolen timber—a suit not against the Government but against the private companies that have taken the timber without compensation to the Indians.

The "system" must be changed or the Indian race is doomed. Effort through two years has saved the Pueblos from destruction and has helped many other tribes, but these victories are no more than tactical. The "system" has not been touched. The Indians still wander and are

(Continued on page 80)



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ghouls were springing on him, their evil breath stank in his nostrils. There was no song in his heart. He was devoured by dread of the mighty forces which he had disturbed.

Beneath the comforting shelter of the thatch he flung himself, wild with joy to know that the walls were about him again and that he was among his kin.

In the gloom his father stirred. "What have you done, son?" old Daud asked.

Nangat Daud's heart pumped against his ribs. He was too shaken to lie.

"Nothing, my father! I went out with the kriss, but Batoen spoke!"

Old Daud knew that trembling voice for the voice of truth, and not that of a Malay who had wet his steel with the blood of his enemy.

"It is well," he said calmly, "Batoen, the servant of Allah, has spoken"—for the old mountain god had often voiced a brief

approval or warning in times past. Old Daud slept again, for in the morning there was much work to be done in the fields.

And Smithers *tuan* had returned to his veranda after inspecting the hot mass of sulphur-breathing stone which Batoen had flung into his garden. He held the letter in his hand again, the letter which the Dutch mail steamer had brought him and which had told him that the ban upon his life among his own people had been lifted at last, and he was free to go back to them again, to hold up his head and be one with them.

His face was white as he stared out into the garden.

"I'm having some narrow squeaks for my last day in this gaol," he said. "If that had hit me it would have been the end. And if *this* had missed the mail I'd have had that Malay wench on my hands." He whistled thoughtfully, and mopped his brow.

"The Accursed System"

(Continued from page 16)

devoured in the system's labyrinth. The juggernaut car rolls on. The principal of the Indian estate is still being used as current income and the estate continues to shrivel. The tribal institutions, lore and beauties are still being wilfully destroyed. The terrorism used against Indians who try to raise their voices in protest, and against employes of the service who forget that their duty is to the "system" first and to the Indians and the United States second, continues to be practised. Still the Indian is denied a court review over his guardian's acts. Still the essential facts reported to headquarters by the field workers of the bureau are "confidential matter," denied to the public. Still the "gag" laws authorizing any Indian superintendent to throw an investigator off the reservation are in force. Still the Indians are denied religious liberty and the right to organize under their own leadership for corporate action or mutual aid. Still the Indian Bureau asserts the right to send its agents into the most intimate and solemn gatherings of the tribal councils. And still the Indian Office holds its monopoly over services to the Indian—its prerogatives of being trustee and guardian in one, and teacher, doctor, policeman and regulator even of the Indian forms of prayer to God.

Such is the situation that confronts each of the Indian welfare organizations. It is "up to them" to confront Congress and the American people with this situation. To allow the "system" to continue is a greater crime than the crime of Oklahoma guardianship, or the attempted confiscation of the age-long guaranteed Pueblo lands. For the system is a violation of every treaty made with the Indians in years gone by. It is a denial of elementary American rights to the first Americans. And it is a device for the gradual transfer to private ownership, without adequate consideration, of a public domain worth at least ten times the estimated value of all the naval oil reserves about which the huge oil scandal has revolved.

The Indian welfare movement must find a way to deal with this "accursed system" to which Lincoln referred, or else consider whether it had not better shorten the agony and abbreviate the national shame by furnishing chloroform for the Indians. Let us, as the California school-boy said, throw away the core since we have eaten all the good part away. Or else let us recognize the fact—that after all our ravage, the Indian tribes are still an orchard whose bloom and fruit are different from any other on earth, and are sweet and sound, and let us apply honest horticulture to the trees.

Many well-wishers of the Indian have reached the conclusion stated here. Often they then leap to further conclusions—mistaken conclusions—of two kinds. One group says: "Throw out the Indian Bureau personnel and get a new personnel!" But there is hardly a scandal or failure in Indian affairs which does not span several administrations. The system selects its agents and forms them into its own likeness, and so such a system will always do. Changed personnel is needed—yes; but it is needed not to administer the system but to inaugurate the fundamental change of the system. The other mistaken conclusion is: "Abolish the trusteeship and guardianship over Indians. Distribute the Indian property to the individual Indians at once and forget them!" Let those who jump to this conclusion think of Oklahoma, whose state-wide conspiracy of looting the Indians is now at its peak of success. Let them think of New Mexico, where the political forces of the state, even a number of the Pueblo Indians' deluded friends, not to mention the corporations, have marshalled for the confiscation of the Pueblo land titles. Let them think of California, where every Indian trust was violated, where actual slavery was instituted and where starvation and massacre cut down the number of Indians from 100,000 in 1850 to 17,000 today.

The best minds in America should be set to work to outline a constructive

these small dinners the host may carve if he likes, although the service is apt to be quicker and the food hotter if it is done in the kitchen.

If a series of small dinners is given it saves trouble and insures success if very much the same general plan for table setting, menu and service is followed at each one.

Batoen, Servant of Allah

(Continued from page 7)

For months he had scattered flowers upon it every Thursday night—as the custom is when a man has come by a lucky kriss. Now it was going to repay him.

The walls ceased, and the night flooded over him from an empty world. But he went on to the house of Smithers *tuan*, heedless of all terrors, as a dead man might go who had been given half an hour of life in which to accomplish something that was written but he had neglected.

So it chanced that another shadow lay among the shadows where the bamboos rubbed their dry hands. Although its head rang with song, this shadow made no sound, and when the horrible things of the night ran over it with clammy feet it did not shiver.

From the garden the house rose as a block of blackness against the gloom. High above it Batoen flung a red glow into the sky. Nangat Daud was perplexed. He had expected to find Smithers *tuan* abed, disarmed by sleep, and an easy victim to the thrusting kriss. But he saw his foe sitting there upon the veranda in a tent of light flung by a lamp. He held a letter in his hand and stared at it, and Nangat Daud could see that his face was changed as he looked at the paper, and his hand which set a glass to his lips trembled. He did not understand these things, but kept his watch until the time when Smithers *tuan* should be finished with his reading and quell the lamp and go to his sleep from which he would never waken.

With terrific abruptness Batoen spoke, roaring through the silence with the voice of angry thunder. The red glare spread and grew. Nangat Daud sprang to his feet and crouched shivering to hear what words were these that the god spoke to him. And then, with the noise of a cataract, a flaming message from the mountain came crashing down out of heaven, tore through the many boughs of a banyan tree and dropped almost at the feet of the Malay. It was as though Batoen had spat at him.

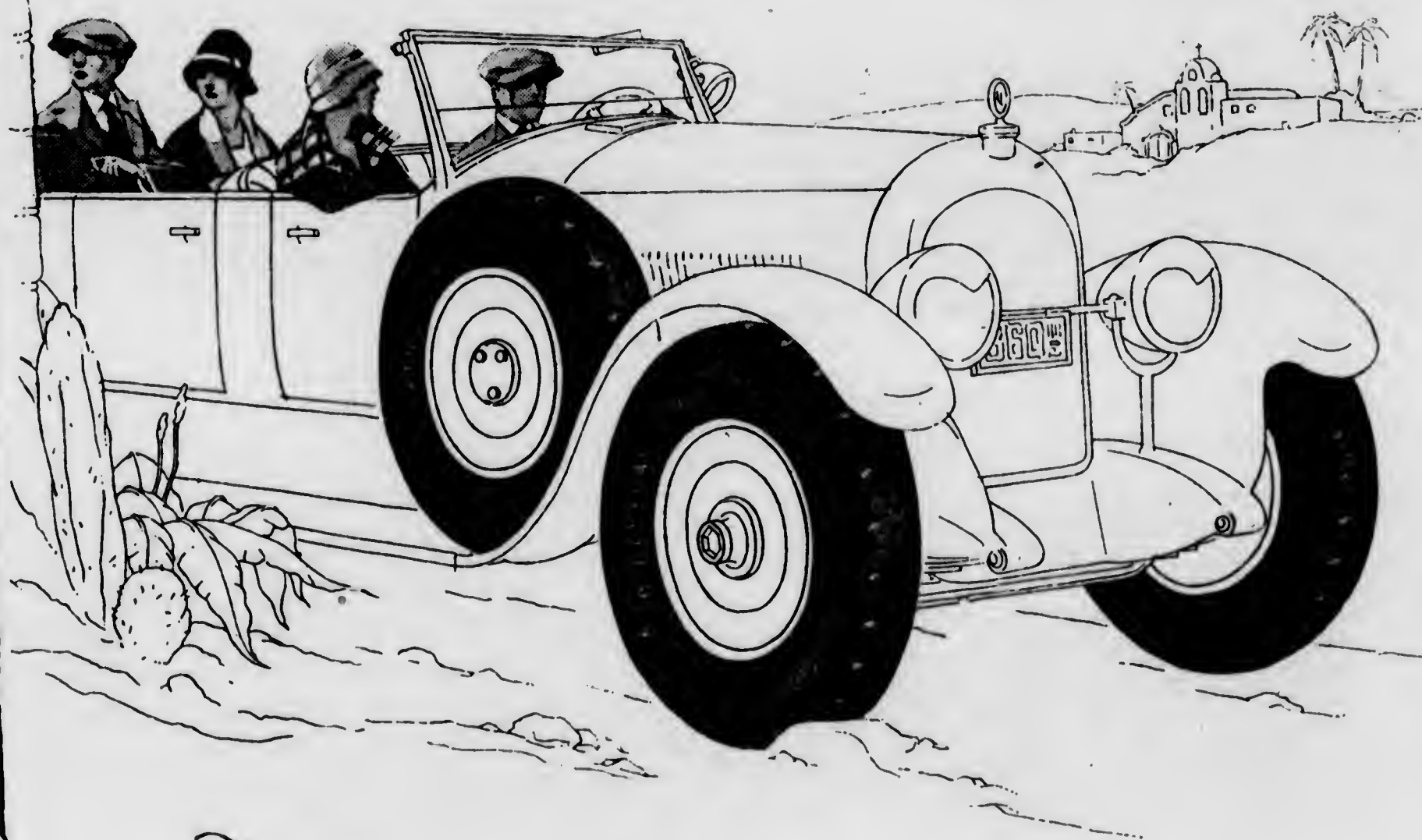
In the flash Nangat Daud saw that his mission there was blasphemy. He did not question, nor seek for explanation. The time was not yet—he had not made sufficient sacrifice—Batoen intended to inflict his own punishment. Whatever the reason it was clear that Smithers *tuan* was not to die by the kriss that night. It was not the will of Allah, whose prophet is Mohammed.

Even as he saw these things Nangat Daud was running like a man possessed, and as he ran he was prey to terror. The

goes a long way

to make friends

It's the second
10,000 miles
that makes
the big hit



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LOW PRESSURE
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program for the Indians. That program will not simply be a political change of Indian Office bosses or an annihilation of the Indian Service. It will be a program of leadership in agricultural and economic organization, including the organization of the Indians into freely cooperating, responsible groups, and the incorporation of the tribes. The Department of Agriculture could handle this part of the program. Equally needed is an extension of all needed health services, Federal, state and private, to the Indians who are undernourished and diseased. The complete alteration of the Indian school system, from a lock-step barrack system as at present to a system of community schools, is essential, and in this the State Boards of Education could take a large responsibility. A survey of the material resources of the reservations and an application of modern conservation principles to the forests, the minerals and water-powers, and a study of the exploitation of these resources with due regard to the Indian property rights and human requirements, is of primary urgency. These are but items. None of them can be hoped for under the existing system—the system of dictatorship over the Indians, bureau monopoly of all Indian services, secrecy concerning the facts of Indian life and need and utter subserviency by the Indian Bureau itself to the whims of a log-rolling Congress.

Such is the lesson of the last two years—and the lesson of the last seventy years. Indian welfare workers must have the courage to say what Lincoln said: "If I live, this accursed system shall be reformed." Or else let them join in throwing away the blackened apple-core and chopping down the orchard of Indian life which, to those who will seek it, is still so marvelous in flower and fruit. There is no easy middle way.

Half a Loaf

The Pueblo land struggle must be dealt with in a paragraph. During January and February, a sub-committee of the Senate Public Lands Committee, Alva Adams, of Colorado, chairman, held protracted conferences with attorneys representing the various interests. A bill was agreed on and at this writing is about to be reported from the Public Lands Committee to the Senate. This bill meets the contentions which the Pueblos and the General Federation of Women's Clubs and the American Indian Defense Association have made at all times. Under its terms, the Indians are empowered to assert in the United States Courts all their existing rights to the lands taken from them by settlers in past years. Where they fail to recover the land, or choose to make voluntary surrender of it, they are to receive compensation in terms of the present market value of the land for farming or grazing purposes.

In the case of lands seized by Whites prior to 1889, the Pueblos themselves and not the Government must bring the suit for recovery—an arrangement not creditable to American honor, but acceptable to the Pueblos in view of the Government's consistent failure during past years to litigate sincerely and effectively for the Pueblos. It should be said that the present Government Attorney for the Pueblos, Col. R. E. Twitchell, is now

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The Road to Home

Though written faithfully, his letters from home seemed to have had a way of arriving at his hotel in one city just after he had left for the next—and of never catching up.

Three weeks passed—business conferences, long night journeyings on sleepers, more conferences—with all too little news from home.

Then he turned eastward. In his hotel room in Chicago he still seemed a long way from that fireside in a New York suburb. He reached for the telephone—asked for his home number.

The bell tinkled cheerfully. His wife's voice greeted him. Its tone and inflection told him all was right with the world. She hardly needed to say, "Yes, they are well—dancing right here by the telephone. . . . Father and mother came yesterday. . . . Oh, we'll be glad to see you!"

* * *

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pressing in dead earnest some important suits for the recovery of water illegally taken from the Pueblos in recent years.

It has been agreed that a separate bill shall be reported making it a crime for non-Indians to seize Pueblo lands in the future.

The Pueblo struggle has become intensified through the discovery of oil in the Pueblo neighborhoods. Drilling has actually begun on land adjacent to Laguna Pueblo and oil scouts are everywhere. Many persons believe that the sinister magic of oil gives the needed clue to the ingenious and tireless effort at confiscation of the Pueblo land titles, which began with Secretary Fall and has been continued through two sessions of Congress, and with which previous issues of SUNSET have fully dealt.

When the present issue of SUNSET appears, an intense effort to secure the passage of the favorable Pueblo bill by Congress will be under way. Probably this bill will be known as Senate 2932; and it will be one of the ironies of politics that Senator Bursum, who at Secretary Fall's request pushed the ruinous anti-Pueblo bill of 1922, is likely to be the introducer of the Committee draft which does justice and gives the Pueblos a claim on the future.

Here is one absolutely important case where an aroused, sustained public opinion, and a fierce effort to get the square deal for Indians, are about to win. *But they have not won yet.* The help of every reader of this article and every person he can influence is required. Will the reader help *immediately*? He should telegraph and write to his Senator and Representatives, urgently asking that they support before the House Indian Committee and on the floor the Pueblo Land bill of the General Federation of Women's Clubs. This is the safe form in which to give endorsement, because in the vicissitudes ahead the bill may yet be amended into an objectionable form, but Congress will know the wishes of the Women's Federation, which acts for and with the All-Pueblo Council and the American Indian Defense Association.

Let's Go Northwest

(Continued from page 41)

Cascades. Mount Rainier in the south, Mount Baker in the north, guard the approaches. To the west, plainly visible for a hundred miles or more, the deeply notched white tipped crest of the Olympics fends off the boisterous west winds. Between the snowy north-and-south ranges lies a wide cañon, scores of lateral gulches reaching far into the mountains to receive the water of a hundred turbulent streams. This deep cañon between the parallel ranges is filled with salt water of vivid blue responding always to the rise and fall of the Pacific tides. Blue water, green forests, white peaks, these are the colors of the Puget Sound country. It is not the "Mediterranean of the Pacific;" the Mediterranean is broiling hot in summer; Puget Sound is cool and soothing as

The Fruits of the Indian Bureau

Harry A. McGuire

(Associate Editor of Outdoor Life)

"By their fruits you shall know them."

So with the Indian Bureau. We are not fighting it because bureaucracies are wrong in principle—tho they are. We are not fighting it because of a filthy trail of corruption and fraud—tho it has just that. We are not fighting it because it squanders \$13,000,000 to \$15,000,000 of the people's money every year—tho it does. We are fighting it because a trial of 100 years has proved it to be fruitless.

Or, if you will, allow the Indian Bureau to muster its "fruits," and display them. You will witness the inspiring sight of 340,000 Indians, practically all bound on their reservations like prisoners—ignorant, slothful, dirty, impoverished, without any incentive to raise themselves from degradation, and without hope that their white "benefactors" will do it for them. You will witness a crushed race. You will witness a race, 100 years ago hardy, proud, and promising, now decimated by disease and famine, as lacking in pride as any able-bodied beggar, and promising naught but to end its slavery by vanishing from the earth.

These are the fruits of the Indian Bureau—existing not alone in abstract phrases, but as well in actual existence. The facts are plain even to the most casual observer. You would need only a glance at the Outdoor Life file of letters from Indians, the letters

of which a ten-year-old child would scarcely be proud, and many of these written by the better educated Indians on behalf of Indians who could not write at all, to convince you that the Indian of today is a marvel of ignorance, a prize in the domain of neglected education. One look at almost any reservation, sleepy and unprogressive, its inhabitants engaged in the most simple and torpid occupations, would tell you that the way of the Indian today is an indolent, slothful one. Even the man who has seen only a picture of reservation Indians can perceive that they are dirty and unkempt, without pride in their appearance or their actions. And the story of their poverty, notwithstanding their billion dollars' worth of property which the Government holds, is only too plainly told by the list of bi-monthly rations which is the sole means by which thousands of Indians are kept living, to wit: 1½ lbs. of bacon, 1 lb.

of sugar, 1½ lbs. of beans, ¼ lb. of baking powder, 10 lbs. of beef, 10 lbs. of flour, ½ lb. of salt, ½ lb. of coffee, 1¼ lbs. of rice and ½ lb. of soap.

There is your Indian of today. The Indian Bureau's system has spoiled him of his lands, reduced him to impotent mendicancy, broken his pride, both individual and racial, and enslaved him beneath its bureaucratic despotism—and now the bureau points to this very condition of the Indian as a reason why the bureau cannot relinquish its grip on him. Dear, kind bureau, which has for 100 years so fulfilled its original intention of "civilizing and educating the Indian so that he may quickly enter American life," that today he is declared to be "incompetent" to manage his financial, household or moral affairs. You could not say the same of the most benighted savage in the wilds of Australia without insulting him.

And remember, if we are to judge the bureau as we judge any other human agency, by the fruits of its endeavor, the bureau must stand or fall by its product, the reservation Indian. If he is a result to be proud of, it is the Indian Bureau which may rightfully assume that pride. And if he is a result to be ashamed of, not all the specious reasoning of all the 5,482 bureau slave-drivers can escape that shame.

As to which the present Indian be, a creature

to whom we can point with pride, or one from whom we would rather turn our proud faces, there is no debate. Even the agent responsible for this condition, the bureau, makes no attempt to camouflage his degradation. Instead, its every word and action attempts to escape the logic of this evidence, and to foist upon the public of the United States this idiotic paradox, which stated bluntly would declare, "Since under our jurisdiction and training the Indian has become incompetent to think or act for himself, he must remain under our jurisdiction in order that we may continue his enlightenment." Judge for yourself whether that attitude be a paradox containing a half-truth, or a contradiction containing no truth.

But before you judge, remember that the Hon. Hubert Work, a Colorado physician who was first made Postmaster General, and then, since the duties of the two positions are so similar, was turned into a Secretary of the Interior, with control over Indian affairs, fails to sense anything contradictory in that attitude. So logical does it seem to him that when asked for a reply to the critics of the bureau, he referred me to an article appearing under his name in the May 31, 1924, issue of *The Saturday Evening Post*, entitled "Our American Indians." The first three sub-headings of this article describing the Indians are: "Prey for the Unscrupulous. Crippled by Ignorance. Fat Pickings for Lawyers." And then

he returns to bureau logic. "Nevertheless the Indian is no longer a vanishing race, but a returning people, coming into the new life of America to share its responsibilities and honors." Do you see any contradiction there?

The bureau's 100 years of selfish aggrandizement, monstrous blunders, inefficiency, and inhuman treatment of its wards might be forgotten, were it willing that the Indian be finally released from its obnoxious rule, and allowed to command his own destiny—the right of every human being. But tenacity is the mark of despotism. The bureau will not willingly relinquish so profitable a pursuit as the handling of the Indians' trust funds and their billion dollars' worth of property, nor will it ever willingly turn into the uncertain paths of unemployment the growing thousands of superintendents, supervisors and supernumeraries.

The only hope for the Indian lies in Congress' taking the matter into its own hands, and setting a limit—say twenty years—at the end of which period the bureau shall cease to exist, the Indian shall be freed from bondage and given the opportunity of rebuilding himself and making his own way in the world. The sole chance of the Indian lies in his being "on his own," and there is not the smallest reason why he, like any other human being, should not be given that chance. What would you think of a father who doomed his son to *obligatory, protected pauperism*? Yet every son is given legal safeguard against such a revolting possibility, once he reaches his majority—while your Indian, be he stirred with ambition like fire, or with the genius that has molded nations, must lie supine and undeveloped under the stifling paternalism of the bureau.

But in logic it must be admitted that if the Indian of today were turned loose to fight his own battles in our complex civilization, he would become in most cases little more than—to borrow Secretary Work's phrase—"prey for the unscrupulous." For this we can thank the Indians' 100 years of bureau wardship. Is it probable, therefore, judging from the bureau's past, that inside of twenty years it will complete a "bouleversement," thoroly reform

its system, and produce a generation of Indians that will be educated, ambitious and well-armed for the hard tussle of American life?

"Their advancement (the Indians') has been greatly retarded by the system under which they live. Fifteen years of annuity drawing has made of a people that was struggling to the surface by personal effort a set of paupers in chancery. They would be better off, so far as the future is concerned, if they stood as blanketed Indians on the virgin prairie.

"Give the Indians the money they have coming. Give it to them as soon as possible. Do away with the leading strings and check rein by which the Indian is now so handicapped, and he will immediately feel the necessity for demonstrating his capacity to manage his own estate. By this means only can the Indian be saved from chronic indigence and ultimate and absolute pauperism. I am sufficiently well acquainted with Indian nature to venture the prophecy that a large majority of those under fifty years of age will develop the capacity to hustle for themselves exactly in proportion that their needs press them. Take away his annuity by letting him handle the principal, and the Indian will be given a start on the road to complete civilization and independence that will land him at the desired goal in nine cases out of ten."—Major James McLaughlin, in "My Friend the Indian," published in 1910.



Let's Get in Step with Canada

THE Migratory Bird Convention Act between the United States and Canada has, after being in force eight years, convinced everyone that it is a real necessity. Even those sportsmen who will not admit that ducks have increased under its regime (and they are few) will at least agree that without it duck hunting would not now be what it is.

This treaty is to remain in force fifteen years from date of passage, or until December 7, 1931. At that time it may be terminated by either government, provided that one year's notice to that effect has been given. Every sportsman wants to see the treaty continue after 1931. He also wants to see that the migratory wild fowl receive the maximum protection which it affords during the remaining seven years and that the sportsmen of both nations are satisfied to see it continue effective indefinitely. (After 1931 either nation may void the treaty by giving one year's notice to the other.)

Now, if the sportsmen of both nations are to be satisfied to see this act continue, all must receive the same benefits under its rule. It is not psychologically possible to keep the sportsmen of one state satisfied if they think the sportsmen in another state are getting the long end of the deal. The same applies to the sportsmen of the nations concerned. In other words, if the sportsmen of one state or nation are limited to, say, 200 ducks per season, while the hunters over the line are allowed 2,500, someone is going to kick over the traces the first chance he gets. Yet that is exactly the way things stand today—between the United States and Canada as well as between our own states.

Canada has shown good faith by a consistent and uniform cut in bag limits. While Alberta, Manitoba, Ontario and Saskatchewan limit their sportsmen to a bag of 200 ducks per season and British Columbia to 150, the United States goes on with state limits ranging all the way from 135 to 2,700.

These ducks belong to the sportsmen of one state or province as much as to another. Canada hatches the majority of these birds and feeds them during the summer, the Southern United States gives them feed and shelter during the winter months and the states lying between feed them both going and coming. Is the sportsman in Minnesota, who is restricted to a season limit of 135 ducks, going to be satisfied to see the hunters in South Dakota and Iowa allowed a season bag of 2,700? If he isn't he may pay a non-resident fee of \$10 in Iowa or \$15 in South Dakota, motor over the line and kill all the ducks allowed in either of these states, provided that he doesn't take more than 50 of his kill home to Minnesota during the season. Just what he is supposed to do with the others is not clear.

A few hunters and others argue that since ducks are apparently increasing under the Migratory Bird Convention Act there is no necessity of reducing bag limits. There is a need for more than one reason. In the first place, if this act is to continue indefinitely we must be very sure that Canada is satisfied, and we cannot hope for this unless we do our part by meeting her bag limits, at least in a measure. In the second place, every year there are thousands of boys arriving at the hunting age, and for every one of these there should be an increase of several hundred ducks to meet his gun that year and every year thereafter. Third, it is an infringement on the principle of the equality of rights to permit the sportsmen of one state to kill several hundred or thousand ducks during a season, while the sportsmen over the line in another state are limited to a moderate bag. We need more uniform laws and that condition can be reached only by a reduction in bag limits, since there are not enough ducks to permit the increasing of all state bags to 25 ducks per day, the number now allowed under federal regulation. Fourth, and by no means last nor least, we believe that a bag limit of 25 ducks per day is a wasteful extravagance, and more especially so since many of the states allowing that number to be killed are those where the ducks are most plentiful at times, such as some of the Atlantic Coast states, most of the South and California, where a big bag limit is easily filled.

It is doubtful if any other subject is represented with such a conglomeration of ideas as is that of game legislation. Some states are enthusiastic in their support of rest days for the ducks, believing that this not only gives them a chance to feed but also that it reduces the season bag limit. Such rest days are more often a joke, as one can readily see by studying the

game laws of the states with a map before him. As an example of this we might cite Maryland and North Carolina. On the Magothy River in Maryland hunting may be done on Tuesday, Thursday and Saturday; on the Severn River one may hunt Monday, Wednesday and Saturday; on the South River the open days are Monday, Wednesday and Friday; on the West River Thursday and Saturday are open. Now, these rivers are all within an hour's drive of Annapolis, on paved and hard-surfaced roads. What is to prevent a man hunting on the Magothy on Tuesday, Thursday and Saturday, on the Severn on Monday and Wednesday and on the South on Friday? In other words, what is to prevent a man hunting six days per week if he wishes?

The same thing can be said of North Carolina, where the game laws are especially obscure. Practically every county in this state has its own regulations and rest days, and about the only thing to prevent a man hunting in open counties on alternate days is that in some instances he is required to own \$500 worth of property—a simple matter to arrange. And we could mention other states with laws just as inconsistent. We do not mean by the foregoing that we are opposed to rest days, but we do think that owing to the fact that ducks do not carry a calendar the rest-day system as now practiced is about as deceptive as could be conceived. Why not have a trace of uniformity in the matter? If it is good for the ducks to rest on a certain day in one state it should be in others. Which brings us again to the subject of bag limits.

While we do not believe that the lowering of season bag limits would be as effective as cutting the daily allowance, because of the impossibility of ascertaining the exact number of birds which a hunter kills in a season, we do believe that such action should be taken in addition to reducing the daily bag for appearance's sake, for there is no doubt but that it would stop some of the killing as well as show a spirit of co-operation with Canada. Cutting bag limits will not save the ducks indefinitely. We need game refuges—places where the wild fowl can rest and feed. We need the passage of the Game Refuge Bill as a means of providing these refuges. But since it is impossible to restore immediately some of the natural breeding and feeding grounds which have been commercialized, we should conserve what game remains by cutting bag limits, and at the same time provide refuges as rapidly as possible. Everyone likes to see the open seasons left as long as consistent without endangering the supply of game, for every man needs this incentive to get him out into the open as often and as long as he can get away. For that reason it would be far better to reduce the bag limit before it becomes necessary to shorten the season. Canada and some of our states have seen the need of this.

As has been noted, the situation which exists today is that the states which lie in the great duck-feeding areas, and where big bag limits are easily filled, are the ones where big bag limits are the rule, while in the states where big bag limits could not possibly be filled even though allowed, the sportsmen are trying to conserve the remaining ducks by cutting their daily kill.

Some day Canadian sportsmen will grow tired of raising ducks for the hunters living in the favored sections of the United States to slaughter, and will make a change. One of our readers writes: "I got the limit (of ducks) every day I shot last year, which was four." Think of the number which must have been killed by sportsmen who hunted more days. Another correspondent writes: "Personally I know one man who had killed over 200 ducks in the 105 days the season lasted. Altho he had several new feather beds he admitted that he and his neighbors were well nigh 'burnt out' on ducks. Another sportsman had no such difficulty, for his wife operated an eating house which furnished an excellent outlet for the 400 or more ducks which fell to his gun one season." One of the prominent shotgun manufacturers recently advertised in many of the sporting magazines the fact that a California hunter had killed the daily bag limit of 25 ducks in forty-five minutes with a 20-gauge gun of their make.

Some day the Canadian sportsmen will grow tired of this one-sided conservation and will make a change. And when they do it will mean that our chance to get in step with the pace they have set is forever lost, for no amount of effort could ever get them to make another trial at co-operation.

To this dilemma we reply: First, that the bureau's 100 years of sin and failure constitute no argument for the perpetual continuance of this sin and failure. The iniquities of the bureau have survived reform after reform, and they thrive still. They will die only when the bureau dies. Therefore kill the bureau! But in the twenty years before its disintegration let the public conscience be so awakened, and officialdom so impressed with the terrible seriousness of these its last Indian duties, that what 100 years of sporadic effort have failed to do, twenty years of intense concentration shall see accomplished.

Secondly, let the chief idea behind the last twenty years of bureau control be the education of all Indian children in schools where they are mixed with whites. At present what little education they get is received in pitifully inadequate day-schools located around the reservations, or in the few segregated and poorly-attended boarding schools. And the officials of some of these latter schools are so zealous in their efforts to make a good showing in their reports to headquarters that they barter clothes and money for the consent of Indian parents to the abduction of their children to these schools, where they receive a lackadaisical schooling in exchange for their loss of the best and greatest formative influence on the growing child—the home influence.

There is neither logic nor results in this policy. Education implies more than the "three Rs," particularly as applied to a race that thru no fault of its own is backward in comprehending twentieth century civilization. The education of the Indian demands that he experience the many ramifications of American life. But what does he learn of Americans or their mode of living when he is segregated in an isolated Indian school during his most impressionable years, and from the age of perhaps fifteen is relegated to a life of basket-making or potato-digging, imprisoned on a sluggish and regressive reservation the while some representative of Indian Bureaucracy is placed in absolute control of the Indian's person, home affairs, material resources, and even of his religion? Is there a nation on the face of the earth that would be civilized and educated if bent and warped under such inexorable circumstances?

In theory the Indian Bureau endeavors to amalgamate the Indian with the rest of heterogeneous America. It boasts that its plan of procedure is to "civilize and educate" the Indian. That is what it should do; and if that is what it did, 100 years of bureau guardianship would not have produced the "incompetent" Indian of today. But that is not what it does, because you cannot civilize a race by enclosing it within the barriers of semi-barbarism and imposing upon it the despotic rule, the complete barbarism of the penitentiary. To civilize a race you must at least give it a glimpse of civility. To civilize the Indian is confronted with, commotion—and not the civilization the Indian is confronted with, posed of such hateful parts as rations, coercion, debarment from the courts of the land, unproductive reservations, hovels for living quarters, together with lack of freedom in person, property and religion. "If this be civilization," says the Indian, "O God, make me once more a savage!"

And you cannot educate—which literally means to draw out of a

person the best that is in him—by detaching a youth from the life of the world around him. If the Indian is to be educated to become an American in the modern sense, he must be educated with Americans. The lessons and observations of the youthful period are the most permanent. Let the Indian boys and girls of the next twenty years receive their education in white schools, and you will discover the new generation of Indians to be well on the road to Americanization. Their customs, sports, ideals and thinking processes will have been unconsciously molded in the form assumed so naturally by those of their white comrades. Then it will be time to say to the Indian, "You have been trained for the exhilarating battle of American life. Here is the small sum that is your share of the diminished heritage of your forefathers. You are entirely free. Go forth at last, the captain of your own destiny."

You can plainly see the two main tenets of Outdoor Life's proposed Indian policy, namely: Abolition of the bureau within a twenty-year period, and thoro education of all Indian children in schools where they will be mixed with whites.

And the hardest part of a fight for the Indian is the fight one must of necessity wage against the Indian Bureau. It is entrenched with thousands of pay-drawing officials, with a "venerable" age of 100 years, and with a hard-boiled system of gag-rule that the bureau dresses in the most fetching of sheep's clothing for propaganda purposes. In addition, Congress, which is the court of final appeal in all Indian affairs, has been in the past little more than a tool of the bureau. It has neither the time nor the inclination—we can hope against hope, however, that it has the ability—to dig deeper than into the surface of the Indian problem. If ten men in Congress knew one-tenth as much about the Indian, his history and his bureau, as the Hon. Clyde Kelly of Pennsylvania knows, such editorials as these would not be necessary. And this is how he characterizes the bureau:

"The Indian Bureau system is a wastrel, prof-

ligate beyond description. It wastes every year millions of dollars collected from the possessions of the Indians themselves. It wastes still other millions which would accrue from this untaxed Indian wealth once it was Americanized. It wastes the self-respect of a race and the possibilities of a proud people. It wastes material resources by inefficiency and spiritual resources by dependency and pauperism. It wastes the confidence of the Indians by setting up decoys that lead them to their doom. It wastes their labor by setting them at futile tasks which have no value in American civilization. It wastes their youth in segregated schools which perpetuate tribalism. It wastes their maturity by keeping them in wig-wams and tepees and making them aliens in the land of their fathers. It wastes manhood, character and citizenship, and conserves only idleness and ignorance and vice."

That is your Indian Bureau, which is at this very moment diligently engaged in its unselfish and unprofitable 100-year-old task of "civilizing and educating" the Indian—fitting him in nobly for the noble niche it has so carefully carved for him in our American civilization.



THE LOGIC OF THE MASTER



ANGLING DEPT.

EDITED BY O.W. SMITH.

The Dry-Fly in America

O. W. Smith

A series of papers having to do with a subject of increasing interest to every trout fisherman

CHAPTER XVI—(PART 2)—RANDOM OBSERVATIONS ON DRY-FLY FISHING

again in these papers, overfish; actually there is more danger of that dry-flying than when fishing wet. In such a spot as I have in mind trout will often rise "short," just why I do not know, perhaps because not in the habit of feeding regularly.

This reminds me of another "pool" on the same stream and very similar. Tho a mile or so farther toward the source, the bed is of the same rock, just as level and smooth,

the water rushing along 6 or 8 inches deep, with unbroken surface for the most part. No fishing there, of course. One day, walking up, I noticed darker tinted water over under the trees on the north bank. Naturally dark water suggested depth, and I sent my fly out to investigate before walking over. It struck well above the dark spot and quietly floated and whirled, wings up-reached, down to the place that had attracted my attention. Instantly came a rise from a medium-sized fish, which I pulled out into the shallow water, played and netted after a wonderfully pretty battle, the swift, shallow water rendering even the fight of a small fish spectacular in the extreme. I took three small fish, from 8 to 12 inches long, before they stopped rising, tho I had lost several, one of which was considerably larger, then waded out to look

the spot over. I found a hollow or basin in the rock floor, some 4 feet deep, well above my knees anyway, perhaps 6 feet long and half as wide. What could have caused the pool I cannot imagine unless a harder stone than the bed was caught by some inequality in the floor and kept whirling 'round and 'round for ages by the current, so grinding out the pit; however, the sides and bottom did not seem regular and smooth enough for such action, tho it might have been the beginning. Anyway, there was a pool in the solid rock, one that always contained trout. I never passed it by afterward without taking one or several rainbow, always rainbow, from its depths. Of course, as in the former case, the casting had to be done from a distance, as there was no shelter for the caster. A strange thing, even when I could get no fish elsewhere on the stream, always I could lift a few from that pool. Perhaps no one else ever fished it, or perhaps my dry-fly was more attractive to the trout than the wet-fly effected by the anglers who seldom visited the "fished-out" stream.

For three years business kept me in another part of the country, then the wheel of fate willed that I should visit the old river again. Fishing up, naturally I bethought me of the pool in the rock floor and bent my eager feet in its direction. There was no change in the conformation, of course, everything just as it had appeared three years earlier when I fished it for the last time. I cannot describe the thrill it gave



One of the angling editor's dry-fly streams

ONE summer some seasons ago, while fishing a rock-ribbed trout stream, I discovered a pool of peculiar formation, if pool it can be called. For half a mile or so the river was floored with smooth rock, like a pavement, with fewer inequalities and rough spots than some pavements possess. At one place, where the water was a foot deep, a rift or crevice 50 feet long and anywhere from 18 inches to 2 feet deep opened in the floor. Simply it was a wide crack running with the current. Naturally there were no fish in the water above the smooth rock floor, there was no place for them to hide. Often I had noticed the crevice when making my way to rough water above, but as it was in the very center of the "pavement," open and clean, I never thought of casting a speculative fly even. One day, more to "get my hand in" than with any thought of fish, I sent my Royal Coachman above the opening, casting from well below the down-stream end. The water was clear and the day bright. I could see the bottom of the crevice plainly. Yet a fish was there and came with a rush. Literally that crack was alive with trout, and for half an hour or so I had great sport. As the days went by I came to look for fish there, rainbow for the most part, tho now and then a red-spot would take, and always they were present. Probably it was their resting place, their half-way house, as they made their way up and down stream.

Any dry-fly man will realize at once that such a spot would be difficult to fish, the narrow rift in the rock being invisible at a little distance, the fish lying nowhere else. Unless the fly floated naturally and directly above the opening the trout would not take, usually being suspicious and wary. I never saw a fish rise from the crevice to a natural insect, tho, of course, few insects were ever seen above the water at that place, only disabled ones floating down with the current, and as the current did not set over the rift few ever approached the peculiar lair. Sometimes it seemed as if every foot of that long crack sheltered a trout, while again I would get only one or two, once in a while failing utterly. I began at the lower end and fished, casting as carefully and craftily as I knew how, fishing "fine far off." Naturally I was exceedingly careful not to do what I warned against over and over

What of the Indian?

Which Shall Die, He or the System?

Harry A. McGuire

(Associate Editor of Outdoor Life)

WE ARE looking at the weary, bloody trail of the American Indian since his white benefactor broke into his tepee with soft words that said, "I love you, brother American," and with a loaded gun that might have whispered, "But I will rob, despoil, deceive and kill you till your dead lie unhonored and your living will be rotten with worms."

We are looking at the Indian trail of eighty-five years ago. It is already bloody—bloody as well with the scarlet of a reputation ruthlessly assassinated, as with the actual blood of battle. The white man has already demanded that the Indian give up all right to the lands that he has held and loved for centuries. He has enforced that ruthless demand with the firebrands of warfare. And then the white man has exemplified his civilized logic by crying to the world that the Indian is "barbarous, treacherous, and uncivilized," because in some instances the Indian would not be robbed of his heritage and his home without a fight.

We are looking at the trail when most of this is passed, eighty-five years ago, when many of the Indians had been confined to reser-

ervations, and the majority of the rest lived a semi-nomadic life. The United States Indian Bureau, which did then and does now protrude like a cancerous growth, from whatever angle you view the Indian problem, was in the beginning of its existence. Yet it was optimistically declared to be only a temporary agency which would fit the Indian for a place in the American community in a single generation.

Look up the Indian trail two generations farther. In 1889 the Indian Bureau, much increased in power, having imprisoned practically all Indians on reservations, is still fitting the Indian for a place in the American community—a place dug out of the mire of degradation. At that time the Commissioner of Indian Affairs said, in his annual report: "The reservation system belongs to a state of vanishing things and must soon cease to exist."

Yet after thirty-five years the Indian Bureau has ceased to exist to such a degree that the appropriation it got from Congress for 1921—\$15,346,108—was more than three times what it used in 1887. It has ceased to exist to such an extent that by declaring Indians "incompetent" it assumes absolute control over both their persons and their property, answerable only to a Congress that does its bidding. No system of guardianship ever accepted by enlightened people has so far tempted a guardian that it allowed him to exercise unregulated jurisdiction over both the life and the financial interests of his ward.

The Indian Bureau, only a single branch of the Department of the Interior, has ceased to exist to such an extent that it has entrenched itself with 5,482 employes, more than those employed by the entire Department of State, and more than double the number in the employ of the whole Department of Labor. Yet in the actual school force of the bureau, wherein lie the truly great possibilities for rejuvenating the Indian, there are but 942 workers. The rest fall under the head of superintendents, supervisors, clerks and any other classification to which a salary can by hook or crook be attached.

The Indian Bureau has ceased to exist to such an extent that

by intimidation it squelches any criticism by its employes. It has so ceased to exist that it can keep an Indian from entering the courts of the United States to seek redress for the wrongs done him. It has so ceased to exist that it has under its control the money and property of Indians worth a billion dollars.

In short, the Indian Bureau, like all bureaucracies, has used its wide powers, and exercised its absolute discretion, in such a way as to entrench its own position—in such a way as to make its despotic rule invincible, while its main concern for the Indian was concern lest he become independent, and thereby end all excuse for the bureau's "protection."

There have been, and there are, unselfish workers in the bureau, but they have been outnumbered, and their hands have been tied by the great number of those not strong enough or conscientious enough to withstand the temptations of the bureau. The Indian Bureau heads of today may really wish the Indian well—but the system's tradition of gag rule apparently renders them impotent so far as an equitable solution of the Indian problem is concerned.

What is an individual against a system a century old?

It is just 100 years since the Indian Bureau was created for the avowed purpose of educating and protecting the Indian with a view to making him a good citizen. There is not an immigrant race in the United States that has not, in much less than a hundred years, become so adapted to our national ideals and customs that it can exist without Government paternalism. Even the Chinese, followers of a civilization directly opposed to ours, have managed to live amongst us in peace and prosperity without special Government protection.

Yet might we say that the hundred years of Indian slavery had been profitably spent, could it be shown that in that time the Indian had made an appreciable advance toward amalgamation with his fellow Americans. But he has degenerated. In 1824, it is true, he was wild, uncivilized. But the typical Indian of that day was courageous, hardy, generous, resolute, and possessed of a remarkably high moral sense. Aside from his wilderness savagery, and a close attachment to the ways of his forefathers, he offered splendid material for civilizing influences. He was a true diamond in the rough.

What is he now? The typical reservation Indian is lazy, unambitious, uncouth in habits and suspicious of the Government that has ruined him. "Why should I work?" he says. "If I do the Government will not feed me. Some of my fathers worked where the white man told them to work, and the white man took away the land my fathers made good. If I work I will not get rations. No, I will not work."

Not the Indian, but the century-old Indian Bureau system, is responsible for the red man's condition today. The Indian lives and dies in indolent squalor, not because he chooses such a state, but because he has found that no effort of his can free him of the millstone that rides his neck, the white man's encroaching bureaucracy. The Indian of the early nineteenth century, pushed farther and farther west, and finally surrounded by settlers clamoring for every inch of the land that was his by the law of nature, gave

"The white men do not scalp the heads; but they do worse—they poison the heart; it is not pure with them. His [Black Hawk's] countrymen will not be scalped, but they will, in a few years, become like the white men, so that you cannot trust them; and there must be, as in the white settlements, nearly as many officers as men, to take care of them, and keep them in order."—Chief Black Hawk.

"The right to the land was ours before the whites came among us; white men set such authority aside. If that course were adopted neither would have chiefs—neither would have rest. It ought to fill you with fear."—Chief Joseph.

feet of the logs and raised his head to look over, he saw the heads of about ten gobblers, and they all saw him and started to run. As he was within 20 feet of them, he thought he could hit them in the head; however, when he emptied his gun he was ready to tell the world that a turkey's head is no stationary object. He started west on the trail of the bunch of bobbing gobblers and came back to camp carrying his allotment—two.

Next morning we thought we would walk down and take a last look at the oat field before pulling out. As we came in sight someone cried: "What's that?"

I looked, and in the middle of the field stood an enormous bull elk. Say, man, it was a pretty sight! He had a pair of antlers like a couple of rocking chairs, and when he saw us he ran along the south side of the fence at a slow trot. When he reached the fence he just picked up his front feet and then let them down again on the other side and disappeared in the forest.



We didn't go hungry



KATMAI NATIONAL PARK

The pictures in the group shown above were taken in Katmai National Park, Alaska Peninsula, during the Hoover-Chase expedition in the fall of 1922. No. 1 shows Dr. Chase in Katmai Park about five miles east of the Valley of Ten Thousand Smokes. This shows the vast amount of sand and pumice thrown out from Katmai during the disturbance in June, 1921. The ground covering looks like snow, but it isn't. No. 2 and No. 4 are views of the main camp of the Hoover-Chase party at the head of Geographic Harbor, showing the new growth of vegetation coming up thru the pumice and sand. No. 3 is Dr. Harrington and Dr. Hibbs of Uniontown, Pa., and their catch of black bass. No. 5 shows the party at lunch time, about ten miles from the coast, with Mr. and Mrs. Hoover at extreme right standing beside the largest living tree which was seen in the

park. No. 6, bear tracks in the sand in Katmai Park. The pictures are published by courtesy of Dr. W. H. Chase, who has this to say in a letter accompanying them: "Katmai Park is a most wonderful place, and I predict that as soon as it is possible for tourists to visit it it will be the greatest attraction in the world. Even Yellowstone is not in its class. There is more to be seen at Katmai than one can possibly conceive. The centuries of time have not passed to dull its wonderful coloration. There has been practically no disintegration as yet, and the beautiful colorings that beyond description from the canyon walls and other exposed faces are simply everything in my power to have roads built that this park may be available for the public."

the great portions of his land on condition that certain fertile sections be reserved for him. The white man consented and put his seal upon treaties to that effect. But consent is one thing, abiding by it is another. Whenever rapacious settlers—who had votes, remember, and sent politicians to Congress—bellowed loudly enough that they wanted what good lands the Indians had left, Congress and the Indian Bureau got their heads together to see that the Indian retained no juicy morsel that the white man wanted.

Thereupon the Flathead tribe, which bore such good will to its oppressors that it refused to aid a friendly tribe which was being pursued by Government troops, was forced out of its fertile reservation, the Bitter Root Valley, in order to satisfy the rapacity of the whites. The Nez Percés nation, under Chief Joseph, was forced from its valley reservation and confined to the barren, unhealthy Indian reservation, in violation of a treaty made in good faith with the Government. The Poncas likewise ceded the greater part of their lands to the Government, keeping only a small section of good land for their reservation. But the Government, to appease the warlike Sioux by giving them the Ponca land, violated its treaty with the Poncas by removing them forcibly to Indian Territory, where one-fifth of them died during the first year. The Mission Indians were run from their land by belligerent squatters; the Government yawned and turned its back on the outrage. The Umatillas were almost shoved off their reservation; they were saved only by a new but powerful public official who knew little about politics but a great deal about justice.

Such illustrative glimpses at Indian history are necessary for an understanding of the century-old Indian Bureau policy, as well as for an appreciation of the attitude of the Indian toward the Government. They are typical of the white man's dealings with the Indian, from Columbus down to the present day. We have said to ourselves, "An Indian with claims to land, and warriors to back those claims, is worthy of being treated as a human. But once that Indian is such a fool as to sign away his land to us, and throw himself upon our protection, he has no more natural rights than a mouse in a trap." You will perhaps recall that it was not until 1879 that a judge in a United States court had the temerity to attempt the proof that an Indian is a "person," and entitled to the rights of a human being.

This is all a part of the history of the Indian Bureau, which boasts today that it is rapidly civilizing and educating the Indian, while in reality its chief function is to ration him, and to pigeon-hole his complaints. The bureau says it must have autocratic powers over the Indian, because he is "incompetent." After 100 years of Indian Bureau "education and civilization" the Indian's incompetency becomes a tremendous boomerang. If the bureau has made him an "incompetent" in one century, will it not be able to make him a moron in two?

There can be no doubt that the reservation Indian of today, as the bureau holds, is "incapable of holding his own with the whites." And for that only the bureau can be held accountable, with its enervating system which breaks down tribal restraints without substitut-

ing adequate law, which herds together a heterogeneous mass in a "communism of idleness," which destroys individual incentive and initiative, which wastes in profligacy the immense Indian trust fund of which it has control, at the same time that it mulcts from the taxpayers of the nation a sum of between \$13,000,000 and \$15,000,000 each year in order to keep itself powerful and well nourished.

By dwelling upon the sentimental and patriotic side of our mistreatment of the Indians, we should be able to bring tears to the Statue of Liberty. But there is no need for that, as anyone who knows a mite about American history knows that the liberty and equality of the individual has been our most vaunted national boast—at the same time that our slavery of the Indian, and our injustice in denying him such fundamental rights as a hearing in our courts, has been our great national disgrace. Reverting the Constitution as we do, we yet fail to see its relation to the Indian. Reverencing justice, liberty, fraternity, equality, we yet fail to comprehend the awful paradox of Indian slavery. Admiring as we

do the fathers of our country, who fought against the arbitrary rule of a kindred nation, we are yet deaf to the groans of a nation despoiled and against its will enslaved—not ruled—by a conquering, foreign nation.

Perhaps in this case the only way of reaching the American people is thru its heart. But if the heart be willing, and the head know not how, what then? Perhaps such an action as Congress' recent wholesale enfranchisement of the Indian, which was in truth unselfish and long needed, but which, while only a slight beginning so far as actually regenerating the Indian is concerned, will in all probability be looked upon by too many of the uninformed as a complete panacea for Indian ills.

So far as we can see, the truly complete solution of the



The Indian's "Old Man of the Sea"

Indian problem lies in two things:

First—Abolition of the Indian Bureau after a definite period—say twenty years—and the total freedom of the Indian at that time. If the Indian is to prosper in our civilization, it must be thru his own efforts. He must earn his own salvation. A hopeless dependent he is now, and a hopeless dependent he will remain as long as we hold over him the hand of despotic paternalism.

Second—A new Indian Bureau policy which will so train the Indian that by the date of his freedom he will be as capable of making his way in American life as are most immigrants. The main tenet of such a policy—presupposing that the policy in general will be so improved as to be fair and unselfish—should be the education of all Indian children in schools where they are mixed with whites. Only by such unconscious and natural amalgamation can the Indian be prepared for his proper entrance into American civilization.

Meanwhile we must set off a period at the end of which our blundering Indian Bureau shall die—for it will be either the death of the system or the death of the Indian.

On the fiftieth birthday of the Indian Bureau President Lincoln said: "If I live, this accursed system shall be reformed." In 1924, with the system 100 years old, we echo: "If the Indian is to live, this accursed system must die!"





Sign Talk

BY EL COMANCHO

I shall be glad to hear from you if you like this department, and glad to have your kicks if you don't.—El Comancho.

Merchants on the Short-Grass Plains

THE merchant of the early West was as much a character as any of the early settlers, and he was probably as good a judge of human nature as the world has ever known, for he carried on a complicated business among strangers where he had to decide offhand and without question or the looking up of past records whether he, as a merchant, could afford to, or would be safe in, extending credits. Sometimes an error in judgment would have wrecked his business and left him penniless, but I do not recall a single instance, either of my own knowledge or thru hearsay, where this happened.

Of course, merchants "went broke" then just as they do now and always will, but the failures of the old days were not from the merchants' misjudgment of men.

The Western storekeeper was a trader in the broadest sense, for he traded at both ends of his business and made good profits in spite of a heavy overhead expense plus transportation difficulties plus the handicap of long credits and the fact that he must buy usually a year or more ahead of deliveries. Anything might happen within a year in the wide and growing West, where towns grew up or moved and left no trace behind almost in a night, and did this as frequently as a woman changes her mind.

A railroad built west thru Kansas for 100 or 300 miles would destroy a town in Northwestern Nebraska in a day by changing the flow of travel to a point miles away; a winter blizzard would destroy the cattle on a certain range and the ranches affected would be wiped out along with the little store that supplied them, and the range would revert to an empty landscape again until such time

as another outfit would gamble, cattle against weather, there again.

Any one of a thousand seemingly trivial things happening at home or miles away would wipe out the trade of a store overnight and leave a merchant with stock on hand or in slow transit and not a dollar's worth of buying power in sight.

The government would close up an Indian reservation and move the tribe, and the post trader would find his market gone in an hour. A mine would start up, run for a while, "peter out" and leave the whole mining town with nothing to do.

Grasshoppers began to drop out of the sky on a June day when the whole landscape was a volume of promise and a glad song filled the heart of the settlers who saw good crops just ahead—tomorrow every green thing would be eaten to the ground; this happened several times in Eastern Nebraska prior to 1870. It meant the purchasing power of the people was wiped out; obligations could not be met; nobody had any work; nobody could pay; the storekeepers were left with stocks on hand, new goods ordered, bills coming due and the whole business aspect upset in a breath.

Yet they took hold of whatever difficulty they met and they managed to stretch credits and meet obligations one way or another and carry on; very few involuntary failures happened then compared to now, and fully considering the differences in conditions, density of population, etc.

The old-time Western merchant dealt with men who were basically honest and he knew it; his wholesaler knew it also and knew that the merchant was the same kind. When banks came the small banker was an honest

man who dealt with other honest men that carried on together more like a family than as strangers.

A man's word was as good as his bond then and this was almost entirely a matter of personal pride and honesty.

Of course, a dishonest man could not last long then, because people soon knew him and his credit automatically stopped, which resulted in his leaving the locality.

This, in a way, acted as a safety measure, for it partially insured the honesty of the individual in all his business dealings with his fellows.

It was not this that men "banked on," however, but it was personal integrity of a very high order; personal honesty was the rule and not the exception.

This was so well known and so much an accepted fact that men borrowed large amounts of money on their plain personal promise to pay—a memorandum note without any further security than the known fact that the borrower's note was "as good as his bond," and it was.

Such men never failed to pay their obligations even if payment took their last red cent and left them with nothing but their reputation for honesty—with that any man could start again.

I have known such men to borrow thousands of dollars as casually as you would borrow a dollar for car fare if you found you had started downtown without your purse some morning.

I have seen many a man borrow from one to several hundred dollars without a scratch of the pen between borrower and lender—just, "Bill, lemme have \$500, I want to go to Chicago; be back next Thursday; give it back to you then."

"How come?" Bill would drawl. "Looks like you're in a helluva hurry to get to Shecawgo all of a sudden; how I know you're ever comin' back a-tall? You think money juss grows on tree, I reckon—huh?" All the time during this personal side play Bill would be digging up cash until he had \$500, then he'd shove it over to his friend, grumbling about "kissing that much good-by," and knowing all the time it was safe as a church.

Most men had considerable cash money then, or they had none, for quick turns, win or lose, were common and speculative chances were bobbing up all the time in rapidly changing conditions and in the very restlessness of men themselves.

One would naturally think that such an



to
the last buffalo skull I have ever seen on the old plains." (Photo made just east of Rising Wolf Mountain in the present Glacier Park, east of Two
xtt. Medicine Lake)

Star news. Pasadena. Calif.
10 Jan 31. 1929

INDIAN ABUSES CHARGED BY SPEAKER

Pasadena Defense Group Hears Senate Report

CHILDREN SAID TO BE STARVING

Insufficient Care Blamed to Bureau Incapacity

At a luncheon meeting at the Hotel Maryland yesterday, the Pasadena Branch of the Indian Defense Association learned of recent developments in the situation regarding Indian affairs. A brief review was given by Colonel F. W. Hinrichs, Jr., of the report of the Senate investigating committee, which has recently been at work in several states, including California.

The hearings of this committee have brought out facts which corroborate and are corroborated by the report of the Institute for Government Research in substance the speaker said.

One of the most shocking things in this report are the conditions found at the government boarding schools. At the age of six years the Indian child is forcibly taken away from its home and parents and completely separated from them until the age of eighteen years.

Children "Slowly Starving"

There are now 27,000 of these children in boarding schools with a food allowance of only from 9 to 15 cents a day, in a case where 35 cents should be the minimum for sufficient nutrition. This means in plain words that these children are slowly starving.

Furthermore, this report shows that these starving children are required to do an unreasonable amount of manual labor in a half-day. Underfed and undernourished as they are, they are in no condition for either study or work. The amount of this labor required and the conditions under which it exists would constitute a violation

of the child labor laws of most states.

The boarding schools in which the children are kept are overcrowded. In many of the buildings the fire hazard is great. Proper sanitation is lacking.

Spread of Diseases

There is no segregation of contagious diseases. The tuberculosis in these schools is alarming. At times tuberculosis cases are sent to their homes, but without proper provision for their future care. Naturally it spreads among the families. And already the tuberculosis death rate of the Indian is seven times that of the white.

Colonel Hinrichs referred to an article in the Survey-Graphic for January based on the reports above mentioned. This article places the blame for these conditions, and others, which show that the Indians' money and resources are being dissipated and wasted by the connivance or neglect of the Indian Bureau, directly at the door of the Indian Bureau.

Telegrams were sent to the two senators from California urging that the present senatorial committee continue its investigations, and that sufficient money be appropriated to carry on the work.

LOS ANGELES, CAL.
TIMES
NOVEMBER 30, 1923

The Indian Bureau

LOS ANGELES, Nov. 27.—[To the Editor of The Times:] May a newcomer congratulate you upon today's cartoon, "The Vigil," and your editorial, "A National Disgrace"? Both of these seem to the undersigned most arresting work and of a high order.

Having but recently left Washington, D. C., after a residence there of forty years, I am wondering if abolition of the Indian Bureau will ever become an accomplished fact. For how many years have critics of its management been thundering at its heels, and to no purpose. Should Mr. Hoover, with the best intentions in the world, attempt to put the Indian Bureau out of existence, politicians would regard his efforts with deep disfavor. He might not be looking to 1932, but they would, you may be sure.

It would seem that Dr. Clement's solution is the correct one. Grant the Indians full citizenship and treat them precisely like other elements of the population.

MARY WOLCOTT DURHAM.

OAKLAND, CALIF
POST ENQUIRER
FEBRUARY 11, 1929

HUNGRY INDIAN CHILDREN

A Reproach to Their Rich Guardian, Uncle Sam

THE American Indian Defense association charges that thousands of Indian children in government boarding schools under the guardianship of Uncle Sam aren't getting enough to eat and are getting far too much work to do.

Of course the United States Indian bureau denies that, indignantly.

However, the institute of government research lists the average money allowance to buy food for one Indian child for one day at ELEVEN CENTS. Secretary of the Interior West says it is about 12 cents.

How a growing child can be properly nourished on 11 or 12 cents a day will be a mystery to many parents.

Indian bureau officials complain that the little Indian boys and girls are lacking in enterprise. Maybe they are only lacking in food.

INDIAN BUREAU GETS IN LIMELIGHT

364
According to a series of articles in a magazine of national circulation, one of the biggest and best of the magazines, our Indian Bureau, a part of the federal government, is in the hands of the vilest set of scoundrels that ever escaped lynching.

Under this benign administration of Indian affairs the redmen and their women and children have been starved, robbed, beaten, overworked and even thrown into jail without benefit of trial. The articles we refer to are based upon a careful, first-hand investigation of the condition of the wards of the Indian Bureau throughout the West. And these articles leave no escape from this conclusion:

You could rake the penitentiaries the world over and never find a more rotten, a more unprincipled, a more unscrupulous, a more hard-hearted or a more cruel aggregation of villains than these white Indian agents. The story of their infamy brings to mind the lines of the poem:

"For they starve the little frightened child
Till it weeps both night and day;
And they scourge the sick and flog the fool
And jibe the old and gray."

Thousands of Indian children are dying of malnutrition because the white scoundrels in charge of them are misusing the funds given for the care of these children.

There are sections wherein destitute Indians, — men, women and children, entitled to governmental care, live like famished dogs the year around. A scene is described where a tribe of Indians are not getting one square meal a year; their hunger is simply appalling.

The so-called Indian schools are more like jails, and the boys are kicked and cuffed on the slightest provocation. Indeed convicted felons in our penitentiaries are receiving better treatment than the Indians today. And, un-American as it may seem, these white blatherskites have the power to lock up their wards in jail without the benefit of a trial. They have been given power of life and death over the Indian.

Disease is rampant among the Indians, and while this is the richest government on earth today, Indian men, women and children are dying off like flies for the want of medical attendance and medical supplies that would cost comparatively little.

As a result of the criminal callousness of the white scoundrels called Indian agents, the Indians are becoming exterminated by starvation, brutality and disease. And the time has come when something should be done about it. Like every other American, the Indian is entitled to life, liberty and happiness.

And it is not sufficient that this maladministration of Indian affairs be stopped. The rascals responsible for it should be punished. If they got their just deserts they would be made to answer with their own lives for the Indian lives they have sacrificed on the altar of graft and incompetency. Hanging would be too good for them.

The Indian Bureau set up a howl of protest when the first article was published. The magazine then announced that it would withhold further publication pending evidence from the Bureau that the charges were not well founded. The Bureau failed to produce convincing rebuttal, so the rest of the dirt was spilled.

—Exchange.

SACRAMENTO, CALIF.—SEE
MARCH 18, 1929

**INDIAN COMMISSIONER'S
RESIGNATION WELCOME.**

It is good news that Commissioner C. H. Burke of the Bureau of Indian affairs has resigned.

During his administration the bureau has been continually in a state of scandal. Its arbitrary acts, such as prohibiting the ceremonial dances of the Zuni and Hopi tribes, have shown a complete lack of understanding on the part of the bureau of the psychological problems involved in Indian administration.

More serious by far is the looting of Indian oil lands which has been going on for years, chiefly in Oklahoma, and which would have created a national scandal if congress had not been too apathetic to take a hand.

And the deplorable condition of the Indians' health everywhere; the grave charges of abusive treatment that have been levelled at many of their schools; the equally grave charges that children at these schools were half starved and insufficiently clothed; all these have long made it evident that a drastic change was needed.

Whether most of us realize it or not, this country has a very real obligation to give the Indian fair and decent treatment. It has never done so, except in rare and isolated instances. But it has frequently done better than it did under the Burke regime.

Let us hope the new administration will see to it that a man is put in charge of this bureau whose knowledge and temperament fit him to handle the problems involved. Our treatment of the original owners of this continent has been a disgrace far too long.

BURKE STEPS OUT

CHARLES H. BURKE, Commissioner of Indian Affairs, who has survived many investigations of his bureau, is at last out of office by his own resignation. His departure is a necessary outcome of the Senate Indian investigation and disclosures of intolerable conditions on government reservations.

President Hoover did not hesitate in accepting Burke's resignation, but is showing a commendable desire to delay appointment of a successor until he can find a man who will reorganize the Indian Bureau upon a plane above criticism.

While Burke has been exonerated by the Department of Justice of any criminal acts in connection with the Jackson Barnett case, its report by Pierce Butler Jr. does show that illegal bequests of the wealthy Indian's money were made by the Department of Interior. This in itself was a strong criticism of the Burke administration, especially because it established a precedent carried out in less conspicuous cases.

While Burke appears to blame for much that has been occurring under the Indian Bureau, he is not alone at fault. The system itself is rotten. The Senate inquiry must not be permitted to lag because changes have been made in departmental administration.

1929

March

INDIAN SERVICE CONDEMNED FOR NEGLECT; DEATH OF YOUNG CHILD

Rev. Sterling Talbot, Fort
Duchesne, Tells Senate
Investigators of Ute Re-
servation Complaints.

OFFICIAL DISCHARGED THROUGH BIASED ACTS

Tribal Heritages Said to
Have Been Dissipated
and \$3,000,000 Funds
Wrongfully Expended

SALT LAKE CITY, Utah,
Nov. 26 (AP)—The senatorial investigating committee led by Senators Lynn J. Frazier, of North Dakota; W. B. Pine, of Oklahoma, and Chief Investigator Louis R. Galvis left Monday night for Washington, where testimony gathered at a hearing here Monday on conditions at the Ute Indian reservation will be presented to the Indian affairs committee of the senate.

Among the thirty witnesses heard Monday was the Rev. Sterling Talbot, Episcopal minister at Fort Duchesne, who, with a number of Ute Indians from the reservation, offered testimony covering a wide latitude of complaints ranging from the death of an Indian child through medical neglect, to alleged wrongful expenditure of \$3,000,000 of Indian funds.

Rev. Talbot told of the discharge of Fred Bruce, halfbreed Chipewa Indian, as disciplinarian at the government school, declaring Charles H. Burke, federal commissioner of Indian affairs, had acted on the basis of a letter sent him by officials on the reservation who were "biased and incompetent."

Despite the fact that Bruce had served during the world war as a top sergeant under Col. Frank Young, former Governor of North Dakota, Rev. Talbot testified, Bruce was discharged as "incompetent to drill and discipline 55 Indian students."

Dissipate Heritages

The alleged dissipation of tribal heritages, unlawful taking of their water rights, lack of employment for Indians and other complaints were related by tribal members.

Dr. George M. Hamilton of the Indian service, now stationed at Owyhee reservation in Idaho, verified the testimony of others relating to needless suffering, and told of the death of one child through lack of medical attention.

Allbuquerque Journal [New Mexico] Nov. 27, 1928

Indians Appeal for Help, Charging Persecution

Investigation Called For in Resolution Introduced in Congress by Senator King

Special from Monitor Bureau

WASHINGTON—Points regarding the necessity for an investigation of Indian affairs were made by representatives of several tribes at a hearing on the Indian resolution, introduced by William H. King (D.), Senator from Utah.

Among those who spoke were James A. Frear (R.), Representative from Wisconsin; John Collier, of the American Indian Defense Association, Inc.; Mrs. Gertrude Bonnin, a Sioux Indian, president of the National Council of American Indians; James Madison, an Indian representing the Mescalos of New Mexico, and A. A. Grorud of Montana, lawyer for the Flathead Indians.

The statement made by the association follows in part:

"Through padding its totals with estimated mineral and oil wealth, the

Indian Bureau has created an apparent wealth increase of 119 per cent for the Indians in four years from 1922 to 1926; but its tables on the specific classes of Indian wealth tell the truth.

Say Lands Have Shrunk

"The Indian allotted lands held in trust have shrunk \$69,000,000 or 16.1 per cent in these four years (on the face of the bureau's table; actually the table shows a shrinkage of \$74,000,000, or 17.08 per cent). The individual trust moneys have shrunk 36.6 per cent and the Indian tribal funds 18.5 per cent. The total shrinkage in four years has been \$122,000,000, but to this must be added the ever-mounting reimbursable indebtedness.

"These figures do not reveal a dissipation of income. They reveal dissipation of capital, and not of capital turned over to the Indians by fee patenting but of capital held and administered under United States trust. We present the Indian Bureau tabulation of the record. It shows that aside from the dwindling of hypothetical oil and mineral wealth belonging to a few tribes and a few allotted Indians, the Indian estate under guardianship is disappearing at a rate which will totally wipe it out in less than 25 years."

Call Schools Inadequate

The Indian Bureau schools, it was asserted, are utterly inadequate and poorly conducted, while many Indian children are without any schooling at all.

"Indians may be, and are," continued the statement, "arrested without warrant, tried without advice of attorney, without jury, without prescribed legal process, without record; they are fined and jailed without appeal to any court, and without stay of execution if they attempt to appeal to the administrative chief of the Indian Bureau. This tyrannical process is carried out by employees of the Indian Bureau, not, as the bureau has sought to make it appear, by the Indian tribal authorities according to tribal law.

"And this denial of personal rights extends to the denial of the right of free assemblage; to a denial of the parental right to designate where the child shall be schooled, and to a denial, established by Indian Bureau regulations and enforced by Indian superintendents, of freedom of religious worship.

Appeal to Government

"And this same denial to Indians of the basic indispensable freedoms of civilized life extends to all the intimate and material matters of their property, tribal and individual. Not merely are they wards under a guardian both political and bureaucratic; they are wards denied the right to appeal to any court from the guardians' acts.

"We shall show that the Indians are rapidly being destroyed. They are not yet destroyed. Under United States guardianship there are still about 225,000 Indians. In a limbo between federal and state responsibility are possibly 100,000 more. There is still Indian property worth over \$1,000,000,000 held in United States trust for Indians. Even their faith in the United States Government remains not yet destroyed. These tribes built up their civilization through more than 10,000 years before we seized them. They are now showing that capacity for great endurance which seems to belong to their Mongolian stock. It is not yet too late for Congress to act."

Charles H. Burke, Indian Commissioner, asked for time to examine the charges before making a reply.

SACRAMENTO, CALIF.—SEE
MARCH 18, 1929

INDIANS FLAY BUREAU ACTS

Klamath Delegation Charges Mismanagement; Attorney Is Criticized

KLAMATH FALLS (Ore.), March 18.—The delegation of Klamath Indians who composed the legislative committee from the tribe at the national congress during last session reported to their tribesmen at a meeting Saturday at the mission at Chiloquin on the Indian Reservation.

Members of the delegation were E. H. Dufault, Mr. and Mrs. D. W. Crawford and J. S. Ball.

Crawford charged that the Indian bureau at Washington practices gross mismanagement of the affairs of the tribe, particularly in that the delegation believes that too much is being spent for administrative work.

For Corporation Bill.

The report advocates the passage of a corporation bill which would enable the tribe to incorporate and share in the profits accruing from their lands as shareholders in a corporation, the incorporated tribe to be under the mandate of the federal court in this district.

Counsel Criticized.

The attorney employed in Washington to advise the tribal delegation on legislative and legal matters, was severely criticized by Crawford for his handling of the suits now pending in the United States Court of Claims. The suits are relative to land which it is alleged belongs to the Indians but is now a part of the tribal lands through an error in a survey made in 1887.

SEPTEMBER 14, 1923

CONGRESS SHOULD ACT.

ACCORDING to a published statement made by Hon. James A. Frear, Representative in Congress from the State of Wisconsin, the Indian Bureau has at present under its control more than ninety million dollars in cash and securities that belong to the American Indians. In addition to this the Bureau has land and personal property belonging to the Indians of more than the value of \$1,600,000,000. In the disposal of this property the Indians have no voice whatsoever and the statement is made by Mr. Frear that the property of the Indians "has literally been looted to the extent of millions of dollars."

To the people of this country it is unbelievable that Congress should have stood by and permitted the little Indian Bureau oligarchy to inflict such injustice and wrongs upon the Indian wards of this government. Among other things Mr. Frear charges that the land of a dead Indian can be sold by the Indian Bureau without consent of the heirs. The Bureau determines the heirs and there can be no court review. Under the rule of the Bureau an Indian cannot dispose of his property without the Bureau's consent; he cannot hire a lawyer to represent him without the approval of the Indian Bureau, nor can he compel this body to render him any account of his property. In short, the Indian's funds are held by the Indian Bureau and can be disposed of by it without let or hindrance, without even getting the consent of Congress.

These are only a few of the abuses to which Mr. Frear calls attention. To this is added also the testimony of Senator Wheeler of Montana, who asserts that the property and resources of the Indians have been shamefully dissipated under the supposed guardianship of the Indian Bureau.

Add to this looting of their property the fact that the Indian children in the boarding schools are in many cases shamefully and cruelly treated and that the Indians in general are denied the medical care and attention to which they are justly entitled, and we have a story which should bring a blush of shame to the face of any honest American.

The people of this country are at a loss to understand why Congress permits such unspeakable wrongs to be inflicted upon the American Indians, the pathetic remnant of a once great race. It is hard to understand how the Indian Bureau can be made up of men whose hearts are not touched with pity and friendliness for these dependent wards of the government.

If the people of the states, within the borders of which the Indian reservations lie, were given charge of these under the supervision of the Federal government the arrival was the third in the family.

Indians would receive honest, humane and generous treatment. Surely Congress cannot delay much longer in calling the Indian Bureau to account.

NOVEMBER 22, 1928

NEGLECT CHARGES INVESTIGATED HERE

Senate Committee Hears Complaints Against Indian Bureau

Charges that Indian agents and commissioners under the Indian bureau have grossly neglected their duties in caring for the welfare of the Indians, were made today at an investigation held in the council chambers at the city hall, when Senator Lynn J. Frazier, North Dakota, chairman of the senate investigating committee; Senator W. B. Pine, Oklahoma; Louis R. Glavis, chief investigator and Nelson A. Mason, clerk of the committee, queried representatives of the agencies and Indians.

Tales of neglect, of carelessness, of abuse and of starvation were told by those placed on the witness stand during the day.

Men who have worked on staffs of Indian schools and of Indian agencies told of wilful neglect on the part of superintendents and principals.

Foremost among the witnesses today was Charles Minore, former stenographer to L. D. Arnold, superintendent of the Klamath agency, Oregon. Minore declared that Arnold not only was lax in his duties, but that he had declared many times that he disliked Indians.

Minore testified that the physician of the agency, Dr. William T. Rogers, was likewise lax in the performance of his duties, and that many times he had refused to go to see Indians who were sick. Specific instances were cited by Minore, who declared that since Dr. Rogers and Superintendent Arnold were friends the superintendent had never investigated complaints against the doctor, nor had he reported such complaints to headquarters.

Another important witness of the morning was Mrs. Charles Welfelt, who, with her husband, Chas. Welfelt, was formerly employed at Towaoc school, Colorado. They have since been transferred to Fort Mohave, Arizona, said to be one of the most unpleasant localities in the Indian service, largely, they declare, because of their opposition to conditions at Towaoc school.

Mrs. Welfelt acted as cook for several years at Towaoc, and she declared that the children were given insufficient amounts of food to eat, and that not only was food scarce at the school, but that dried fruits for their use were wormy, and that flour, kept in the dirty basement of the building, was full of worms, and that mice and cats played about in the flour, which was not protected.

Upon questioning by Mr. Glavis, Mrs. Welfelt testified that while there was whole milk for the children to drink, the amount was insufficient, and that the milk, when brought into the house from the barns, was full of dirt and manure and was not fit to be consumed.

Mrs. Welfelt declared that the wife of the superintendent, who acted as matron, told the cooks to use the materials provided, and once, when the meat was full of maggots, said that cooking the meat would make it digestible and good for the children.

That the superintendent and his wife opened Christmas boxes sent to the children and kept the things they liked was charged by Mrs. Welfelt, who said that the fruit, such as pears and peaches, from the school orchards, was kept by the superintendent for his personal use, and was not given for the use of the children.

Charles Welfelt was next called, and his testimony substantiated that of his wife. He also declared that, as the school was graded only up to the fourth grade, the strong boys who could work around the school were kept in the fourth grade two or three years.

Upon being questioned further Welfelt declared that because of conditions at the school he was transferred to Fort Mohave, in spite of his splendid record as engineer of Towaoc.

Buildings at Fort Mohave, he testified, are in his opinion not fit to house people, and in summer the temperature goes as high as 116 or 120 degrees. Children are brought to this school from a distance of many miles, because, as there is no farm land near the school, there are no settlements near there. At present there are about 275 children in the school, he said.

Brutal punishments were given to children who ran away from Rice school on the San Carlos reservation in Arizona, testified Pat-

rick Kennedy, who was next called before the committee. He reviewed the punishment meted out to a group of four girls, and declared that other girls who were being punished were chained to their beds at night, and were taken to the dining room with chains around their necks.

In answer to a question as to why reports of these things had not been made by the employes, he declared that they were afraid of being dismissed or transferred because of going over the heads of their superior officers. Whenever investigators came to the school they were always accompanied by the superintendent, so that they would see only what the superintendent wanted them to see, he said.

Health conditions in Inyo county, California, was described as being very bad by Miss Naomi Stutzman of San Francisco, field worker for the Pacific division, American Red Cross, who opened the afternoon session. She said that \$500 was allotted for health work in three reservations, and that since the reservation nurse had resigned from the service there has been no one to look after the health and welfare of 400 Indians. Conditions at Needles were outlined by Miss Stutzman.

Yuma Indians were to be called later this afternoon, Patrick McGill being the first of several who were to testify as to conditions in the Yuma territory.

The hearing will continue tomorrow, and is open to the public.

MAY 24, 1929

OPINION OF READERS
AS WRITTEN TO
GAZETTE

CARE OF INDIANS
URGED BY REID

Editor Gazette: About a week ago you had an editorial in which you related the matter of Nevada Indians having been fairly treated at the hands of the government and the purport of such articles would give one the impression that the Indians as a whole were well satisfied. Also, it might be inferred that the real situation as to their welfare was entirely satisfactory all around.

About the same time one of your Reno daily papers gave a statement out as emanating from a Reno Indian, that whereas the government had provided a very scanty supply of food during the winter months, they were cutting this off in the spring, so he made the comparison as to the horse, "Feed him in the winter and turn him out in the spring."

If you take the time to investigate as to the treatment of the older and aged Indians in your neighborhood, you will find that there is dire need that such Indians have more consideration at the hands of the government and such matters as this with relation to your condition there are but a fair sample of what is going on all over the state of Nevada. Where any assistance is given, it is very small in amount, as far as sustaining life properly is concerned. I doubt very much, if the agents of the government, who prescribe these small allotments, would themselves wish such treatment accorded to them and be obliged to starve out an existence on a diet insufficient for a person to live on. The matter is indeed very serious, as one observes numerous cases of helpless old Indians suffering and in need.

The treatment extended to the aged, the maimed, the crippled, and the infirm Indians, should be, at the hands of this great and good government, no less than that which is extended by the state of Nevada to its infirm and aged citizens. Your good paper and that of the other good

newspapers of Nevada should bend every energy to bring before the proper government officials the real facts in the premises.

JOHN T. REID.

Lovelock, Nev.

LOS ANGELES, CAL.
TIMES
DECEMBER 11, 1928

BURKE CITES
PROPAGANDA
IN CAMPAIGN

Indian Bureau Member
Charges One Candidate
Joined Critics' Forces

WASHINGTON, Dec. 10. (AP)—A charge that during the recent campaign, "no less a gentleman than a candidate for the Presidency," joined propagandists on the Indian question was made by Commissioner Charles M. Burke of the Indian Bureau before the House Interior Department appropriations subcommittee.

The commissioner did not name the candidate in his testimony, made public today, but said the nominee had written a letter and circulated it throughout Indian country to the effect that if elected he would maintain schools for Indian children up to the standard of such a school in New York State, where the cost for each child is \$600 a year.

Previously Burke had submitted a table to the subcommittee showing the average cost in Indian schools, figured on a 270-day school year, is a little more than \$66, or 24.7 cents a day.

He branded as untrue and misleading a statement he said had been published widely and accepted by the Institute for Government Research that Indian children are being fed by the government at 11 cents a day. The average for food alone, he said, is 20.4 cents a pupil

Reservation 'Pie.'

WE READ with considerable disgust that R. B. Creager, Texas republican cheitain, is seeking political "pie" for five of his political friends, and that one of them, Cato Sells of Fort Worth, would like to have back his former position of Indian commissioner. With Mr. Sell's record as Indian commissioner we are not in the least concerned, neither are we moved to resentment by the fact that three of Mr. Creager's prospects for federal appointment are Hoover democrats. We do resent the fact that appointment to the Indian service continues to rest entirely upon the rotten structure of political patronage.

While the congress is in recess, the subcommittee of the senate on Indian affairs will continue its investigations, and that may be worth something, perhaps. But who does not know these Indian affairs investigations, that always promise sweeping reforms and drag on interminably? And who, we ask, expects much from them in results? Nobody, we answer promptly; exactly nobody.

The root of the evil is in distribution of Indian bureau jobs by patronage. If there is any department of federal government which more obviously demands the employment of especially trained men than the Indian bureau we do not know it. Justice to the Indian demands that he be studied and helped, not arbitrarily herded and bullied. But herding and bullying, not to say robbing and starving, have been the rule for Indian administration if the testimony of scores of witnesses at many an investigative hearing amounts to anything.

When the United States puts the Indian under the care of competent teachers, physicians and administrators who have something of the anthropologist's interest in and respect for the mind and traditions of a vanishing race, then we shall begin to hope for justice on the reservations. Until this policy is adopted, the Indian must rely upon providence for an occasional wise and humane man to come to him by the uncertain roads of political preferment.

EDITORIAL

According to a series of articles in a magazine of national circulation, one of the biggest and best of the magazines, our Indian Bureau, a part of the federal government, is in the hands of the vilest set of scoundrels that ever escaped lynching.

Under this benign administration of Indian affairs the redmen and their women and children have been starved, robbed, beaten, overworked and even thrown into jail without benefit of trial. The articles we refer to are based upon a careful, first-hand investigation of the condition of the wards of the Indian Bureau throughout the West. And these articles leave no escape from this conclusion:

You could rake the penitentiaries the world over and never find a more rotten, a more unprincipled, a more unscrupulous, a more hard-hearted or a more cruel aggregation of villains than these white Indian agents. The story of their infamy brings to mind the lines of the poem:

"For they starve the little frightened child
Till it weeps both night and day;
And they scourge the sick and flog the fool
And jibe the old and gray."

Thousands of Indian children are dying of malnutrition because the white scoundrels in charge of them are misusing the funds given for the care of these children.

There are sections wherein destitute Indians, — men, women and children, entitled to governmental care, live like famished dogs the year around. A scene is described where a tribe of Indians are not getting one square meal a year; their hunger is simply appalling.

The so-called Indian schools are more like jails, and the boys are kicked and cuffed on the slightest provocation. Indeed convicted felons in our penitentiaries are receiving better treatment than the Indians today. And, un-American as it may seem, these white blatherskites have the power to lock up their wards in jail without the benefit of a trial. They have been given power of life and death over the Indian.

Disease is rampant among the Indians, and while this is the richest government on earth today, Indian men, women and children are dying off like flies for the want of medical attendance and medical supplies that would cost comparatively little.

As a result of the criminal callousness of the white scoundrels called Indian agents, the Indians are becoming exterminated by starvation, brutality and disease. And the time has come when something should be done about it. Like every other American, the Indian is entitled to life, liberty and happiness.

And it is not sufficient that this maladministration of Indian affairs be stopped. The rascals responsible for it should be punished. If they got their just deserts they would be made to answer with their own lives for the Indian lives they have sacrificed on the altar of graft and incompetency. Hanging would be too good for them.

What will Mr. Hoover do about this national crime? What will he do to remove this black stain from the nation's reputation? Let us watch and see.

The Indian Bureau set up a howl of protest when the first article was published. The magazine then announced that it would withhold further publication pending evidence from the Bureau that the charges were not well founded. The Bureau failed to produce convincing rebuttal, so the rest of the dirt was spilled.

FALL IS MENTIONED IN INDIAN PROBE

Wash. Star - Feb. 27, 1929

Letter Hints at Influence Being Used to Obtain Gifts for Church.

By the Associated Press.

A letter purporting to show that a suggestion was made by an official of the American Baptist Home Missionary Society to obtain as much money as possible from Indians in Oklahoma while Albert B. Fall was Secretary of the Interior, was read today into the record of the Senate Indian investigation.

The letter, read by Senator Wheeler, Democrat, of Montana, was alleged to have been written by Charles White, secretary of the society, to B. D. Weeks, president of Bacone College in Oklahoma. It was dated February 14, 1923. "I talked with our friend in Washington," the letter said, "about the whole matter of future gifts and I am very sure that now is the psychological time to strike. My general advice is concentrate carefully, persistently and systematically on trying to bring gifts of the Indians to a very much larger amount."

Urged Increased Gifts.

"No one knows what the future may bring by a change of officials and something will depend, I presume, on who is Mr. Fall's successor. During the next years or two and, indeed, between now and March 4, may prove to be a very precious period of time. I would, therefore, advise that you see personally as large a number as possible of the Indians of means."

Senator Wheeler read the letter after he had inquired of Charles H. Burke, commissioner of Indian affairs, who appeared as a witness, whether "other donations had been made by Indians," in addition to the one of more than \$1,000,000 by Jackson Barnett, aged Creek Indian, to the Baptist Society and to his wife, which has been the subject of extended investigation.

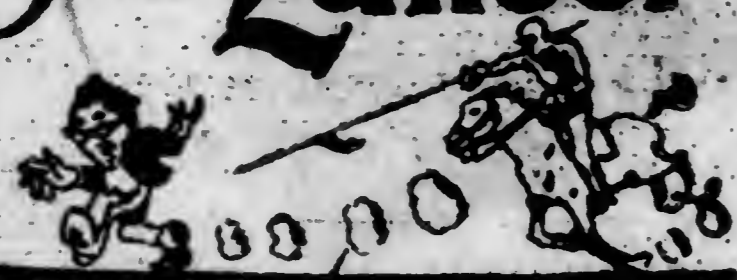
Burke replied that other donations had been made and that the files of his office would show the details. He said he had "no recollection" of the letter to Weeks and that he "had never heard of it."

Tells of Influence.

Wheeler then read another letter alleged to have been written by Weeks to Samuel Bryant, treasurer of the Baptist society, saying the Southern Baptists "would give a great deal to get rid of my influence with the Indians and with the department officials."

"I shall expect the society," the letter said, "to remain firm in their control and support of Bacone College, because we cannot afford to betray the trust of the Indians."

The Lancer



by
Harry Carr

CHARLES F. LUMMIS was never forgiven for one of his most notable public works. This was the relocating of the Warner Ranch Indians.

THE EXILES

These unhappy people were ejected from their ancestral homes at the mountain hot springs by a shabby technicality. It was a serious problem what should be done with them.

The Indian Bureau picked out a tract of land where a rabbit would have starved to death. Lummis made a personal appeal to Roosevelt, who was then President of the United States. As a result Lummis was made head of a commission to find a location where these miserable Ishmaelites could find homes.

THE OLD HOME

He spent months plodding through the mountains in a wagon. After examining some forty ranches he selected the present reservation at Pala. The Warner Ranch Indians were packed into wagons and said a broken-hearted good-by to their old homes.

At Pala, they have 3438 acres in place of the 900 they left. They have about eight times as much water and much better soil; but they have never forgiven Lummis or the government for taking them away from the old homes where their people lie buried.

HIGH-BROW AVALANCHE

Every morning some one in Hollywood starts a brand-new magazine.

There must be upward of a million devoted to the screen actors and their art; nearly every healthy person in town owns one or more publications devoted to scattering sage philosophy, poems and bright remarks.

It must be great to own a magazine of your very, very own; but I don't own one yet. My feeling is that somebody has to be the readers; so I have willingly sacrificed myself on the altar. I am the readers. Not that I really read them, of course . . .

PREHISTORIC LIP STICKS

With some grief and mortification I hereby record an important but humiliating fact just discovered by the Southwest Museum. It relates to the very first industry of Los Angeles. It wasn't oranges, cantaloupes or even magazines of thought and impression. It was selling lip sticks to flappers.

No fooling. As well as archeologists are able to judge, the first industry ever undertaken by Los Angeles was sending ochre and other mineral colors to Catalina in exchange for pottery. They also sent meal made out of acorns.

LEFT EUROPE FLAT

Mr. Gene Tunney, the champ, is about to sail home from Europe with his wife—leaving the place flat. And this after all his promises to start a salon in London. Well, the English will have to stagger along as well as they can with George Bernard Shaw, H. G. Wells and Bennett.

PALM SPRINGS, CALIF.,
DESERT SUN
NOVEMBER 28, 1928

INDIAN DEPARTMENT UNDER FIRE

For some moons, now, rumblings of a shake-up in the Indian department have been heard. It is certain that the forthcoming session of Congress will dig deeply into the subject. Maybe the department will be given a bath instead of a whitewash.

Charges against the Indian Bureau and the Public Lands Department of the United States government, so serious as to infer that the 18,000 Indians remaining out of 150,000 in 1850 are held in a condition of virtual serfdom, were laid before a special investigating committee of the United States Senate at San Francisco on Monday. The charges had been anticipated, as the hearings were granted after strenuous representations to Federal authorities by the California Indian Defense Association and the Federation of Women's Clubs.

The Senate committee was told:

That action has been instituted which indicates intention to dam the Klamath River despite the rejection of such a proposal by the voters of California.

That Indians have been despoiled of good land and given worthless land.

That the Indian Bureau has refused to provide the necessities of life to aged, ill and starving Indians.

That there has been lack of medical attention and indifference to suffering.

That Indian affairs have been mismanaged persistently.

That Federal authorities have refused to cooperate with county authorities in aiding indigents and Federal aid has been refused Indians living off their Reservations or attempting to support themselves by working for whites.

All or any of which, if founded on fact, should lead to a complete investigation by Congress.

Riverside city is having

Indian Bureau Despoiling Tribesmen of Natural Wealth, Speaker Tells Center

Government Bureau Assailed by John Collier of Defense Association

"Undoubtedly the coming year will see something constructive done in Indian affairs, but in the meantime the onslaught on Indian rights intensifies," John Collier of the American Indian Defense Association said at the San Francisco Center session at the Hotel St. Francis yesterday.

"There is a series of wild struggles going on to prevent outright the theft of Indian water rights in Wisconsin, Montana, Utah and Arizona. These spoliations are being pushed and indorsed by the guardian of the Indian—the Indian Bureau—making it an odd case of the guardian of a ward openly promoting legislation to despoil that which he has sworn to protect.

"Unless radical changes are made in the management of Indian affairs, in ten years it will be good-by to the Indian, for his civilization cannot resist the taking away of his children to boarding schools.

FRESNO, CALIF. — BEE
OCTOBER 6, 1923

Our Indian Record

The Indians of half a dozen western states, meeting at Winnemucca, Nevada, take the sensible position that what they want from the government is not votes but fulfilled promises. They regard the privilege of casting a ballot for the next "great white father" with a sour eye as long as they are plundered and exploited, deprived of their land and hunting rights, and generally bedeviled. And who can blame them?

Nobody. But, unfortunately, to another question—*who cares?*—the answer also is nobody. Our treatment of the Indian is notoriously disgraceful. It has never been anything else. Everybody knows it. But nobody with the power to remedy it gives a tinker's dam. Heretofore, the Indian, not having a vote, meant nothing to congress. Now he has a vote, but there are too few of him to mean anything. He gets it both ways.

Of course, it is to nobody's economic advantage to treat the Indian decently, while it is decidedly to the advantage of many people to rob him. So, under the contemporary philosophy which holds that nothing matters but economic advantage, we may expect to see the robbing go on. And before long poor Lo will have been driven from the earth into the Happy Hunting Ground, where, no doubt, he will be much better off.

The march of civilization is indeed majestic, and there is much reason for regarding it with complacency. But an occasional thought for the helpless primitive peoples being ground beneath its wheels induces several very different emotions.

INDIANS DEMAND THE FULFILMENT OF PLEDGES.

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But an occasional thought for the helpless primitive peoples being ground beneath its wheels induces several very different emotions.

DECEMBER 1, 1928

Indian Bureau Condemned

Two senators investigating the Indian bureau acquired a startling amount of information at a recent session in Riverside. Witnesses told of the inefficiency of the bureau, the abuses that marked it, the neglect and cruelty to which its supposed beneficiaries are subjected. The evidence supporting the charges would be startling if the charges were new.

The earnest men and women whose efforts have been volunteered on behalf of the Indians are not easily discouraged. They will keep up the fight, ever hoping that reform as to treatment of the wronged wards of the government finally may be brought about.

APRIL 5, 1929

Miss Haupt To Speak On Indian Conditions

Lecturer and Writer Will Tell of Investigations

In view of the publicity given by the Literary Digest of January 26 to an expose by our fellow townsman, John Collier, of the alleged incredibly atrocious practices of the Indian Bureau, Miss Hope Elizabeth Haupt should prove a drawing card when she speaks Sunday evening at 8 p. m. at the Mill Valley M. E. Church on "The Appeal of Red Man's Land."

Miss Haupt, whose home is in Washington, D. C., is a lecturer, missionary and writer for the Indians. At the request of Dr. Herman Parshall, Canon of the Episcopal Cathedral of Duluth and head of 18 missions to the Chippewas, she has spent 17 years visiting missions of every faith, Protestant, Roman Catholic, Mormon, and has made a careful study of Indians all over the country. She commends in highest terms the two superb organizations of California to fight for the rights of Indians against the powers that have been crushing them for centuries, the Indian Defense Association under the leadership of John Collier, and the Indian Board of Co-operation, whose president is Attorney J. W. Henderson.

Miss Haupt's recital of general conditions corroborates the statements made by a special investigator for Good House-keeping Magazine.

Of Miss Haupt as a speaker, some one has said, "If you want, instead of wheels that spin and hum, wheels that bite a track and arrive at a destination; if you want instead of an individual who merely prances with a bat, one who can make a 3-base hit in the ninth inning; in short, if you want a live subject and a great theme so treated that the philosophy and the psychology of it are fused into the diamond splendor of practicability, hear Miss Haupt speak on "The Appeal of Red Man's Land.'"

Indian Bureau Takes Delight in Tangling Red Men in Red Tape

THE EVIDENCE of specific abuses on the Indian reservations now being collected by a Senate sub-committee seems less important than the general evidence of fossilization in the Indian Bureau.

With slight exception—for there have been some upstanding Commissioners of Indian Affairs—the management of the Nation's Indian wards has been a record of bureaucratic incapacity, mismanagement and truckling to politicians.

The primal difficulty is the Bureau itself, a collection of Government employes in Washington trying to manage by red tape the affairs, often complicated, often delicate, of far-distant groups of strange peoples, whose psychology, environment, conditions of life and needs are as little understood in Washington as if they were Borneo tree dwellers.

The Agents, of course, are on the ground. But, assuming that an Agent happens to be something more than the nephew of a Congressman, such an Agent, be he ever so wise and competent, finds red tape a poor telephone wire to Washington, particularly when it runs blank into the bureaucratic wall. Even a good Commissioner may be helpless in the face of the petrified bureaucracy under him.

An illustration of the Bureau's wisdom may be useful. Some years ago some one put it into the head of the Bureau that the Navajos

ought to cut their hair. So the order went forth that every Navajo man must shear the long locks which he wears tied up in a psyche knot.

No question of sanitation or of any other practical matter was involved. The Navajo spends hours weekly shampooing his hair. The sole assumption on which the Bureau proceeded was that scissors had a magic to transform the Navajos presto into civilized white men.

The Navajos, proud of their psyche knots, declined the honor. Then they were informed that the occasional issues of wagons and harness would cease until they used the shears. This proving futile, the Bureau then herded all the men it could catch into its reservation jails up to their capacity and held them there, sometimes for months, trying to force them to submit to the barber.

Passive resistance beat the Bureau, which then dropped its scissors and started thinking up some other magnificent scheme to civilize the Indian by magic.

There are other sides to the Bureau's incompetence, but this one ridiculous example serves to show how little it understands its job and how easily one wiseacre who happens to get its ear can override the advice of the best-informed agents in the field.

What the Bureau needs is not a scolding, but a top to bottom renovation.

ABOLITION OF INDIAN BUREAU ON CHARGES OF INEFFICIENCY URGED

Testimony of Investigators and Indians Indicates Mismanagement and Dishonesty of Officials in Handling Indian Affairs

Abolishment of the present Indian bureau was demanded and the number of inefficient and cruel Indian agents from one reservation to another instead of dismissal or punishment, and the failure of the Indian bureau to recognize the constitutional right of the Indians, were strongly protested this morning at the second session of the investigation being held here by the sub-committee of the senate investigation committee.

Many solutions for the present bad conditions existing in the management of Indian affairs were suggested by the witnesses at the morning session. That the Indian, with proper training and education, is well able to handle his own affairs, was declared by practically every witness called. Others suggested the placing of the Indian under the department of agriculture rather than the department of the interior, where it now is; and others suggested the appointment of a board of control on each reservation or the establishment of a corporation of tribes.

That the present Indian bureau has outlived its usefulness by 25 or 30 years, was declared by all of the witnesses, including Mrs. H. A. Atwood of Riverside, whose testimony of more than an hour brought to light cases of criminal misappropriation of Indian funds; unauthorized sale of Indians' property, including valuable stock; and the antagonism of the Indian bureau to all efforts to clear up cases of mismanagement and to secure the dismissal of cruel and dishonest employees.

Mrs. Atwood was for many years chairman of Indian Welfare of the General Federation of Women's clubs, and for more than a quarter of a century has interested herself in the improvement of living conditions of the Indians, not only in the Southwest, but in all parts of the country. That she has accomplished much in this direction is evidenced by the fact that when there is great trouble for the Indians they immediately get in touch with her; and also by the fact that she is feared and cordially disliked by the Indian bureau officials.

Among the flagrant cases cited by Mrs. Atwood this morning was the recent case of the Western Navajo Indians, who wired her that their cattle were being dipped for scabies, although there was no case of scabies among the cattle. In payment for this work the fattest and best cattle were being appropriated by the officials for sale. About 800 cattle had been corralled for sale when Mrs. Atwood arrived at Tuba City, and she not only secured the release of these cattle, but later secured compensation for the cattle that had died while being driven 70 miles to the place where they were dipped.

Following her activity in the interest of the Indians, Mrs. Atwood said, Commissioner Burke of the Indian bureau came to Riverside to see her, and suggested that she could help the Indians greatly by collecting phonograph records, which he would be glad to forward to the Indians.

Lee's ferry bridge was another case cited by the witness, who testified that \$100,000 of the Indians' money, which they had asked to be used for the development of water holes, was used to construct a bridge at Lee's ferry, where it was of no use to the Indians and where a good ferry was being operated.

Mrs. Atwood protested against the reimbursable features of Indian land improvements, declaring that it is one of the most outrageous items of the entire management of the bureau.

That superintendents and officials who had misappropriated Indian funds were not prosecuted or punished, but rather were transferred and often promoted to other agencies, was strongly protested by Mrs. Atwood, who cited cases of such promotion.

Mrs. Atwood cited cases of mismanagement and incompetence of Superintendent Odle, formerly of the Yuma reservation, charging that conditions at the reservation and school were unspeakable, and that for many years Superintendent Odle was guilty of mismanagement and incompetence. Later Odle was removed and conditions have since been improved, she said.

Arrest of Indians without warrant and holding in jail without trial, were strongly objected to by the witness, who cited many in-

stances of such procedure by Indian agents.

Mrs. Atwood was threatened by Former Secretary of Interior Albert Fall while she was in Washington, she testified, when he told her that it was the policy of the Indian bureau to arrest those who went upon the Indian reservations and caused trouble. This threat, however, did not deter Mrs. Atwood from continuing her work.

Condition of the Indian children who were taken from their homes to work in the beet fields was described as terrible. Out of 44 children who were returned to their homes a year ago last September, 11 were suffering from typhoid, two had died on the way and four had been left at hospitals en route because they were too ill to travel.

A report of Miss Patterson, Red Cross nurse who investigated conditions in Arizona, has been withheld from Mrs. Atwood, although Commissioner Burke told her that if she would promise never to give publicity to the story she might see it. Miss Patterson declared to Mrs. Atwood that conditions in the Near East, where she had served, could not compare with conditions among the Arizona Indians.

Upon question Mrs. Atwood testified that she was financed by herself and her family and had not received financial support from anyone or any group.

Dr. George P. Clements of the Los Angeles Chamber of Commerce declared that conditions in the Indian bureau are impossible, and urged that Indian matters be placed under the department of agriculture. The hopeless condition of Mission Indians in California would be bettered, although Dr. Clements blamed the long years of mismanagement for the present hopeless condition of these Indians.

"The only hope for them is to make them full-fledged citizens of the United States," he declared.

He further stated that they have as much native intelligence as most whites, and have a better sense of logic. Proper care and management would make them self-respecting and would help solve the important labor problem of the United States, he said.

Bureau Outgrown Usefulness

That the Indian bureau outgrew its usefulness 30 years ago was maintained by L. J. Holzworth, a lawyer of Phoenix, who was superintendent of the Phoenix Indian school from 1905 to 1910. He urged the appointment of a board of ex-

amination, consisting of four Indians and the agent, for each reservation, where matters might be settled instead of being sent on to the bureau at Washington.

Present indignities by employees of the department are the result of the system, he said, and the only method of correcting these indignities is to abolish the system.

Thomas L. Sloane, a member of the Omaha tribe of Nebraska, now an attorney residing at El Cajon, testified to cruel and inhuman punishment of children at the Genoa school in Nebraska, where boys and girls were whipped and beaten with blacksnakes, cat-tails, and leather harness tugs.

Sloane spoke highly of the work done by D. T. Hoffman, formerly superintendent of the Southern California agency. He declared that the present superintendent, C. L. Ellis, is also superintendent of Indians in Oklahoma, and does not get in personal touch with the Indians or with the situation in the Southwest, and does not visit the Indians. Sloane declared that the Indians should become a part of the body politic of the state in which he lives, and approved the Swing-Johnson bill providing for state jurisdiction.

Dr. Allen F. Gillihan of the health department, who for 10 years was in the state department of health, described health and sanitation conditions at that time to be very bad. Housing conditions were terrible, he said, and the Indian was given as much care and protection against epidemics as a wild rabbit.

Locating of the Indians upon poor land, where they have no water and can not grow crops, was declared a general practice throughout the state of California.

The sale of land belonging to the Indians without their consent was protested by Dr. Gillihan, who said that the Indians throughout the state told him that agents had sold their land, securing the Indians' thumbprints to papers without telling them the purpose. Indians are learning not to cultivate their lands too greatly, because if the land seems favorable it is taken by the

whites and the Indians are forced to move.

Walter V. Woelke, formerly editor of Sunset magazine, was the final witness of the morning. He testified to conditions as he had investigated them, declaring that the present system must be improved and urging that white people must bear in mind that the Indian has an entirely different social idea from the white, and that there are great differences in character and tradition between the two races. He urged the carrying on of a new and improved program through other agencies which are already established, such as the national or state public health departments, state educational systems, and so forth.

He advocated the formation of an Indian board of control, consisting of a representative of the department of agriculture, from the Smithsonian Institute and the attorney-general, to work out some plan for the betterment of the native American, the Indian.

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FRIDAY LUNCHEON FLASHES

"Our Billion Dollar Scandal—The Indian"

By Congressman James A. Frear

October 22, 1926

"NEARLY one-half million dollars has been spent from the funds of one Indian tribe—whose death rate is five times that of San Francisco—against their will, and in spite of the fact that not one person in a hundred who uses the bridge that this money has been spent for is an Indian. Fine

—Today a reservation Indian may be placed in jail for any length of time by the Indian agent and tried before a judge hired by that agent at ten dollars a month—without any jury, bail, appeal or court review.

—Hundreds of thousands of Indians are forbidden by law to sue in a court, or to hire a lawyer without the approval of the Indian Bureau.

—An Indian was recently kept in a 6x9 cell in a Wisconsin jail for six months under unspeakable conditions with a ball and chain attached to him. He had committed a misdemeanor.

—Indian children 8 to 10 years old are torn from their parents and taken

COL. LANDON SPEAKS ON CHINA Stresses Smuggled Arms and Ammunition as Causes of Chinese Chaos

"CHINESE military anarchy depends largely on the importation of arms from abroad," said Col. Edwin Landon before the Section on International Relations.

The Chinese arsenals cannot supply ammunition for more than a few days of campaigning and the life of a rifle in the hands of a Chinese soldier is very brief. If the importation of military material from abroad was stopped most of the soldiers would shortly be unmanned.

Nine of the powers agreed in 1919 to prevent their nationals from supplying arms to Chinese but smuggling is common and there can be little check on it until the powers establish a unified patrol. This can readily be established and shut off all importation except those from Russia.

Details of the plan were discussed by the Section in arranging for a report to the Club.

to schools hundreds of miles away. Many are returned home two or three years later with tuberculosis.

—The Commissioner of Indian Affairs has charge of over a billion dollars' worth of Indian property and is accountable to no court.

—Bright intelligent Indians have told me that they have not had an opportunity to see their children for three years.

—I would rather be a serf in Russia under the old regime than to be one of our American Indians under present conditions—and I have personally seen both.

—Senator Johnson has introduced a bill in Congress to provide that the money belonging to the Indians in California shall be given to the State of California to have it administered as it should be. This bill should be supported.

"Find how far politics reaches into the administration of justice, and you will be well on the way to a solution of the crime problem."—Captain Duncan Matheson.

"The sport life of this country is a great emotional safety valve."—Rabbi Louis I. Newman.

The Redman - Sept. 1913.

Comment of Our Contemporaries

INDIANS IN OFFICE

THIS may well be termed the Indians' administration. The appointment of Peru Farver to be the head of Armstrong Academy, an important Indian School in Oklahoma, is particularly interesting because the place became his through the appointment of Jabe E. Parker, his predecessor, as Registrar of the Treasury. Both are Choctaw Indians and both a credit to their tribe and race.

The registership, for many years held by negroes, is the most important office ever intrusted to an Indian by the United States Government, and the decision to promote Mr. Farver, who had demonstrated his ability as an instructor in the Armstrong Institute, speaks well for the judgment of the new Commissioner of Indian Affairs.

Our guardianship of the red man calls for a curious combination of sympathy and common sense. An Indian necessarily must have a superior appreciation of the needs of his own people, and if, like Mr. Farver and Mr. Parker, he has been able to make a success of pedagogy, his equipment for an important part in solving the Indian problem need not be questioned.

The Secretary of the Interior, Mr. Lane, has approached the Indian problem in a sympathetic and resolute fashion, apparently resolved to avoid the pitfalls of sentimentalism on one hand and the injustice of white exploitation of the red man's interests on the other.

The Indians have dwindled in number. Thanks to the Government's inattention, once flourishing tribes have

been decimated by disease and impoverished by grafters. But splendid specimens of the race survive and are finding it more easy to assimilate with the white population that has ingulfed the hunting grounds. In giving well-qualified Indians a share in the responsibilities of government the administration is doing a handsome thing.—
Washington Post.

THE EFFICIENT INDIAN.

The following editorial shows the great interest in this country in practical education, based on common-sense methods. Superintendent Friedman is slightly misquoted, as he stated that the number of graduates from the Carlisle School who have made good compared in number and accomplishment most favorably with the graduates of our universities and colleges. The editorial in *The Telegraph* is an able and thoughtful one, containing suggestions which are reflected in the recent discussions led by prominent college authorities—*Editor.*

THE average Indian, upon graduation from the Carlisle School, is more efficient than the average university graduate, Superintendent Friedman, of the Carlisle institution, told the Engineers' Society last evening. We are quite ready to believe him.

When the Carlisle Indian sets his face toward home and the Golden West with his sheepskin in his hand, or decides to try his fortunes in the East, he is not puffed up with the thought that now he is master of all the thought of the ages, that he begins where father is leaving off or far beyond, and that the world owes him a bank president's salary immediately upon leaving college. The Indian has been trained in a hard school. He knows how to work with his hands as well as with his brain, and it has been impressed upon him

that he goes out into the world to face a handicap which only the hardest kind of toil on his part will enable him to overcome.

Carlisle turns out a product well able to care for itself in any circumstances and which books of the school will show, notwithstanding the fact that on the pages of the yellow press of the country every Indian who goes wrong is heralded as a "graduate of Carlisle." The truth is that Carlisle has a far better record in this respect than has many a college of wider scope and influence.

Carlisle prepares her pupils for immediate contact with a "give and take" world. Too many of the white man's colleges are apparently founded on the proposition that their students are to live the lives of the idle rich, with incomes sufficient to meet all wants out of college as they have been met by fond parents within. This is, perhaps, the biggest fault of the college to-day. Mr. Friedman might do the country a service by preaching Carlisle methods throughout the educational institutions of the land.—*Harrisburg Telegraph*.

THE INDIANS FRIEND

WHEN Mr. Lane, the new Secretary of the Interior, told the Indians who called to pay their respects that he knew the plains and the mountains and the big-game country, he gave us an interesting glimpse of his background. That he knows railroads may be guessed from his experience on the Interstate Commerce Commission, and that he is not un-

familiar with many phases of the Indian question may also be inferred from his antecedents. At any rate he assured his callers that he and "the great man in the White House" would see that they do not suffer injustice.

Now that the days of the tomahawk and the war dance have gone by and the Indian is no longer a menace anywhere, he is beginning, even on the old Western frontier, to awaken in the white man something of the sentimental interest which has long been felt for him in New England.—*Editorial, Boston Globe*.

THE ADVANCE OF LO

LO the poor Indian, with his untutored mind, is pushing the marauding pale faces away from the pie counter and taking unto himself the choicest pastry thereon. President Wilson has appointed Gabe F. Parker, a full-blooded Choctaw Indian of Oklahoma, to be Registrar of the Treasury.

The signature of the Registrar of the Treasury must appear on all currency put into circulation during his term of office. He is the wampum chief of a hundred millions of people, and the wampum he signs will be good wampum, as were the guahang shells and copper nuggets and inscribed birch bark of his ancestors.

The Indians in Oklahoma are carrying the scalps of the white Democrats at their belts. United States Senator Robert L. Owen is part Cherokee. Congressman Carter is part Cherokee and part Chickasaw. There are Indian State, county, and city officers

Indian Office: Suggestions & Policies

80/18
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INDIAN OFFICE TRANSFERS ALLOTMENT
OF LIVING INDIAN

A few years ago an allotment was granted a young Indian named Andrew Jackson at Pinoleville Reservation near Ukiah. He had a cabin on his allotment and lived there with his family two or three years, when he left to work on the ranch of J. L. Smith of Calpella, where he still lives as foreman of the ranch. Last year the Indian Agent from Sacramento (Darrington), finding that he was not on his allotment, gave the allotment to another Indian.

(1925)

Published by The Johns Hopkins Press, Baltimore, Md.,
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THE OFFICE OF INDIAN AFFAIRS

BY

LAURENCE F. SCHMECKEBIER

591 pages. Octavo. 1927. Cloth. \$3.

Since the foundation of the government the relation of the United States to the Indians has, in the language of the Supreme Court, "been an anomalous one and of a complex character." In addition to the legal and constitutional questions and the difficulties inherent in adjusting a primitive people to changed conditions, the problem has been complicated by geographical, political, and economic influences.

In 1926 the activities of the government on behalf of the Indians required the services of over 5000 persons and the annual expenditure of over \$15,000,000, part of the money being donated by the United States and part being funds of the Indians. All of this work is under the direction of the Office of Indian Affairs, which has control over the property and funds of Indian tribes and the education, health, property, and economic advancement, of all individual Indians who live under tribal relations or who have been given allotments of land but have not been declared to be competent to manage their own affairs.

The present volume presents a history of the administration of Indian Affairs, a discussion of the status of the Indian and of the reasons for government activity in his behalf, a detailed account of the several activities and problems, a description and detailed outline of the organization of the Office of Indian Affairs, statistics relating to Indians, the general laws governing Indian relations, and statements of appropriations. The volume will be of value to those interested in the Office of Indian Affairs as an important unit in the administrative branch of the National Government as well as to those particularly concerned with the welfare of the Indian and the steps taken for his advancement and protection. The scope and arrangements are indicated in part by the extract from the table of contents given on the next page.

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

MAR 15 1923

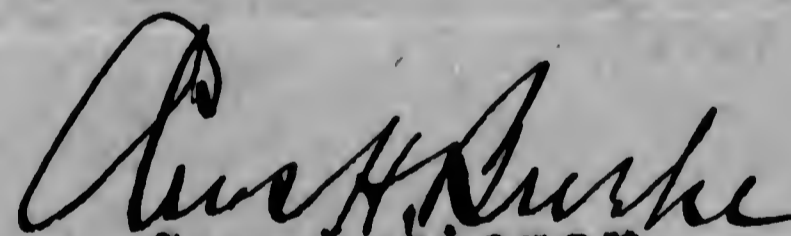
Dr. C. Hart Merriam,
1919 Sixteenth St.,
Washington, D. C.

Dear Dr. Merriam:

I am just in receipt of your letter of March 14th and am glad to note that aside from the advice against handling poisonous snakes in the message to the Indians and what you term an "implied threat" at its close, you are favorably impressed with both circulars. I feel that the spirit of these circulars is justified and not in excess of the reasonable and helpful privilege that the Government may and should exercise towards its wards, or parents' towards their children. The responses from the field thus far are very reassuring that the results will be beneficial.

No doubt there are wholly honest differences of view between us concerning the snake dance, and rather than pursue any further discussion on that point by correspondence, I shall be glad to have you come to the Office at any time and look over information on file relating to the subject.

Sincerely yours,


Commissioner.

[Carbon]

March 14, 1923

Hon. Charles H. Burke
Commissioner Indian Affairs
Washington, D.C.

My dear Mr. Burke:

Thanks for your letter of the 13th instant in reply to my inquiry of the 9th as to the application of your recent order to the Hopi Snake Dance, my previous information having been derived solely from newspaper clippings.

The last paragraph of your letter stating, "I doubt if the civilization we uphold can justify a moral sanction of this performance", raises the old question, "Am I my brother's keeper?" In view of the large number of radically different religions of the world, in view of the well known fact that the so-called Christian religion represents the belief of only a fraction of the world's population, and in view of fair play and freedom in the matter of religious beliefs, is it right for the adherents of any particular type of religion and of any particular code to try to force their particular beliefs down the throats of those who believe otherwise?

I have read with interest the copies you were good enough to enclose of your Message to Indians dated February 24, and supplement to circular 1665 dated February 14, the latter embodying the views of certain missionaries in the Sioux country. In regard to the latter I quite agree with you that items 2 and 3

C.H.B.--#2

are far too bigoted and drastic to be tolerated by a liberal self respecting Government.

Your message strikes me as in the main very good, though I do not concur in your statement that it is not right to handle poisonous snakes and that such things "should be put aside and forgotten". Nor do I like to see the implied threat at the bottom of the last paragraph. But your letter to me, aside from its reference to the Snake Dance and the use of the word superstitious before ceremonials, strikes me as admirable and agrees entirely with my own feeling in the matter and with my advice to Indians during the past 25 or 30 years.

While writing, you will pardon me if I allude again to a matter concerning which I wrote you about a year ago, namely the use of the word Digger in a tribal sense, as applied to one or more Indian tribes. You of course are aware that there is not and never has been any tribe of this name, which has been applied promiscuously for about 75 years to dozens of tribes in various parts of the West from Wyoming, Idaho, and Utah, to the Pacific Coast, and that it is not only meaningless but derogatory and obnoxious to the Indians themselves. Why therefore should the Government continue the use of a term which has in fact no excuse for existence and which the Indians regard as insulting? You of course do not need to be told that this is the sort of thing that creates or intensifies a feeling of hostility toward your bureau.

Very truly yours,

C. Hart Merriam

REFER IN REPLY TO THE FOLLOWING:

27472
5-1100

4
ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

19686-23

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

MAR 13 1923

*Recd. & Ansd.
March 14, 1923*

Dr. C. Hart Merriam,
1919 Sixteenth St.,
Washington, D. C.

Dear Dr. Merriam:

In answer to your inquiry of March 9, as to whether my recent order, as reported in the newspapers, is intended to prevent the August snake dance of the Hopi, I am inclosing herewith copies of the circular to Superintendents and the letter to the Indians so that you may judge for yourself as to any announced prohibition.

What we are trying to do now is to get the Indians everywhere to take a little more interest in making their own living; to give more time and serious purpose to the productive work, thrift, and economy that are fundamental to individual and family prosperity. We are working out an industrial program embracing a period of several years, and our Superintendents are relying largely on the virtue of organizing the Indians into associations and chapters officered and functioned by themselves and representing as far as possible their voluntary awakening to the necessity and dignity of self-support. We want the Indians to get this outlook and to build this ambition into the traditions they pass on to later generations. We are trying to have them see that they cannot do the hard, honest work that saves any race from extinction if they spend so much time at dances and pow-wows and superstitious ceremonials. We are hoping to see them voluntarily lead out towards ideals that make for independent living, and many of our Superintendents are greatly encouraged in this effort.

The circulars inclosed are in the same direction. They are not prohibitive, but persuasive. They seek a mutual understanding and a closer cooperation between the Indians and the Government's representatives.

As to the snake dance, of the Hopi, which you term "their most sacred religious ceremony", I doubt if the civilization we uphold can justify a moral sanction of this performance and make no effort to save any good in it from that which is bad and revolting.

Sincerely yours,
Charles F. Burke
Commissioner.

DEPARTMENT OF THE INTERIOR

Supplement to
Circular No. 1665.

Office of Indian Affairs

Washington

February 14, 1923.

Indian Dancing.

To Superintendents:

At a conference in October, 1922, of the missionaries of the several religious denominations represented in the Sioux country, the following recommendations were adopted and have been courteously submitted to this Office:

- when!
1. That the Indian form of gambling and lottery known as the 'ituranpi' (translated 'give away') be prohibited.
 2. That the Indian dances be limited to one in each month in the daylight hours of one day in the midweek, and at one center in each district; the months of March and April, June, July, and August being excepted.
 3. That none take part in the dances or be present who are under 50 years of age.
 4. That a careful propaganda be undertaken to educate public opinion against the dance and to provide a healthy substitute.
 5. That a determined effort be made by the Government employees in cooperation with the missionaries to persuade the management of fairs and 'round-ups' in the towns adjoining the reservations not to commercialize the Indian by soliciting his attendance in large numbers for show purposes.
 6. That there be close cooperation between the Government employees and the missionaries in those matters which affect the moral welfare of the Indians."

These recommendations, I am sure, were the result of sincere thought and discussion, and, in view of their helpful spirit, are worthy of our careful consideration. They agree in the main with my attitude outlined in Circular No. 1665 on Indian dancing.

OK

Probably the purpose of paragraph 2 can be better fulfilled by some deviation from its specific terms according as circumstances or conditions vary in different reservations. Likewise, the restriction in paragraph 3 may reasonably depend upon the character of the dance, its surroundings and supervision. I would not exclude those under 50 if the occasion is properly controlled and unattended by immoral or degrading influence.

The main features of the recommendations may be heartily endorsed, because they seek lawful and decent performances free from excess as to their length, conduct, and interference with self-supporting duties; because they urge cooperation towards something better to take the place of the vicious dance, and because they suggest the need of civilizing public sentiment in those white communities where little interest is taken in the Indians beyond the exhibition for commercial ends of ancient and barbarous customs.

over

After a conscientious study of the dance situation in his own jurisdiction, the efforts of every Superintendent must persistently encourage and emphasize the Indian's attention to those practical, useful, thrifty, and orderly activities that are indispensable to his well-being and that underlie the preservation of his race in the midst of complex and highly competitive conditions. The instinct of individual enterprise and devotion to the prosperity and elevation of family life should in some way be made paramount in every Indian household to the exclusion of idleness, waste of time at frequent gatherings of whatever nature, and the neglect of physical resources upon which depend food, clothing, shelter, and the very beginnings of progress.

Of course, we must give tact, persuasion, and appeal to the Indian's good sense a chance to win ahead of peremptory orders, because our success must often follow a change of honest conviction and a surrender of traditions held sacred, and we should, therefore, especially gain the support of the more enlightened and progressive element among the Indians as a means of showing how the things we would correct or abolish are handicaps to those who practice them. We must go about this work with some patience and charity and do it in a way that will convince the Indian of our fidelity to his best welfare, and in such a spirit we may welcome cooperation apart from our Service, especially from those whose splendid labors and sacrifices are devoted to moral and social uplift everywhere.

The conditions in different reservations or sections of the Indian country are so unlike in important respects that I hesitate to attempt improvement by an administrative order uniformly applicable, and am, therefore, sending with this an appeal to the Indians of all our jurisdictions to abandon certain general features of their gatherings, as indicated, and to agree with you as to the general rules that shall govern them.

I feel that it will be much better to accomplish something in this way than by more arbitrary methods, if it can be done, and therefore desire you after one year's faithful trial to submit a special report upon the results with your recommendations.

The accompanying letter should be given the widest publicity possible among the Indians, and if necessary additional copies can be supplied for that purpose.

Please acknowledge the receipt hereof.

Sincerely yours,

CHAS. H. BURKE,

Commissioner.



DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

A Message

TO ALL INDIANS:

Not long ago I held a meeting of Superintendents, Missionaries and Indians, at which the feeling of those present was strong against Indian dances, as they are usually given, and against so much time as is often spent by the Indians in a display of their old customs at public gatherings held by the whites. From the views of this meeting and from other information I feel that something must be done to stop the neglect of stock, crops, gardens, and home interests caused by these dances or by celebrations, pow-wows, and gatherings of any kind that take the time of the Indians for many days.

Now, what I want you to think about very seriously is that you must first of all try to make your own living, which you cannot do unless you work faithfully and take care of what comes from your labor, and go to dances or other meetings only when your home work will not suffer by it. I do not want to deprive you of decent amusements or occasional feast days, but you should not do evil or foolish things or take so much time for these occasions. No good comes from your "give-away" custom at dances and it should be stopped. It is not right to torture your bodies or to handle poisonous snakes in your ceremonies. All such extreme things are wrong and should be put aside and forgotten. You do yourselves and your families great injustice when at dances you give away money or other property, perhaps clothing, a cow, a horse or a team and wagon, and then after an absence of several days go home to find everything going to waste and yourselves with less to work with than you had before.

I could issue an order against these useless and harmful performances, but I would much rather have you give them up of your own free will and, therefore, I ask you now in this letter to do so. I urge you to come to an understanding and an agreement with your Superintendent to hold no gatherings in the months when the seed-time, cultivation of crops and the harvest need your attention, and at other times to meet for only a short period and to have no drugs, intoxicants, or gambling, and no dancing that the Superintendent does not approve.

If at the end of one year the reports which I receive show that you are doing as requested, I shall be very glad for I will know that you are making progress in other and more important ways, but if the reports show that you reject this plea, then some other course will have to be taken.

With best wishes for your happiness and success, I am

Sincerely yours,

Commissioner.

February 24, 1923.

The 8 crimes recognized by the
Federal Statutes are:

1. Murder
2. Manslaughter
3. Rape
4. Assault with intent to kill
5. Assault with a dangerous weapon
6. Arson
7. Burglary
8. Larceny

February 3, 1926.

Hon. Scott Leavitt, Chairman
Committee on Indian Affairs
House of Representatives.

My dear Sir:

In reading H.R. 7826, recently introduced by your Committee, I find myself unable to see any reason for the proposed legislation; in fact I regard the contemplated bill as decidedly pernicious.

Human nature is human nature, among Indians as well as whites. The so-called Reservation Courts and Reservation Judges are appointed by the Superintendent and naturally are sure to do his bidding. And it is a melancholy fact that in a very large number of cases the will of the Superintendent, enforced by his local police and judges, is in opposition to the will of the best men of the tribe.

The authority given the Reservation Police and Judges affords a rare opportunity for the gratification of personal spite. Can it be possible that the Congress of the United States will authorize these Judges to imprison citizens of the United States for unnamed offences for a period of six months without the possibility of appeal or redress?

Now that Congress has conferred citizenship on all Indians, why not allow them the privileges of citizenship? Why

provide penalties for unspecified acts not considered worthy of mention in our legal codes?

Section 4 abolishes "Indian custom marriage and divorce." Congress has already legislated on this subject with undue severity. The laws and customs of the various tribes are sufficient. Why should our Government exhibit such haste in forcing Indians to abandon their own laws and customs? Why should we exhibit so much impatience? There is no necessity for this kind of legislation. Time is working fast enough. For years, as a result of contact with whites, particularly where the children are educated in schools, the change from the Indian's point of view to the white man's point of view has been steadily going on, and in a few more years in the natural course of events there will be little left of the old-time beliefs and practices. It is the everlasting hurry of the Indian Office to force Indians to turn into white men immediately that has resulted in the all but universal hatred between the Government officials and the Indians.

Very truly yours,

C. Hart American

ABSTRACTS FROM MEMORANDUM
BY JOHN COLLIER, DATED JANUARY 29, 1926, ON H.R. 7838

A Bill to extend the civil and criminal laws of the United States to Indians, and for other purposes.

Sec. 2. Refers to reservation courts established by the Indian Bureau. The judges are named by the local superintendent and can be removed by him at his discretion. They are his subordinates.

"The impropriety of allowing such pseudo-courts to levy sentences up to six months imprisonment does not need to be dwelt on. Instead of giving statutory recognition to these unconstitutional courts and enlarging their powers, there had better be a statute abolishing them."

Sec. 4. "The summary abolition of Indian custom marriage and divorce is a radical step which would have confusing and far-reaching results, being a complete reversal of the congressional policy through all past time. Such a step ought not to be taken unless there is practical evidence of the need for it; also it should not be taken without first learning what degree of confusion, if any, it would create among Indian tribes. It is suggested that the anthropologists of the Smithsonian Institution be called into counsel on this subject.

"This much can be said; the customs of marriage and divorce among the Pueblo Indians and Navajo Indians, more than 50,000 in number, are distinctive. They are highly defined and are enforced and obeyed within the tribes. They produce a greater faithfulness to the marriage contract than can be demonstrated in any white country and at least as great a parental care for offspring. The marriage and divorce customs of these tribes, involved as they are with

the schemes of inheritance through the clan, are an integral part of the social and moral fabric of the tribe's life. To illegalize them with no assurance whatever of being able to provide a moral or even legal substitute of effective kind, would be a grave act."

Sec. 6. "See Sec. 4. The two go together. Undoubtedly hundreds of Navajo Indians would quickly become subject to the heavy penalties in this section."

"THE BIG OMISSION OF THIS BILL."

"The bill authorizes these Indian judges and superintendents' courts, giving them severe powers and leaving their verdicts unappealable. It requires no procedure of them.

"But what is more astonishing, is that the bill makes no effort to name or describe the offenses which they shall have jurisdiction over. So far as this bill indicates, the courts may be wholly arbitrary and may construe as a crime anything they desire, fining or imprisoning with no appeal.

"Of course the statute leans on the existing practice by which the Commissioner of Indian Affairs makes regulations and these have the effect of statute law until Congress overrules them. The regulations are numerous -- there are many hundreds of them. Most of them are inaccessible in any conveniently printed form. They may be changed without notice and are wholly arbitrary being nothing but administrative orders. Thus the Indian Commissioner is left in position of moral legislator for the Indians. The way in which he has abused this authority in the past is well known. The most picturesque case being his enactment of a code of crimes of

conscience -- a code of religious crimes, which code has been enforced by Indian superintendents and judges.

"The fact that the Bureau of Indian Affairs puts this measure forward as an administration measure is very revealing concerning its actual present practices with the Indians and its conception of how to deal with Indian life. The bill does not even contain a constructive suggestion. Its ideas would have been appropriate to the days of absolute monarchy."

"ARE THERE CONDITIONS REQUIRING LEGISLATION?"

"Decidedly there are. The situation can be stated as follows:

"1. The federal courts have jurisdiction over seven crimes named by statute with specific reference to Indians. These crimes are murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny. Crimes by a white person on a reservation are fully covered by federal and state laws including liquor crimes.

"2. 'Except when prohibited by statute, the Indian laws and customs control in all internal affairs of the tribes. Their laws and proceedings are on the same footing as those of other territories of the United States. etc.' Kappler, Vol. 3, page 725, with numerous references.

"This means that where the tribal customs and tribal organization still exist, offenses not dealt with in the federal statute are left to the tribe. Arrest, trial, and punishment and the code of laws governing are in the hands of the tribe.

"3. Historical causes and the past and present policies of the Indian Bureau and sometimes of Congress, have confused the tribal customs and destroyed the tribal organizations in many tribes.

These tribes are in the anomalous position of being subject to neither federal nor state nor to tribal laws except the offenses dealt with in federal statute. The Indian Bureau has consistently ignored the congressional mandate that tribes be allowed to govern their own internal affairs. It has done this even among tribes as thoroughly organized as the Arizona and New Mexico Pueblos. It has maintained Indian judges and in their absence has dictated the tribal internal affairs through the superintendent.

"The policy has been unevenly applied as must be the case where government is purely personal or based on informal or unpublished regulations.

"There is nothing acute in the situation and nothing new that it should be considered whether the position of the Indians ought not to be regularized as follows:

"1. Jurisdiction over all felonies to be in the federal courts.

"2. The laws describing crimes (other than those named in the present statute) and misdemeanors of the states to be made applicable to Indians.

"3. Jurisdiction to be in the hands of Commissioners of the United States court, with appeal to the U. S. District Court, and jury trial in all appropriate cases when demanded.

"4. Exceptions. Where tribal organization still exists, the handling of offenses below the felony class should be left to such tribal organizations, and the tribal code of conduct should be allowed to prevail. This has been the law in the past, though as stated above it has been administratively ignored in many cases by the Indian Bureau.

"Also as stated in the body of this document, neither the state nor an omnibus federal law should be applied to marriage, divorce, and inheritance in the Indian tribes without a scientific inquiry into (a) whether there is any practical need for it and (b) whether the effects would be demoralizing rather than regularizing.

"The Walsh Bill (Senate 1038) partially embodies the above suggestions. Consideration should be given as to whether the first section of that bill ought not to be amended by eliminating mention of marriage; and whether there should not be an amendment making it clear that the enforcement of the health and educational laws is not to be put on the proposed U. S. court Commissioners. The law might be amended to give complete sanitary jurisdiction over the reservations to the states, but it must be noted that this jurisdiction would then be concurrent with that of the Indian Bureau until such time as the function of health administration is turned over to the states.

"The Walsh Bill also fails to make any provision for the operation of tribal customs and the enforcement by the tribal authority of the tribe's laws."

"CONCERNING THE PREVALENCE OF TRIBAL CUSTOM AND THE AUTHORITY
OF TRIBAL OFFICERS"

"One not acquainted at first hand with Indian life or with the publications of anthropologists may fail to see the importance of respecting the tribal customs and authority.

"It is a fact that among tribes probably aggregating 100,000 in membership, the tribal laws and tribal authority are still pre-

servng a degree of law and order unknown in the surrounding white communities. Any investigation will demonstrate that the tribal customs are persuasive upon the Indians and that the tribal authority is obeyed. Any investigation will show that the net outcome is what Americans and their lawmakers would call moral, law-abiding, honest, etc. etc.

"The Tribal custom has this great virtue, that it is law willingly obeyed rather than law enforced against resistances -- enforced by an authority who has not got the cooperation of the public. Why should the United States at this particular time want to multiply the friction creating laws?

"To illegalize the Indian customs and tribal authority will be to throw away much that is best in Indian life. Perhaps the greatest hurt done by the Indian Bureau in past years, has been its illegal crushing of these tribal customs and authorities. One of the great tragedies in Oklahoma was the destruction of tribal authority by congressional acts.

"There is a very long history of governmental policy in this matter of tribal customs and authority, which should not lightly be disregarded. At least there should be called into consultation such authorities on Indian life as, for example, the following: F. W. Hodge of the Museum of the American Indian, Clark Wissler of the Museum of Natural History, Dr. C. Hart Merriam of the Smithsonian (now in Washington)."

John Collier.

69TH CONGRESS
1ST SESSION

S. 2708

IN THE SENATE OF THE UNITED STATES

JANUARY 16 (calendar day, JANUARY 23), 1926

Mr. HARRELD (by request) introduced the following bill; which was read twice
and referred to the Committee on Indian Affairs

A BILL

To prohibit Indians or other persons from assaulting or forcibly interfering with officers or employees of the United States Indian Service in or on account of the performance of their official duties.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That any Indian or other person who shall forcibly assault,
- 4 resist, oppose, prevent, impede, or interfere with any officer
- 5 or employee of the Bureau of Indian Affairs of the Depart-
- 6 ment of the Interior in the execution of his duties, or on
- 7 account of the execution of his duties, shall be fined not
- 8 more than \$1,000, or imprisoned not more than one year,
- 9 or both; and whoever shall use any deadly or dangerous
- 10 weapon in resisting any such officer or employee of the

1 Bureau of Indian Affairs of the Department of the Interior
2 in the execution of his duties, with intent to commit a
3 bodily injury upon him or to deter or prevent him from
4 discharging his duties, or on account of the performance
5 of his duties, shall be fined not more than \$2,000, or impris-
6 oned not more than five years, or both.

7 SEC. 2. Whoever shall rescue, or attempt to rescue,
8 or cause to be rescued, from the custody of any person
9 employed or commissioned by the Commissioner of Indian
10 Affairs or the Secretary of the Interior to enforce law or
11 maintain law and order, any person lawfully arrested by
12 such officer, or shall aid, abet, or assist such person to
13 escape from such officer, shall be fined not more than \$1,000,
14 or imprisoned not more than six months, or both.

15 SEC. 3. Whoever shall rescue or destroy any article
16 or property which has been lawfully seized by any such
17 officer or employee of the United States Indian Service,
18 or shall, by destruction or otherwise, prevent its use as
19 evidence, shall be fined not more than \$2,000, or imprisoned
20 not more than one year, or both.

85108

A BILL

Department of the Interior
Bureau of Indian Affairs
Washington, D. C.
1911

69TH CONGRESS }
1ST SESSION } S. 2708

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By Mr. HARRELD

JANUARY 16 (calendar day, JANUARY 23), 1926
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FORM NO. 100-100000-100
 1950

A BILL

Printed by the Government Printing Office
 1950

69TH CONGRESS }
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By Mr. HARRELD

JANUARY 16 (calendar day, JANUARY 23), 1926
Read twice and referred to the Committee on
Indian Affairs

69TH CONGRESS
1ST SESSION

H. R. 7826

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1926

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

To extend the civil and criminal laws of the United States to Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That hereafter the civil and criminal laws of the United
4 States shall apply to Indians, and the United States Dis-
5 trict and Circuit Courts shall have jurisdiction of crimes
6 and misdemeanors or other violations of Federal statutes
7 committed within Indian reservations by or against Indians.

8 SEC. 2. The reservation courts of Indian offenses
9 shall have jurisdiction, under rules and regulations pre-
10 scribed by the Secretary of the Interior, over offenses com-

mitted by Indians on Indian reservations, for which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment or labor or a fine of \$100 or both.

SEC. 3. The term "Indian reservations" shall be construed to include Federal reservations for Indians created by treaty, agreement, Act of Congress, or Executive order; and shall include individual Indian trust allotments during the trust period; restricted fee allotments during the period the restrictions against alienation are in force; and Indian reservations opened for settlement and sale for the benefit of Indians while title thereto is in the Indians, or in the United States in trust for Indians.

SEC. 4. Indian custom marriage and divorce are hereby abolished from and after one year from the date of the approval of this Act and thereafter Indians shall comply with the marriage and divorce laws of the State within which they reside: *Provided*, That Indian custom marriage and divorces between Indian wards living on Indian reservations actually consummated in good faith prior to the date this section goes into effect shall be recognized as valid: *Provided further*, That the children of Indians who attempt to marry by Indian custom after this section becomes operative shall, for all purposes, be taken and deemed to be the legitimate offspring of their respective parents; but the

father of such children shall not inherit any of their trust property unless there shall be no other heirs, lineal or collateral: *Provided further*, That the Secretary of the Interior, in his discretion, is hereby authorized to make such provision for the care and maintenance of the mother of such children out of any trust property, real or personal, belonging to or inherited by the father of such children, by sale, lease, or other disposition, as in his judgment may be advisable.

SEC. 5. Superintendents or other officers in charge of Indian reservations or schools, when authorized by the proper State officers, may issue marriage licenses to Indians residing under their jurisdiction.

SEC. 6. Any Indian who knowingly violates section 4 of this Act, upon conviction, shall be fined not more than \$200 or imprisoned for not more than one year or by fine and imprisonment in the discretion of the Federal court.

SEC. 7. While living on Indian reservations, Indians shall be subject to the jurisdiction of the United States district and circuit courts and the reservation court of Indian offenses: *Provided*, That this Act shall not apply to the New York Indians, the Osage Indians, or the Five Civilized Tribes.

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22 New York Indians, the Osage Indians, or the Five Civilized
23 Tribes.

RECEIVED
MAY 11 1880

A BILL

To extend the civil and criminal laws of the United States to Indians, and for other purposes.

By Mr. LEAVITT

JANUARY 16, 1926

Referred to the Committee on Indian Affairs and ordered to be printed

69TH CONGRESS
1ST SESSION

H. R. 7826

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1926

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- 2 *tives of the United States of America in Congress assembled,*
- 3 That hereafter the civil and criminal laws of the United
- 4 States shall apply to Indians, and the United States Dis-
- 5 trict and Circuit Courts shall have jurisdiction of crimes
- 6 and misdemeanors or other violations of Federal statutes
- 7 committed within Indian reservations by or against Indians.
- 8 SEC. 2. The reservation courts of Indian offenses
- 9 shall have jurisdiction, under rules and regulations pre-
- 10 scribed by the Secretary of the Interior, over offenses com-

1 mitted by Indians on Indian reservations, for which no
2 punishment is provided by Federal law: *Provided*, That
3 any one sentence of said courts shall not exceed six
4 months' imprisonment or labor or a fine of \$100 or both.

5 SEC. 3. The term "Indian reservations" shall be
6 construed to include Federal reservations for Indians
7 created by treaty, agreement, Act of Congress, or Execu-
8 tive order; and shall include individual Indian trust allot-
9 ments during the trust period; restricted fee allotments
10 during the period the restrictions against alienation are in
11 force; and Indian reservations opened for settlement and
12 sale for the benefit of Indians while title thereto is in the
13 hands of Indians, or in the United States in trust for Indians.

14 SEC. 4. Indian custom marriage and divorce are hereby
15 abolished from and after one year from the date of the
16 approval of this Act and thereafter Indians shall comply
17 with the marriage and divorce laws of the State within
18 which they reside: *Provided*, That Indian custom marriage
19 and divorces between Indian wards living on Indian reser-
20 vations actually consummated in good faith prior to the date
21 this section goes into effect shall be recognized as valid:
22 *Provided further*, That the children of Indians who attempt
23 to marry by Indian custom after this section becomes opera-
24 tive shall, for all purposes, be taken and deemed to be the
25 legitimate offspring of their respective parents; but the

1 father of such children shall not inherit any of their trust
2 property unless there shall be no other heirs, lineal or collat-
3 eral: *Provided further*, That the Secretary of the Interior,
4 in his discretion, is hereby authorized to make such pro-
5 vision for the care and maintenance of the mother of such
6 children out of any trust property, real or personal, belong-
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8 lease, or other disposition, as in his judgment may be
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FOR DEPOSIT
IN THE
OFFICE OF THE
COMMISSIONER
H. B. 5850

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By Mr. LEAVITT

JANUARY 16, 1926

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RECEIVED
JAN 10 1888
H. B. 5886

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By Mr. LEAVITT

JANUARY 16, 1926

Referred to the Committee on Indian Affairs and ordered to be printed

FOUNDER OF CARLISLE SCHOOL TELLS STORY

In an article under the caption "Indians Chained and Unchained" published in the "Red Man," General Pratt tells the following story of the founding of the Carlisle School at Carlisle, Pa.

The school was converted into a Government hospital in 1917 and has not since been reorganized.

"Experience had shown that Indians, if properly handled, could easily and quickly be merged and assimilated in their interests with our white population, from whom they could best get the higher and better ideas of life they all needed to become useful citizens. These views led to warm discussion between General Armstrong and me, until I finally declared I could not conscientiously remain on duty at Hampton, but was willing, if held to duty in Indian education, to undertake a school especially for Indians and there work out my own ideas.

I went to Washington and suggested to Mr. Schurz (then Secretary of the Interior), that Carlisle Barracks, then unoccupied, located in the rich Cumberland Valley in Pennsylvania, whose industrious people would be an example for the pupils, might be utilized for such a school.

Secretary Schurz quickly said, "If Secretary McCrary will give us Carlisle Barracks, we will put an Indian School there under your charge." Secretary McCrary agreed to turn over Carlisle Barracks if there were no legal objections, and if there were legal objections he would ask Congress to remove them.

It was found that public property could not pass to other departments without congressional action, and the Secretary had a bill drawn to transfer Carlisle Barracks to the Interior Department for an Indian School. Duplicate copies were made, and Governor Pound, a member of the House from Wisconsin, and Governor Pendleton, a member of the Senate from Ohio, introduced the bill in the House and Senate. The bills were referred to the Indian Committee of the two branches of Congress, and Governor Pound was appointed by the House Committee to report to the Committee on the feasibility of it. A report was written, and then the bill, with a favorable recommendation from the Committee, was returned to the House and placed on the calendar.

I was then instructed by the Secretary of War and the Secretary of the Interior how to "lobby" for its passage. The Secretaries sent me daily to explain to members of the House and Senate, and kept me in Washington several months. It was then found that the bill was so far down on the calendar it could not be reached that session. Secretary McCrary then invented a way to go ahead and establish the school. He said:

"We have the bill before Congress with a favorable report from the committee, and I will submit it to General Hancock, who commands the Department in which Carlisle Barracks is located, and if in his judgment Carlisle can be spared, I will then ask General Sherman's opinion, and, if he

FOUNDER OF CARLISLE

(Continued from page 9)

thinks well of it, we will turn Carlisle over for an Indian School, pending the action of Congress on the bill."

General Hancock endorsed, "Carlisle Barracks will never again be required for military purposes, and I know of no better place for such an experiment." General Sherman endorsed with his own hand, "approved, providing both Indian boys and girls are educated at said school."

The Secretary then issued the order, and in September, 1879, Carlisle Barracks was tentatively given to the Interior Department for an Indian School, awaiting the favorable action of Congress, and I was detailed under the law in the Army bill.

The barracks had been abandoned as a station for troops for seven years and held under the care of an army officer with a sergeant and a few men to protect the buildings. The Indian Bureau instructed me to proceed to Rosebud and Pine Ridge, Sioux Agencies in Dakota, and gather seventy-two boys and girls, thirty-six from each, and to bring from tribes in the Indian Territory enough more to make one hundred and twenty. Hampton loaned most of the former Florida prisoners to assist in the beginning. Repairs to the barracks were immediately started, and I went to Rosebud and Pine Ridge Agencies for pupils. Eighty-four boys and girls—twelve more than the number authorized—were secured from these two Agencies and brought to Carlisle. Among them were five children of Spotted Tail and many of the others were children of the most noted chiefs at those Agencies. We reached Carlisle October 6, 1879.

Before starting to Dakota I had sent Etahdleuh, one of the Florida prisoners, to the Kiowa and Comanche Agency after pupils, and Making Medicine to the Cheyenne and Arapahoe Agency. These two, with the help of Agents Miles and Haworth, made up good parties in which I was much gratified to find a number of the children of my Florida prisoners, which proved their confidence in their former jailor.

Mr. A. J. Standing, whom I had known as a successful teacher among the Indians at the Wichita and Fort Sill Agencies, was engaged to assist at the school. He was then in Kansas, and secured a party from the Pawnees. The children from these tribes enabled the school to open November 1, 1879, with 147 pupils, twenty-seven more than was authorized.

The expenses of the school were paid the first three years from what was called the "Civilization Fund," which was several hundred thousand dollars accumulated for the purpose of general Indian civilization from the sale of Osage Indian lands in Kansas. The success of the school led the Interior Department to help it grow, and after three years Congress had confidence and passed the bill permanently to use Carlisle Barracks, and then began to appropriate for its support. Congressional favor continued its growth, until at the age of twenty years it numbered an average yearly attendance of over a thousand pupils from more than eighty tribes.

tical miners who are trained in mine rescue and first-aid methods, and who give practical instruction in these methods to a number of miners at each mine.

In case of a mine disaster in any coal field, the most available rescue car is immediately rushed to the

scene, and the mining engineer, aided by these trained, practical miners, investigates conditions in the mine while it is still filled with poisonous or explosive gases. He also aids in the rescue work and in the development of more efficient rescue methods.

Am. Conservation, Vol. 1, no. 1, Feb. 1911.

IS THE INDIAN WORTH CONSERVING?

THREE HUNDRED THOUSAND HUMAN BEINGS AND AN AREA TWICE THE SIZE OF NEW YORK ARE THE NATURAL RESOURCES INVOLVED—AN IMPORTANT CONSERVATION PROBLEM FOR THE NATION

BY

ROBERT G. VALENTINE

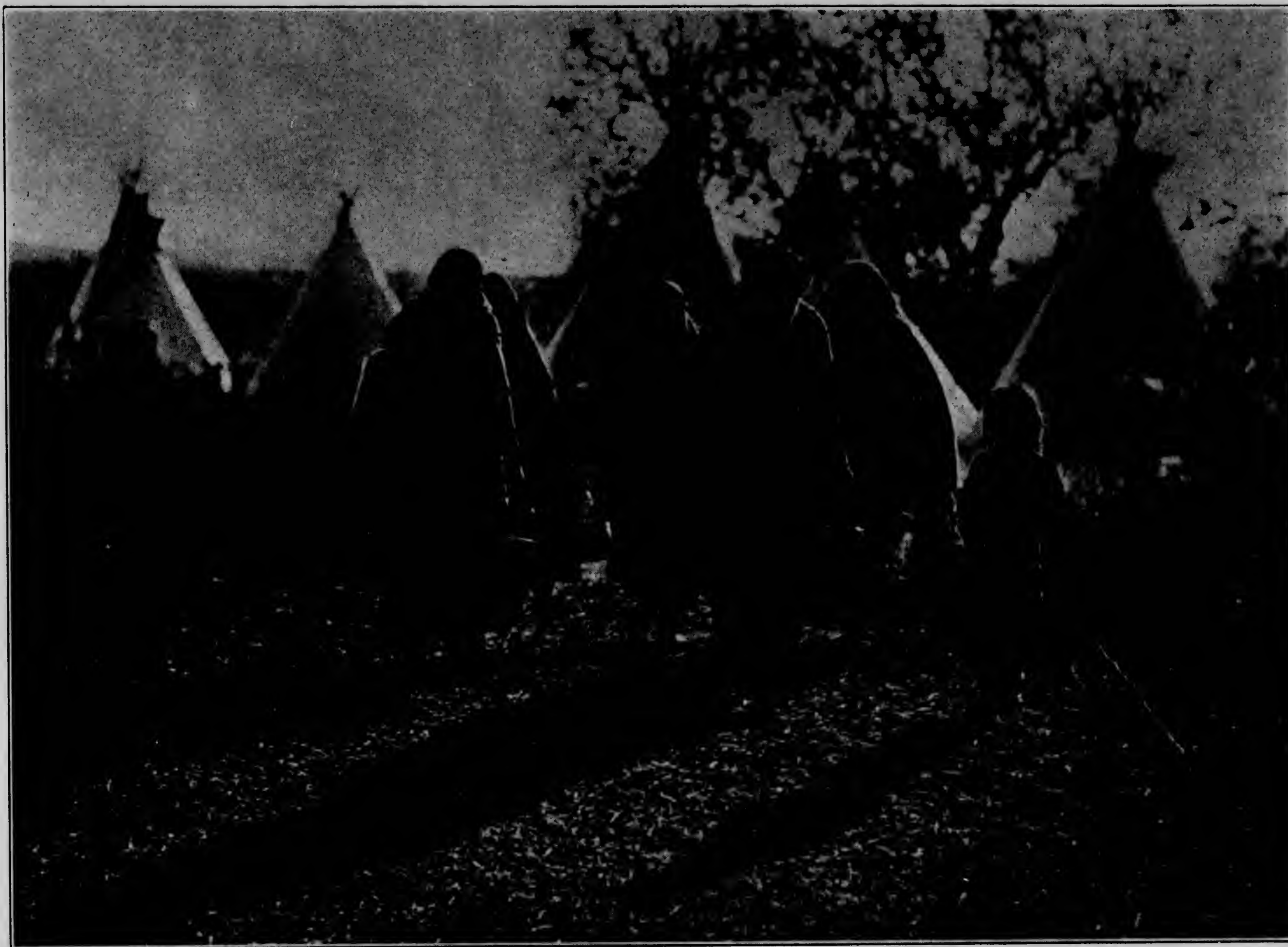
UNITED STATES COMMISSIONER OF INDIAN AFFAIRS

CONSERVATION as related to Indians is subject to the same definitions as Conservation generally.

Conservation is a human standard. It is a standard affecting, both immediately and ultimately, men, women and children, lying at the basis of their lives and determining to a very great extent, like any other premise, their physical, mental, and moral development. Conservation is, first of all, a human standard in the same sense that ability to pay one's bills is a human standard. Just as ability to pay one's bills means personal solvency, and is the essential structure on which rests the individual's physical and mental well-being and his consequent activities in the moralities and the arts, so Conservation lies at the basis of a nation's solvency, and its true development in all ways.

The word "economics," as applied to natural resources, might have been

better, but it would have carried with it too much the idea of the closest student of political science and social economy. The word "Conservation," being new, on the other hand, carried with it too frequently something of the idea that it was the cry of the dreamer. But rightly understood, conservation of natural resources is only the same vital principle which the farmer understands when he has had "a good year"; which the manufacturer understands when he has completely turned his stock, and his trial balance shows a profit and his plant is in better condition than ever before for his next year's output; which the banker understands when, having paid the dividends on his stock, he smiles at his surplus and undivided profits; which the merchant, or the transportation manager understands when by cutting his price, or lowering his rate he knows he can make more money. Conservation is, then, nothing at bottom but common sense and dol-



CHEYENNE WATER GIRLS

From photo, copyright, 1911, by R. A. Throssel

All the heavy menial work of the camp is done by the women; they are the burden bearers

lars and cents. It is a simple business proposition. It is the essence of economy and efficiency—two words which have become the administrative and political slogan of the present Administration, and which, when thoroughly understood by the country at large, will mean the confidence of the people in the Administration.

The net result of Conservation in any nation depends on that nation's political character. If it be an absolute monarchy, Conservation is simply the best possible handling of all the resources of that nation for the benefit of the monarch; if it be a political autocracy, then for the political autocrat; if it be a business autocracy, then for the business autocrat; if it be a democracy, then for the benefit through equal opportunity of each man, woman, and child.

Conservation is thus not only a plain business problem of dollars and cents but also, in this country, a sociological rather than an individualistic business—its basis being the Declaration of Independence and the Bill of Rights. It means economy and efficiency as the basis for true citizenship, and seeks to develop those essential qualities and powers in its citizens.

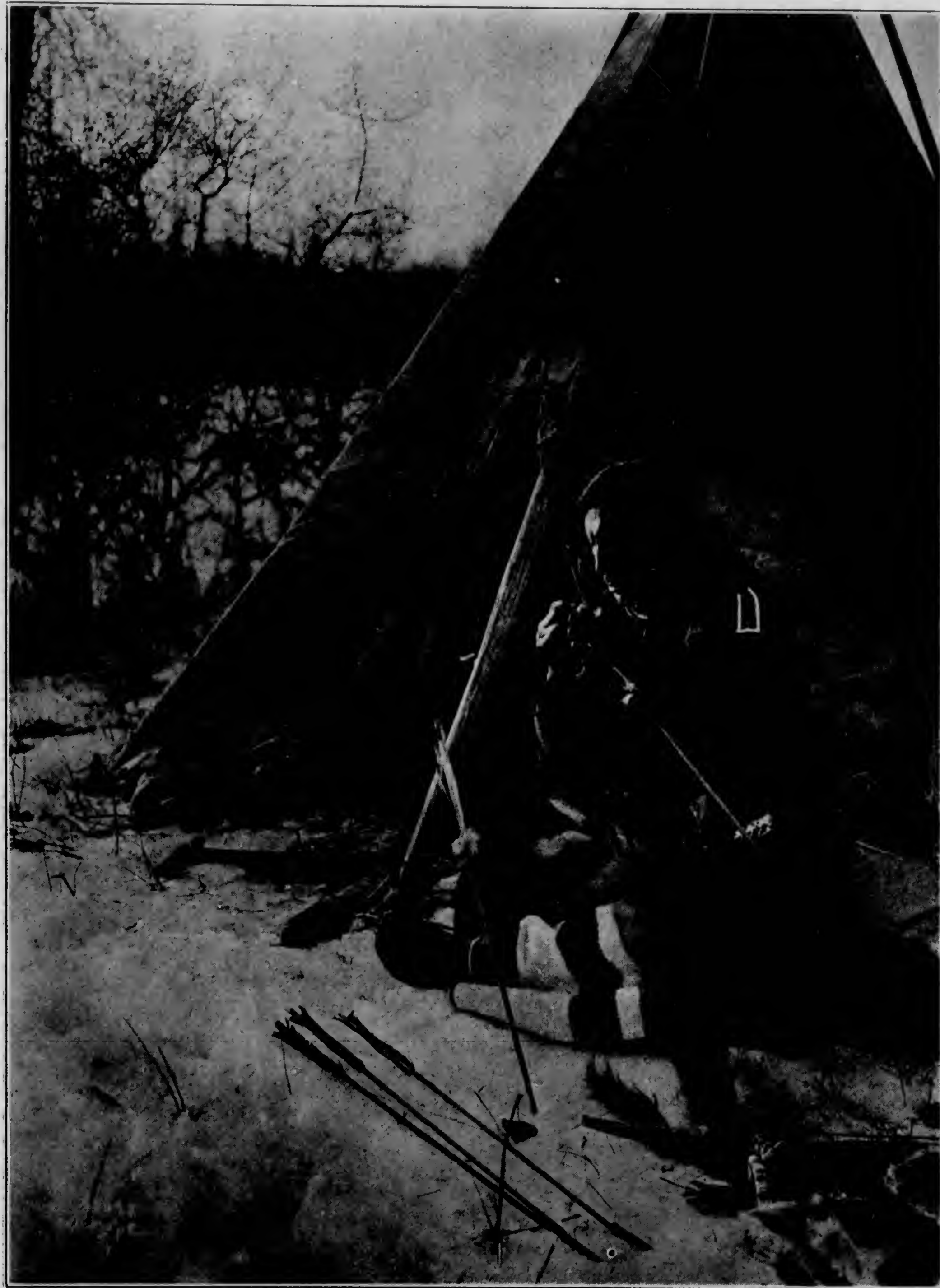
CONSERVATION FOR INDIANS

Of peculiar interest are the specific problems of Conservation as seen in the development of the American Indian among other citizens. In the United States is taking place the most far-reaching experiment in human breeding which the world has ever seen. Most of the nations of the earth are contributing to this experiment. The settlers of America have left in approximately their original number the inhabitants they found. They have assigned to these 300,000 Indians, now increasing in numbers, the legal or equitable title to lands in the aggregate equal to twice the size of the State of New York. These lands are scattered through twenty-six of our States, in

areas ranging from a few acres to areas larger than some of the States. On these lands are found all the problems of the four great divisions of the Conservation movement—agriculture, water development, forests and minerals. But in this case, the Government is dealing directly and consciously with the problem of conserving not only these material resources, but at the same time with the problem of conserving the physical, mental and moral characteristics of the human beings owning them. So that here the conservation of the original country and of the original inhabitants go hand in hand.

MAKING THE INDIAN SELF-SUPPORTING

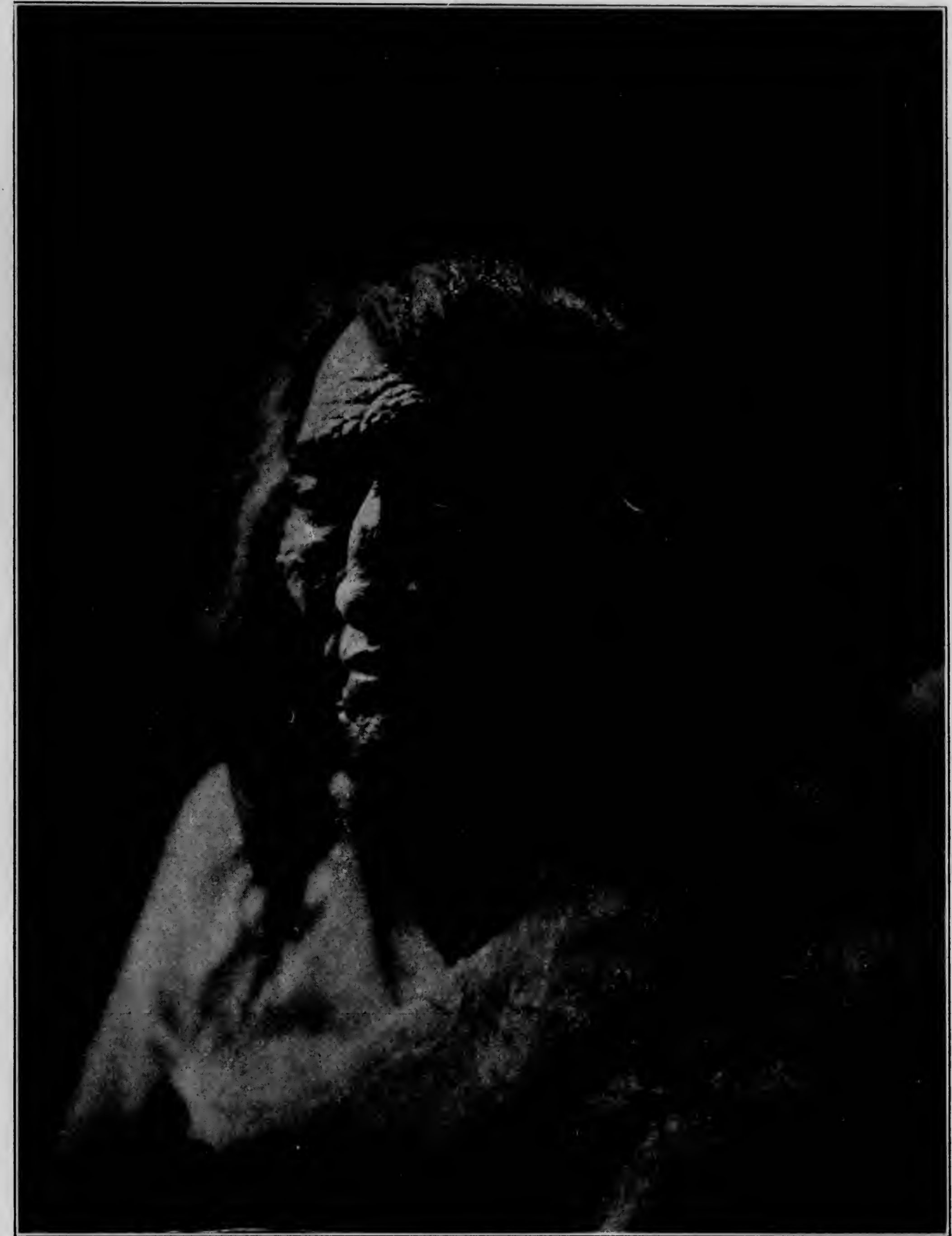
The first thing we try to do with a group of Indians is to make them economically self-supporting in their homes. Over 31,000,000 acres have already been apportioned in the form of individual holdings to 190,000 Indians. And to become solvent farmers is the great hope of the bulk of the Indians. One hundred and eighteen thousand acres are being irrigated by Indians. In this work of irrigating land, in sections where the rainfall is not sufficient, we come in contact with all the problems of Conservation as affecting reclamation projects and water-power sites, all of which afford means of instruction to the Indians in agriculture and the trades. At the present session of Congress, money has been appropriated to make water-power and reclamation surveys in accordance with an act passed last spring, authorizing the withdrawal of water-power and reservoir sites, so that they can be handled to the advantage of all the Indians interested in them. These surveys must be made on nearly all reservations where there is running water. They extend through about twenty States and cover millions of acres of land, some of them far removed from present means of transportation. Our knowledge of the waters of the dif-



From photo, copyright, 1910, by R. A. Throssel

THE ARROW MAKER

As weapons, the bow and arrow are almost discarded among Indians; but the curio hunter still furnishes a lingering market for the wares of the skillful workman



From photo, copyright, 1906, by R. A. Throssel

AN AGED INDIAN

Indians of the old type often live to a great age, as the result of their out-of-door life, and in spite of its hardship and exposure

ferent reservations is scanty, but we know, for example, that on the Warm Springs Reservation, in Oregon, there is water power sufficient to operate every wheel in the State of Oregon for years to come.

From the leasing of these water powers should come money enough to go far toward making the Indian reservations self-supporting. To this source of revenue is added the revenue which can be obtained through leasing the great mineral resources on many of the reservations, from the 8,000,000 acres of timber land and the letting of grazing and other privileges. Here we have, potentially, funds enough to make all the reservations self-supporting, and to assist us in wiping out in a few years the \$10,000,000 or so a year which is now appropriated out of the general fund of the Treasury for the purpose of giving the individual Indians that opportunity and training which shall make them self-supporting citizens.

In considering the natural resources on Indian reservations we must remember that they are not in the same status as the natural resources on the public domain. The public domain belongs to all the people of the United States, and conservation of its resources for the benefit of all the people can go ahead, if handled sanely, not only without injury, but with the utmost possible benefit to private rights. But the natural resources on Indian reservations do not belong to all the people of the United States, but only to the Indians who live on the reservations. The Government acts as trustee of these properties for the Indians; consequently the Government must take the same attitude that any guardian would take with reference to natural resources on the property of his ward. In the administration of the natural resources of the Indians, the first regard must be had for the rights of the Indians. In conserving the Indians' resources, this principle should constantly be kept in mind: What-

ever the natural resource may be, its fullest use can be had only through absolute fairness to the ward's title in it, with such concessions on his part to the public interest as any owner of large resources needed and used by the public should make.

THE END TO PAUPERIZATION IN SIGHT

The surest way of saving the Indians is to teach them to be the first to use their own natural resources; and in doing this we become intensively concerned with all the problems of utilization of natural resources and with the fact, which also concerns the country generally, that to fail to utilize the resources as fast as they are needed in our economic development is as bad as to waste them by misuse. It is with this end in view that the Government, although dealing with a race supposed to be backward in the ways and means of our modern civilization, has taken the lead in industrial education remarkably. The day school, where the Indian children go each morning from their homes, is not merely the district school with which most of us are familiar—a schoolhouse with seats and books and nails on which to hang hats and coats—but it has, as a part of its equipment, gardens and farm yards for the boys, and laundries and sewing-rooms and kitchens, for the girls; and as fast as the communities around these schools are entered by white settlers, these schools are opened to both whites and Indians; and, in the meantime, the Indian children are urged into white schools. Thus, the two races are mingling over their school books.

THE INDIAN AT WORK

And this brings us to the final question: Is the Indian himself, as well as his resources, worth conserving from the point of view of our national development? The answer to this question—and it comes from no mere philanthropist or sentimentalist who talks about the "noble red man"—is found in the fact that the big Roosevelt



A PUEBLO IRRIGATOR

Nearly two hundred thousand Indians own their own farms

Dam in Arizona, to be dedicated March 18 by Colonel Roosevelt. and which will make possible the irrigation of 200,000 acres in the Phoenix Valley for white settlers, could hardly have been built in anythink like the time, or at anything like the cost had it not been for Indian labor; that the Santa Fe Railroad pays Indian laborers \$1.25, as against \$1.00 to Mexicans, and that about 300 young

Indians are earning from \$2.00 to \$3.90 a day in railroad shops. As the Indians learn to substitute *our* economic necessities and wants for their own older necessities and wants which the progress of time has lost to them, they are proving not at all the lazy and unwashed beings that many people have thought them, but diligent and efficient laborers in our national economy.



From photo, copyright, 1907, by R. A. Throssel

AN INDIAN BURIAL SCAFFOLD

Laws or Rules governing
Indians or Reservations

Send copy to Francisco Patencio, Palm Spgs.



Wireless

By HENRY ANDERSON LAFLER

THE HIGH STARS GLIMMER IN THINE IRON NET,
AND WINDS GO WHIMPERING ALONG ITS WIRES;
VAST ON THE DARK THY TITAN BULK ASPIRES—
A WATCHER ON A LONELY PARAPET!
AND FAR, FROM HIDDEN ISLES IN OCEAN SET,
INVISIBLY, YET THRALL TO THY DESIRES,
THEY COME, ON WINGS NOR STORM NOR DARKNESS TIRES—
WORDS THAT THE FAR-OFF HEARTS OF MEN BEGET.

GAUNT HARVESTER OF DESPERATE GULFS OF NIGHT,
STRANGE WINNOWER IN WIDE DIM VALES OF AIR,
WILT THOU YET GARNER BY THY MYSTIC MIGHT
SOME WORD TO STILL OUR ANCIENT LONG DESPAIR?—
A WHISPER FROM THE INFINITE?—A BREATH
CAUGHT FROM THE FAR UNFATHOMED GULF OF DEATH?



COPYRIGHT BY F. A. RINEHART

Hist Mokh'-e-tav-ah (Black Heart), a Sioux warrior

SUNSET



THE MAGAZINE OF THE PACIFIC AND
OF ALL THE FAR WEST

VOLUME XXIV

NUMBER 6

JUNE, 1910

Making Good Indians

Problems that Demand Co-operation of Citizens and Government

By ROBERT G. VALENTINE

United States Commissioner of Indian Affairs

The Great Chief of the three hundred thousand American Indians, distributed today throughout this country, is the Commissioner of Indian Affairs. The present commissioner, Mr. Valentine, is the successor in office of Francis E. Leupp, whose record in advancing the conditions of the Indians was a far-cry in advance of all predecessors. To Mr. Leupp's policy the present commissioner is in a measure committed, but he has a decided policy of his own—a policy that demands the co-operation and earnest attention of all good citizens. Here is his first statement of his plans and policy, to be followed later with other articles dealing with the conditions at the various agencies, and the urgent demands of the present. It is a strong plea for rational treatment:



YEARS ago when I first "went West," one of the things that impressed itself most upon me was the building by a railroad of a spur line to a hogpen. There were other hogpens of course, but it was that initial pioneer hogpen which, by proving its case, was responsible for the others and consequently for the railroad. The man who raised those hogs needed those few acres in order that he might win himself standing room on the earth.

To hold it he needed the profit from the hogs. The railroad needed that traffic to pay

dividends. The county and state and the Federal Government needed that development of property that it might pay for the protection and help of all citizens with less burden to the individual citizen. Such is the true circle of economic development.

The neighboring hogpens, plus the neighboring alfalfa fields that were grown to feed the hogs, soon became the basis of the social life of that neighborhood which brings in all the forces of true happiness on top of a sound economic footing; and for the better securing of this economic and social life, the political life of that neighborhood developed and ultimately assisted largely, through its representatives, in the wider based political life of the nation, on the true handling of which the ultimate welfare, even of that tiny community, depended.

There is no farmer, no railroad man, no social organizer, no first-rate politician but responds more or less unconsciously to the elemental romance in all this, which is none the less romance because it is founded upon cold hard profits in dollars and cents. Only successful men, none of the weaklings, have place in true romance.

An opportunity of some years to be, either in person or through the handling of affairs at Washington, among similar scenes of development in most of the great states of the West, makes me appreciate particularly an invitation to speak through a magazine that stands for all things Western. While it is true that I do not know as much of Montana as one who lives there, I know as much or more of Arizona than that man. Similarly, I know as much of the state of Washington as a resident of the southern part of California, and so on; and the strong marks of these experiences lead me to feel on firm ground in speaking of things Western. Although I am only proud of hailing from Massachusetts, and in spite of the fact that I know from somewhat extended life in the city of New York, that it is perhaps of all the cities of the United States the most provincial, I have had peculiar opportunities to observe that this whole country of ours is wonderfully homogeneous and that the bulk of the people who are really doing things, east, west, north and south, have the same standards and think alike, despite all the attempts of agitators to raise sectional lines.

The life of the three hundred thousand Indians scattered chiefly through more than twenty of these Western states is not a vital part of the economic or social life of the city of Washington, nor is it directly related in any of its most vital aspects, to the Federal Government. Indian Affairs, in their ultimate effect on the population of the United States, bear directly only on the citizenship of the states where the Indians are; and in the few decades in which the Federal Government will still maintain direct control of the bulk of Indian Affairs, this great fact must never for an instant be lost sight of. All true handling of Indian Affairs, therefore, must be Federal and state handling of them. It is the local communities where each of these groups of Indians must live as neighbors that are intensely concerned.

Perhaps the chief step which we have recently taken along the right lines in this direction of vital state interest is the establishment of competency commissions. Many of the Indians, through the handling of their lands and moneys and by means of the education they have received both by books and at jobs, have become ready to take their place in the average citizenship of the states. The question up for decision is as to the competency of any particular individual. No two cases can be decided on just the same grounds. Hitherto we have handled this business largely on the recommendations of the local superintendent at the reservation where the particular Indian lives, depending from necessity largely on his judgment in deciding the case at Washington. I have felt that even with the straightest and broadest gauged superintendent on the ground, our action was too narrowly based. He could not properly represent all the interests involved, and out of the necessities of his position, might often lose sight of broader principles in the immediate facts before him. To remedy these administrative defects, we have established on the Omaha Reservation in Nebraska a competency commission, made up of the local superintendent in charge, standing for all that is best in the protecting, guiding hand of the government; of one of our most broad-gauged traveling inspectors who would bring to the particular problem a wide range of other experiences; and, best of all in my judgment, a high-class citizen of the state of Nebraska, who would judge the case from the point of view of the best interests of the state.

If the interests of the state are not concentrated in some such man to represent its real welfare on this competency commission, the personal and sometimes selfish interests of individual citizens of the state are likely to obscure the question, shutting out the real ultimate interests of the state and the community. For example, A or B or C, one or all, want to get control of that Indian's land. C and D want to sell him liquor. E and F and G want to give him credit, all together and separately representing forces which will not only injure that particular Indian, but which will vitally injure that community in that if they have their will, the community will have as a part of itself, not a self-respecting,

self-supporting citizen, but a pauper, or a drunkard, or a vagabond as a burden on its tax-rolls. The member of the state on the competency commission is bound to see deeper than these immediate interests of some of his fellow citizens, and see that, while all the ordinary competitive forces in a community which try out the fiber of citizens, whether red or white, must be given reasonable play, the stronger elements must not be allowed to play on the weaker to an unfair degree. The credit of the state and the welfare of the community is even more on trial than the ability of the Federal Government as a guardian.

The bearings of all this will become increasingly clear as I go on to other matters. The principle here to keep in mind is that, while the Federal Government should not weaken any of its wards by undue protection and not in any sense by coddling, it should go slowly in turning them loose. We are now establishing a competency commission similar to that at Omaha on the Kiowa agency in Southwestern Oklahoma; and I feel that commissions are greatly needed at Yakima in the state of Washington, and Umatilla in the state of Oregon; and I am now talking over with the delegations in Congress from those states and with my other acquaintances in them, these questions with a view to selecting the best possible man in each state to represent, on this commission, the best interests of those states.

Most closely allied to the true determination of competency are the various questions connected with the sale of lands not needed as land by Indians. I have, in many discussions in Oklahoma and elsewhere, placed my views on this question pretty clearly before the public. Briefly they are that the land of any given Indian falls into two parts—what he needs as land for the purposes of raising crops, and that part of his land which is simply valuable to him as property. This property part I am in favor of selling at the earliest possible date to bona-fide settlers. In this way, we shall open thousands of acres of valuable agricultural land to full development and bring in the white citizen; and by thus putting large quantities of land on the tax-rolls, bring in better school facilities and all other social advantages. Incidentally, one of the great advantages of this course will be largely putting an end to the

leasing of Indian lands. From the point of view of the states, I find general agreement to my proposition that the lessee is not as desirable a citizen as the actual settler; and from the point of view of the Indian, the lessee is almost an unmixed evil. The best interests of the Indian on the land he needs as land are subserved by having an actual settler next to him, and his welfare is seriously threatened at its source by his being in the position of a landlord, receiving rents for which he has done no real work himself. A very large part of the so-called idleness and laziness of Indians is due to this easy money which comes from leasing. By selling this land at a fair price and either turning the money received once for all over to the Indian, if he is competent enough, or handling it for his benefit, we are at once serving the best interests of the states and the Indians.

This leads me to our methods of handling Indian funds. The three hundred thousand Indians of the United States have to their credit, either as actual cash or as obligations on the part of the government, approximately \$50,000,000. Of this amount about \$43,000,000 belongs to the various tribes and about \$7,000,000 is already segregated to the credit of individual Indians. No one thing would more facilitate a speedy and true settlement of Indian Affairs than getting *all* these tribal funds segregated to the credit of individual Indians, thereby cutting substantially the last fiscal bond that ties the individual up to the old tribal relation. Of the money that is already to the credit of individual Indians, \$4,500,000 is even now on deposit in one hundred and twenty-one national banks scattered throughout the states where the Indians live. This, in itself, is a sound economic advantage to a state as well as to the Indians, and all the rest of Indian funds should be deposited likewise at the earliest practicable day. As to such of this money as is now in national banks, the administrative course of the Federal Government with regard to the best interests, both of the states and the Indians, is plain. In many cases, Indians who might not be competent to sell their lands themselves, are competent to handle the proceeds of the sale, and in these cases their bank accounts should be turned over to them for their unrestricted handling. Where they are not yet competent to do

this, the government should handle this money for their benefit.

With respect to our present method of handling the funds in bank of children or of old or sick Indians, the course of the government has met with almost universal approval. With the old, the chief problem is to give them the benefit of their money while they are still on earth rather than hold it for their heirs, and it is the custom to pay out to these, five, ten, twenty or more dollars a month according to the needs in each particular case. The funds of the children are either spent for their benefit while they are minors or conserved against the time of their coming of age. But the course of the government with regard to the funds of non-competent but able-bodied Indians has been rather widely misunderstood. Formerly, even these able-bodied Indians received regularly ten dollars a month in cash. They also received, from time to time, their lease rentals which were formerly paid over to them direct instead of being banked for them. The result was that thousands of able-bodied Indians in communities where they could easily have got work were relieved from all daily necessities of food and clothing. Naturally, like perfectly healthy human beings, they didn't see the need of working. Most of us would not work if our daily needs were thus provided for. It is only a few of us who acquire the habit of work, and would work, whether we needed to or not. We felt that this situation should be put an end to—that ultimately after their funds were all gone, these Indians would be up against having either to work or go hungry and unclothed unless they turned beggars or thieves, and it seemed well to put the screws on them so that they would get some real experience while they still had money enough left to make true use of it after they had gained this experience. We consequently have begun in as reasonable a way as we could, and not too rapidly to say to able-bodied Indians who could get a job that they should not draw on their bank accounts for food or clothing; that they could have all the money they needed to build houses, improve their lands, buy stock, farming tools, etc.

The result of this, of course, was a strong protest from many sections of the country, but these protests, when analyzed, resolved themselves mostly not into protests from

the Indians themselves, but from people around the reservations who found some of their customary incomes thus reduced or cut off. The net result, however, of the plan as far as it has already worked out, has been to put more Indians to work than have ever yet been at work. If an Indian is able-bodied and can't get a job, he can draw his money for such time as he is enforcedly idle, of course; but he can't get it simply in order that he may be idle. I said to a merchant in Oklahoma the other day:

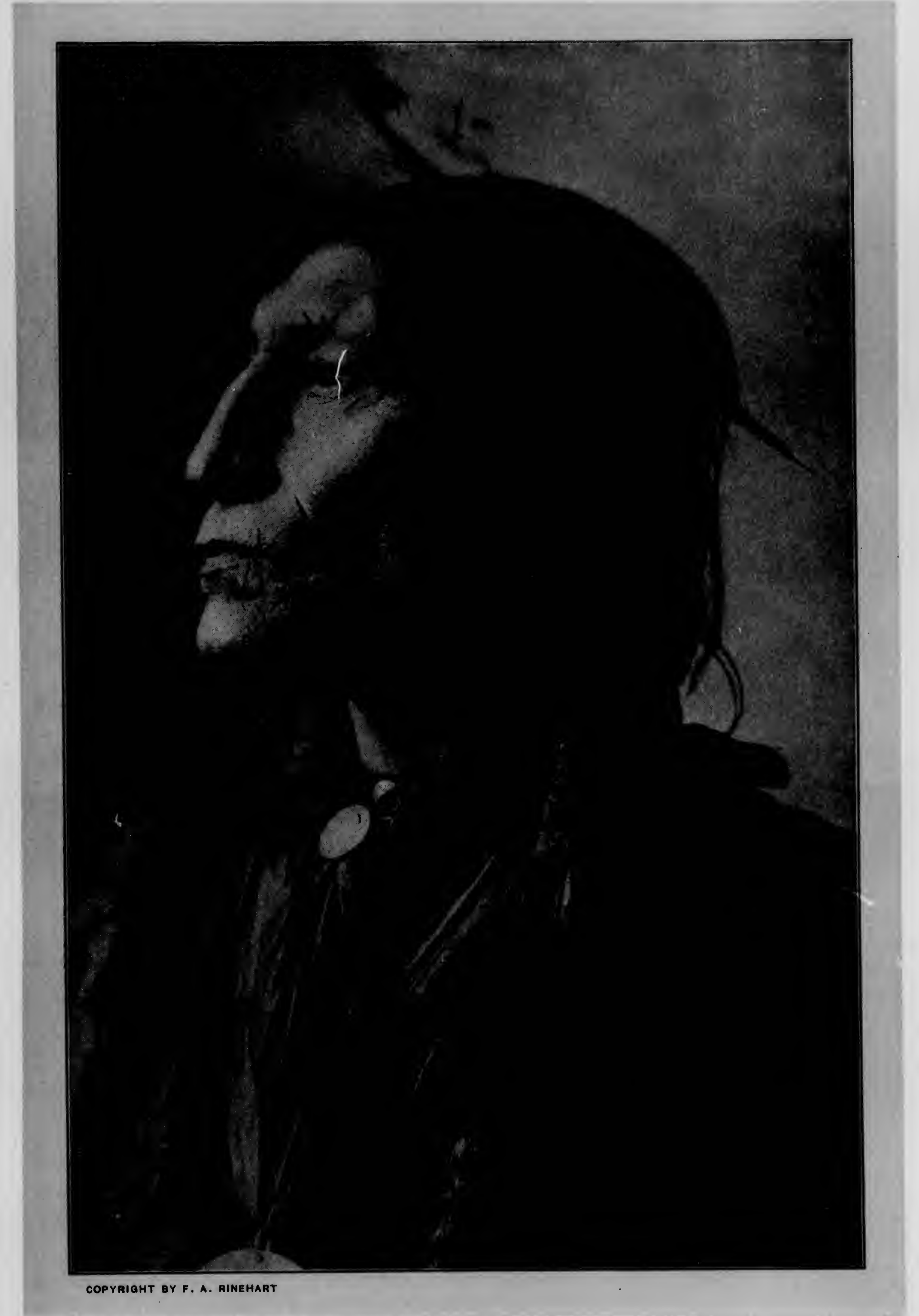
"If you really have the interests of your own town at heart, when an Indian comes into your store and asks for credit, you won't give it to him. If he is in real need, there is a perfectly clear way open to him to supply that need with cash. But if you extend him credit, you are simply injuring him as you would injure your own child by letting him run into debt or base his life on a credit system before his knowledge of values had become sufficient, and his character fortified enough to keep him from living beyond his income. There is no heavier burden Indians bear morally as well as economically, than the burden of debt. They are still children in the matter of money."

This trader said to me:

"What you say hits my own business hard, but you're right."

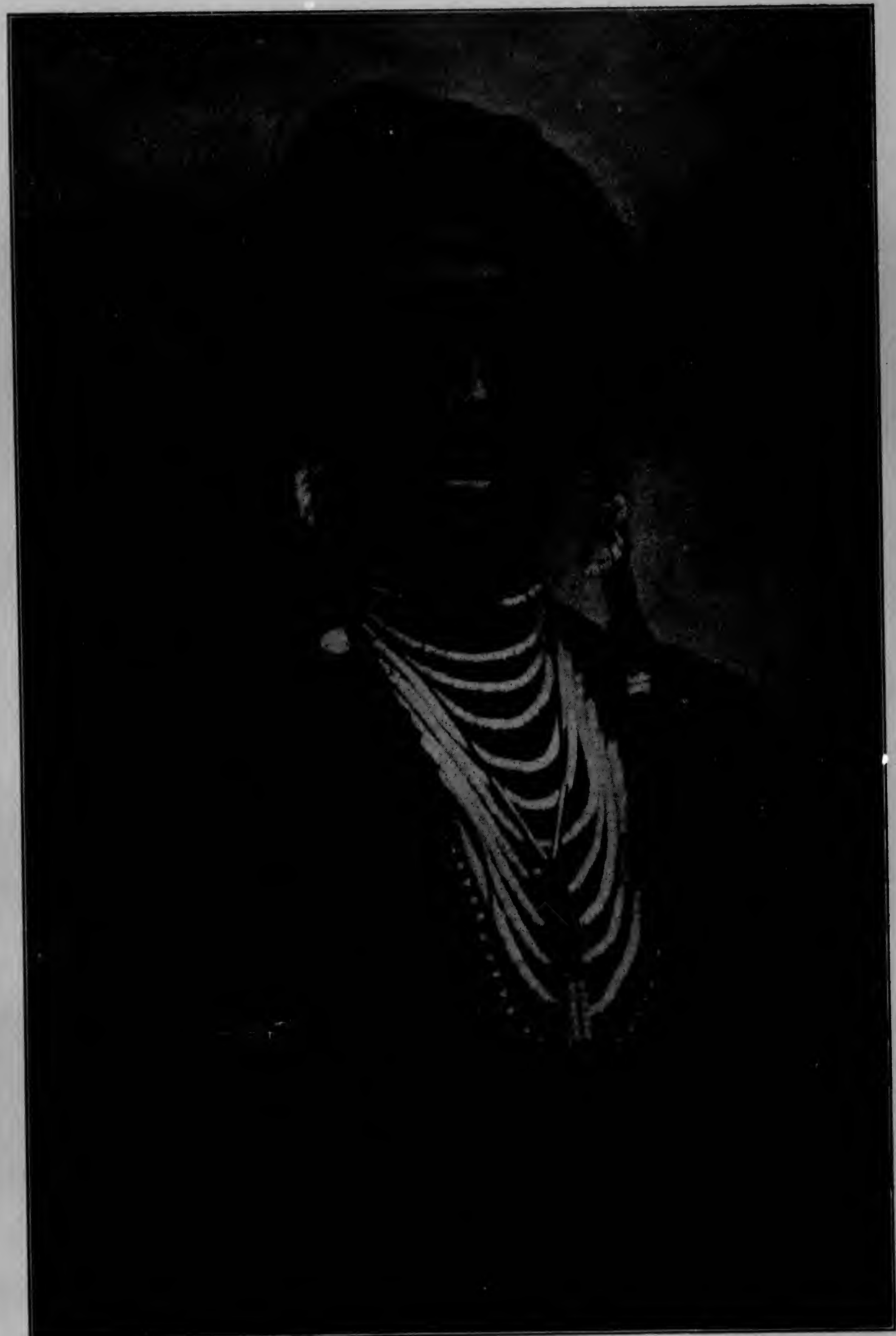
As will readily be seen from the points covered so far, the whole Indian Service is one great citizenship school for Indians, and all the lands and forests and rivers, all the funds, tribal and individual, are but text-books and laboratories in this school wherein teach over five thousand men and women, the employees of the Indian Service. But the Indian Service has, of course, its schools in the narrower and more usual sense of the term. These are engaged in educating about thirty-six thousand children between the ages of five and the early twenties.

The fundamental principle in all these schools is the adaptation of the studies to the needs of the children in the locality where they will live after leaving school, which means as to the day schools and reservation boarding-schools, the lining up of the Indian school system with the educational school system of the state, and as to the non-reservation schools of harmonizing their work to the school system



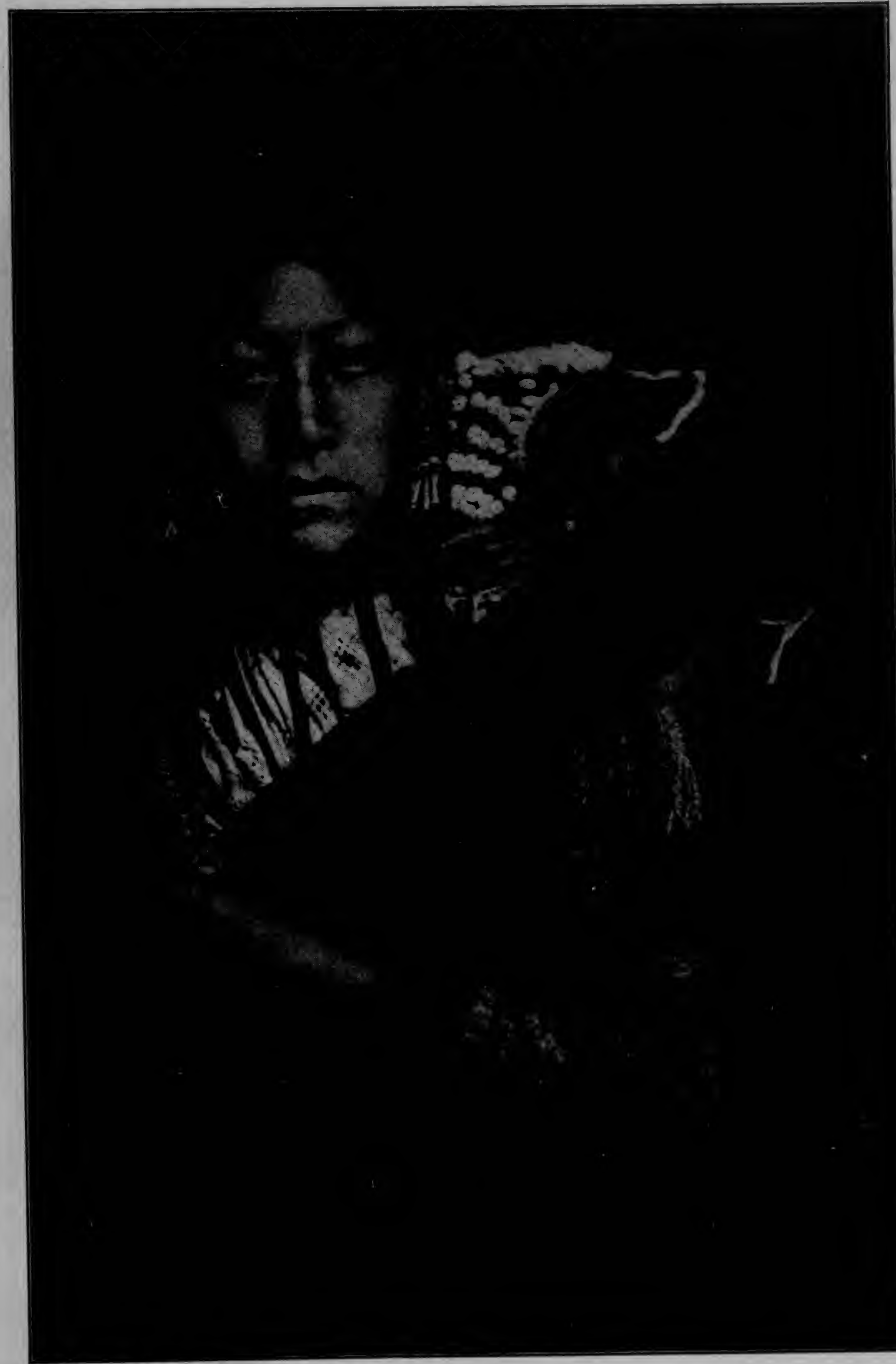
COPYRIGHT BY F. A. RINEHART

Wolf Robe, Chief of the Cheyennes



COPYRIGHT BY L. A. HUFFMAN

Vo-us-tus Nits-é (White Eagle), a Cheyenne warrior



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The Madonna of the Sleepy Head



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Wolf, a big man of the Shoshones



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Cloud Man, an Assiniboin leader

in vogue where the bulk of the children come from. It is my hope to interest to a much greater extent than ever before the local state boards of education in all these schools. As to the mingling of the Indian children and white children in schools, I find little, if any, prejudice that is in any sense essential. Such prejudice as exists is not based on any racial differences, but on the fact that the Indian children going to white schools have not always been as clean as they might be, and also because the closer contact of the adults of both races is a matter of rather recent history, as the actual settler is only just beginning to take root in large numbers among the Indian allotments. As this development increases, as it will, the adults of both races will know each other better, and undoubtedly become socially as agreeable as in the case of immigrants and their children. The teachers in the white schools, I find, like the Indian children as they come to know them, finding them most tractable, respectful, painstaking and bright, and after a few months of shyness, the children play together and like each other.

In all these ways and in many others which I must omit here, the Indians are, in pursuit of their own best interests, contributing largely to the best interests of the states in which they live. Realizing this fact daily more and more, the people of the states are turning in and helping the Federal Government in its constructive work to make the Indian a self-supporting citizen rather than a dependent burden on the pockets of the local communities. One of the main lines in which the states can help in this connection is in not pressing too rapidly for the opening of some reservations which are not yet ripe for it. The Navajo Reservation in Arizona is certainly not yet ripe for general allotment and opening; neither are, I believe, some others, and the policies I have outlined will so relieve all proper land-hunger in the regions round about, that the pressure to open reservations should lose some of its momentum for the next few years.

The states are realizing also that the Office of Indian Affairs at Washington is a business concern whose duties are primarily those of a trustee. Recognizing this, the states are giving us the benefit of a fair presumption that this trustee must move slowly and carefully in handling the affairs

of its wards, and not be too ready to discharge them from its protecting care, at the same time that it is nevertheless advancing steadily and increasingly in the direction of taking its hands off. There have been indications at times that the government was being stampeded into too rapid a discharge of its wards. This tendency is seen in blanket legislation to remove restrictions, and it is in part to anticipate further blanket legislation that I believe we should push the idea of the competency commissions, which can deal much more wisely with the situation, considering each individual case on its own merits, than can any law removing restrictions along blood lines or any other lines of demarcation. Both the business and the trustee features of the Indian Service make it necessary, if it is to do its work effectively, that it be largely divorced from politics and treated with something of the special consideration which is given to the courts.

I do not want for a moment to be understood as reflecting in any way on politics. No one is a firmer believer in or a greater enjoyer of politics than myself, but that fact cannot keep me from realizing that they have little place in the Indian Service. If there is any one function of the government where the Civil Service should completely extend its sway, it is the Indian Service; and because of its almost complete responsibility for results in that service, it should bestir itself as never before to supply the very best material. This is particularly true, for example, in the case of farmers. In the examinations, practical knowledge and experience should carry a large percentage of the weight, and the examination should be so framed that no really thorough farmer should be lost to the service because of his happening to be weak in some other line. Also the examination should be so framed that farmers can be got from the localities where their work will be. The service offers a fine field for the graduates of the agricultural colleges of the Western states who are proving themselves daily the very best sort of developers of the land.

In every state are a large number of attorneys who have in the past dealt in Indian business, either as attorneys for the tribe or as attorneys for individual Indians. I am heartily in favor of tribal attorneys where there is *prima facie* evidence of

claims against the United States Treasury, or of claims for land which, not being payable with land, would in all probability be paid in money. Such claims the Department is debarred from pursuing. But the desire frequently expressed by attorneys to take a hand in Indian administration is bad business from many points of view. The Congress has placed upon the Secretary of the Interior and the Commissioner of Indian Affairs and a large force under them, the administrative responsibility for Indian Affairs. If, owing to lack of the right principles or owing to lack of force, this administrative unit is not adequate to handle Indian Affairs, it is no remedy to turn part of its functions over to contracting attorneys. Such action dissipates the work and divides the responsibility. If lawyers are needed they could be supplied by Congress to the Interior Department and to the Indian Office as an integral part of themselves much more cheaply than they could be hired under contract. There might, of course, be exceptions to this in some special cases where a tribe would need to employ some special attorney of high standing to plead some particular cause; but this employment would be in the nature of a fee for a particular class of work rather than for a permanent attorneyship with administrative functions running alongside the work of the Department of the Interior.

A particular field wherein attorneys are rife illustrates this point, which is as true with regard to the individual Indian as it is with regard to the tribes. All around Indian reservations which have been opened, or are in process of opening, are a large number of attorneys who are interested in procuring Indians' patents in fee. In this connection, an absolutely impossible situation arises if it is acquiesced in by the government, and here again, I would add in passing, the competency commissions would largely solve the problem, as they would remove a lot of now vexed questions.

The varieties of these cases are manifold. I will take time only to state two which will show the main principles involved. In the first case, an Indian wishes his patent in fee—wants to have his land in absolute right, either because he wants to have the feeling, that any white man would appreciate, of being his own master, or because he wants to sell it on his own terms and in his own way. He applies to

the agent, on the ground that he is competent to handle his own affairs. The agent perhaps differs with him, and all people being human, although the agent may honestly try to facilitate the Indian's appeal at Washington, the case may result ultimately in the Indian Office turning the Indian's request down. The Indian very naturally, if he really is competent, does just what any full-fledged white man would do under the same circumstances—goes to a lawyer; and that lawyer makes such a careful presentation of the case for a reasonable fee as results in the Indian Office reversing its decision. Now if these cases were all as bona-fide as this, and if there were many of them, I should have nothing to say against attorneys in them. The situation would simply indicate a lack of administrative competency on our part which was humanly hard to overcome. But these cases are comparatively few and far between.

The plainly competent Indian has little difficulty in getting his patent in fee. The very fact that he is competent, even if the local superintendent takes a different view, would suggest to him to use a two-cent postage stamp and write such a letter to Washington as would lead to a special inquiry on the part of the office, which would quickly ascertain the true facts in the case and wherein the superintendent had misjudged it, without any cost to the Indian. By far the great mass of cases where attorneys are interested in getting patents in fee for Indians have to do really with the interests of white men who wish to buy that Indian's land. In some instances, perhaps the Indian has himself applied for a patent, but the would-be purchaser realizes that the Indian is so on the doubtful line between competency and incompetency that what the Department will do is very uncertain. The attorney works up some papers in the case, sees the local superintendent, perhaps comes to Washington, and tries to enter such a showing as will lead to the Department determining the Indian competent. In other cases, the application for a patent in fee does not emanate in a really normal way from the Indian himself. A would-be purchaser holds out tempting offers to the Indian in one form or another, perhaps pays him a little money, and suggests to him, or asks him to apply for a patent in

fee. In such cases as these, two facts are obvious: in the first place, if the government's general land policy is right, there is no need of any particular haste to sell the land of this particular Indian in the interests of some one particular white purchaser; and, in the second place, the two systems of more or less antagonistic machinery in which that Indian becomes involved, make it frequently very difficult for the government to determine without a special examination in each case by its field inspectors, just what the rights and wrongs of the controversy are. In short, this situation which is typical of a vast number of cases, causes the government a great amount of uncalled for work, and all its constructive policies in getting that Indian along the road as a self-supporting, economic unit are seriously interfered with. The only sound plea for attorneys for individual Indians still properly under the wardship of the Federal Government is the same plea that could be raised in regard to any white ward of any responsible white guardian, and the government is certainly entitled to the assumption that it is a reasonably competent guardian. I feel that a thorough understanding of this situation on the part of the people in the localities where the Indians live will assist in a surprising degree in simplifying and expediting the government's tasks.

Another point in which the local communities are increasingly coming to assist the Federal Government in response to its right-minded attempts to assist them, is in regard to the natural resources on Indian reservations other than those of land in its natural state—namely, the resources that come with irrigation, and forests, minerals and water-power. I will speak here of only one point, but that is one that needs clarifying and emphasizing in people's minds generally. When the term "conservation of natural resources" is used, it is applied in most instances to resources on the public domain. The public domain still belongs to *all* the people, and the conservation of its resources can go ahead in most cases at least, if handled sanely, without injuring private rights. I have found a feeling in the minds of some conservationists that the resources on Indian reservations were in precisely this status. Such is by no means the case. The Indian reservations are of two kinds: reservations founded on

treaties with the Indians, and reservations cut out of the public domain by executive order. The Lone Wolf decision rendered in 1903, held that even on treaty reservations the fee of the land was absolutely in the government, and if absolute technicalities only were to be considered, it is possible that the Congress of the United States could to-day enact a law taking away all the land out from under the Indians and use it for an entirely different purpose if it so pleased. But whether this technical interpretation would hold or not, as a matter of fact, although the fee of the land is in the government, almost all Indian tribes who have had land taken away from them by treaty or otherwise have ultimately been paid for that land by the Congress. This is a recognition of at least such a legal share in the title as would prevent the unrequited loss of land to Indians; and on moral grounds the question of the Indians' right to the land is, of course, indisputable. The very fact that Congress has time and again recognized this moral right perhaps gives it also a legal force. At any rate, the facts as they stand to-day are that on all Indian reservations, whether treaty or executive order reservations, the Indians have some legal title and a very strong moral title to the lands and to all the resources on them.

A clear recognition of this fact puts the Indian Office in regard to natural resources on Indian reservations in precisely the same attitude that any other guardian would be in relation to natural resources on the lands of his wards. He cannot handle them simply with a view to the best interests of all the people of the United States and without regard first to the rights of his wards, because in these cases there is a form of private ownership already lodged in the ward. The consequence of this is that whether the natural resource involved be a tree, a water course, or a mineral, the fullest scientific use of that natural resource can be had only in such manner as will bring about that use with absolute fairness to the ward's title in it. A specific illustration of what I mean may be found on the Mescalero-Apache Reservation in New Mexico. A short time ago, on several executive order Indian reservations, many finely timbered tracts were withdrawn from the reservation and added to the national forests, subject to many of

the rights of the Indians, but not subject to their having the proceeds of the sale of timber. On some of these reservations this was a perfectly fair proceeding, for the Indians had never regarded the timber as essentially their own, and, so to speak, did not actually need it in their business, further than its use was safeguarded to them. But on the Mescalero Reservation the Indians have, in the first place, taken unusual care of their timber to keep it from fire and other wastes, and in the second place have been told for years by every superintendent and visiting official that this timber was theirs. While the strictly legal aspects of the case on the Mescalero Reservation are no different from those on the others, there had been there established a plainly grounded moral right to that timber. I can speak particularly strongly in this matter because it was myself who O. K.'d this transaction, and I find now that I did a very serious injustice to the Mescalero-Apache Indians. While I believe that this stand of timber (one of the finest in the Southwest) can be preserved to the country for all time for the benefit of both Indians and whites, I believe it can be done in such a way as will remedy this injustice, and I have taken steps to bring this about in a way which will fully cover the Indians' equities in that timber.

When I have been in different states and talked with the white men living among or near the homes of the Indians, one of the heartiest responses I have met, after outlining to them what seemed to them, as to me, a sound administrative program, lay in their support of our health campaign. The people in the states realize, as does the office at Washington, that the Indian himself has too frequently been buried under questions of his property, and that the real need of the whole business is for hard-hitting constructive work along the lines of making the Indian, first, a solidly healthy human being, and, second, a good laborer or other workman. In this connection, every force, Federal and local, should be devoted to keeping liquor away from Indians who are still wards of the government.

The present condition of the health of Indians throughout the country is not only a grave menace to themselves, but a grave menace to the localities in which they live.

There is no one thing on which our energies should be bent more definitely and wisely for a few years than in the cure and prevention of diseases among Indians. With a sound body to work with, the Indian himself, the Federal Government at Washington, and his own white neighbor can, with the right engineering for a few years, get him well rooted as a productive citizen.

A rather wide experience among Indians in most of the twenty-six states where they live has convinced me that most of the tribes are not in any sense essentially lazy. As a matter of present fact, they often are lazy just as you or I would be lazy if we had no great worry as to where our meals were coming from, and if our old games and necessities had been taken away from us and no new ones supplied in their place. The Indian man has lost the necessities of war and the chase, and the Indian woman has lost the necessities of making and breaking camp and transporting it from one place to another, and their interest in the necessities of our modern economic life have not been sufficiently aroused. Once get them interested, and their laziness will vanish. This has been proved on the railroad embankments of the Southwest, in the beet-fields of Colorado, on irrigation projects, in many different states, and in many an Indian school and on allotments all over the country. As a theoretical proposition, it has been demonstrated by actual experiment sufficiently to put it beyond all manner of doubt. It only remains to drive it home in as many individual cases as possible.

The Indian problem, so-called, must ultimately be solved by the Indians themselves and the white communities in which they live. All the most powerful workings of the Federal Government are as nothing compared to the great elemental forces at work in the Indian camps and in the white neighborhoods. My greatest urging is in asking the people of the different states to join with us in grasping this problem in all its broader details and to work with us in the powerful spirit which must come from both of us feeling that what we have at heart is the best interests of both red and white men in each locality where they live, and that the interests of the red man and the white man are really one and the same.

likely to bring pressure from constituencies for passage of the law in some form. This is the provision for a reduction of twenty-five per cent on taxes paid this year on incomes received in 1923. This provision means a considerable measure of immediate relief to all taxpayers, large and small alike. Unless the bill is passed by both houses and signed by the President, this relief to the purses of the taxpayers will be of course lost. Undoubtedly a great many persons who might be willing to wait for adjustment of next year's taxes will have something more or less emphatic to say to their representatives about a plan which cuts by one-fourth the taxes now due.

A Century of Indian Affairs

THE Bureau of Indian Affairs of the United States Government is celebrating this week (March 11) the one hundredth anniversary of its creation.

It seems queer, not to say blame-worthy, that prior to 1824 there was no organized Government activity looking to the welfare of the original inhabitants of the country. Both sides strove desperately for the aid of the Indians in the War of the Revolution, but the terms of peace contained no stipulation for their protection. England relinquished title to a great territory with no word for the natives. The United States assumed sovereignty in silence as deep. The red race found mention in the Constitution only in that clause "excluding Indians not taxed" from the enumeration for the purpose of determining representation in Congress.

When, finally, something was begun toward safeguarding the interests of the Indians, it came as the voluntary act of John C. Calhoun, who, as Secretary of War, felt that the American people had a moral duty in this direction. He simply addressed an order to a colonel in the Regular Army, detailing him to act as chief of a bureau of Indian affairs. Prior to that time there had been dealings with the Indians through various agents of the Government for special purposes, but these dealings had been mainly in the way of trade, settlement of little wars, and negotiations for removing Indians from lands desired by the whites.

After Calhoun's act of detailing an army officer to do what he could for the welfare of the Indians, the work went along under various names and with little money until 1849, when the newly created Department of the Interior took

Outlook, March 12, 1924.

over the Indian welfare work from the War Department. Indian problems multiplied as the young nation expanded. Previously the Government had had to concern itself mainly with Indians east of the Mississippi River and north of Florida. Then the problem became as wide as the map of the United States is to-day. Spain had recently ceded Florida to the United States, and, with it, the problem of the Seminoles and other Peninsular tribes. Mexico, by the Treaty of Guadalupe Hidalgo, which ended the war, ceded to the United States all that great stretch of Southwestern and far Western territory to the Pacific. In the same year—it was 1846—our title to the Oregon Territory was established and the Indians of the region now constituting Washington, Oregon, and Idaho became a moral charge upon the Government. The gold hunters were on the overland trail or coming coastwise by the far Straits of Magellan or across the Isthmus of Panama. The Indians of the whole country were, at last, in touch with the destructive thing called civilization, and the agency of the Government which sought to safeguard them had a far-flung task.

That was seventy-five years ago. The work has gone slowly. But at the end of a century of effort from Calhoun's beginning, two-thirds of the Indians of the United States are citizens. The Bureau operates 229 schools for Indian education. It maintains 78 hospitals for Indian patients and has 150 physicians detailed to reservation practice. The great bulk of Indians are self-supporting. Many of them are wealthy. More than a third of the total number, by reason of education and competency, have been released from all jurisdiction of the Federal Government. For a decade past the Indian population has steadily increased.

The fruit, late-ripening as it seems, is sound. There is a future for the Indian in the United States. Men will speculate endlessly as to what form that future will take, just as they speculate endlessly as to what the past of the Indian in North America really was. Eminent authorities will assert that he was always a savage out and out. One of the famous specialists of the Bureau of American Ethnology, on the other hand, recently asserted that the Five Nations had all through the seventeenth century the best form of government then existent in the world. The point is that whatever the Indian's nature makes him capable of he has opportunity to become in the United States.

The time has come now to consider

the abolition of the Bureau that was instituted so informally a hundred years ago. Then the Indians were all distinctly dependent peoples, and needed the paternal protection of the Government. Now all the Indians are certainly approaching the stage where they should have the protection to which American citizens are entitled and none other.

Just Ordinary

THE centenary of the Indian Bureau reminds us of a story which has some application in these days. It is less of a reflection on Congress than on the voters.

A young Cherokee had been sent to Washington by his tribe to appear before a Senate committee in an effort to negotiate an advantageous settlement of a claim. A prominent Senator, examining him, suggested an effort at undue influence.

The young Indian denied it.

"But it is a fact, isn't it," persisted the Senator, "that the Cherokee nation selected you as its ablest man to come up here and influence this committee?"

"That was not the purpose," denied the Indian, "and I am just an ordinary Cherokee Indian without any special abilities."

"That does not stand to reason," said the Senator. "The Cherokees would naturally select their smartest man for a job like this."

"Now, Senator," protested the Indian, "the Cherokee Indians are just like the rest of the people of the United States—they never do send their smartest men to Washington."

New York may Retrace its Steps

NEW YORK STATE passed a Prohibition Law to back up the Volstead Act of the Federal Government, then on second thought it repealed it. The first law destroyed the old license law of the State, and therefore when the second law was repealed New York State was left without any liquor law on its books. It was Governor Smith who urged the repeal of the enforcement act (the Mullan-Gage Law). It seemed to be Governor Smith's opinion that the Volstead Act would be enforced without the aid of active State support. How any reasonable being could have expected this we do not see.

Now the district attorneys of New York State at a conference have drawn up a resolution calling upon the Legislature to re-enact a prohibition law. Of

REFER IN REPLY TO THE FOLLOWING:

12949
5-1100

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

19416-23

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

FEB 28 1924

Recd. & Ackd. Feb. 29, 1924

Dr. C. Hart Merriam,
1919, 16th Street, N.W.,
Washington, D.C.

Dear Dr. Merriam:

I take pleasure in enclosing herewith a copy of letter of this date to the Superintendent of the Sacramento Agency whose jurisdiction includes the tribe of Indians hitherto designated as "Digger", which you will note is in line with suggestions previously made by yourself, and also with the resolution adopted by the Advisory Committee at its December meeting.

Sincerely yours,

Charles Burke
Commissioner.

Ed-Exp
19416-24
CBM

FEB 28 1924

Mr. L. A. Dorrington,
Supt., Sacramento Agency.

Dear Mr. Dorrington:

Hereafter the term "Digger", as representing the name of a tribe of Indians in the Sacramento jurisdiction, and so appearing in the records of this Bureau, will be discontinued, objection having come from some of the Indians thus designated and from others, that this term is one of contempt and regarded by the Indians as humiliating and opprobrious. It will therefore be replaced by the name "Mewuk" which, upon accepted ethnological authority, is the true tribal designation of these Indians. This action is also in accordance with a resolution adopted by the Advisory Committee of One-Hundred at its meeting held in Washington, D.C., December 12-13, 1923.

It will be understood that the foregoing order is intended in no way to affect any legislation or agreements wherein the term "Digger" may have been used as the tribal name of the Indians mentioned.

Sincerely yours,

(Signed) Chas. H. Burke

Commissioner.

2-10-27

Recd. & Ackd. Feb. 29, 1924

REFER IN REPLY TO THE FOLLOWING:

5-1100

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

11706-24

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

MAR -8 1924

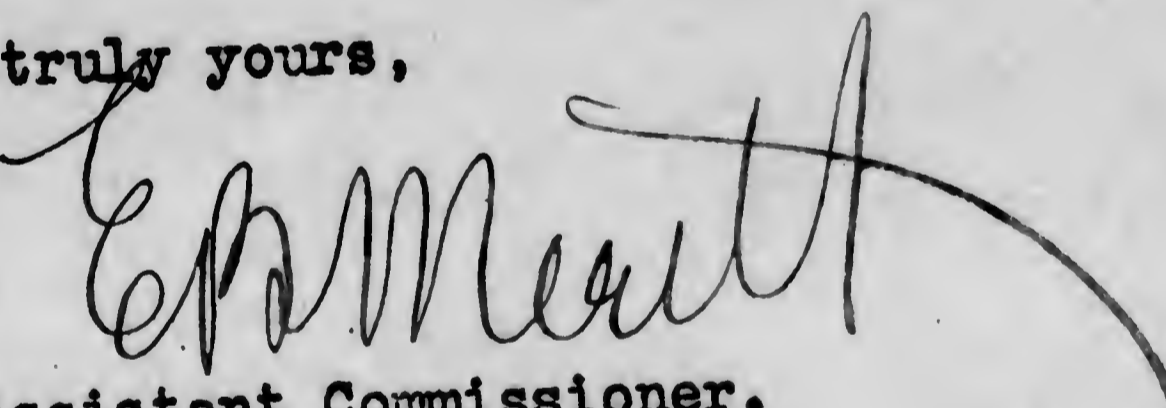
Dr. C. Hart Merriam,
Research Associate, Smithsonian Institution,
Washington, D. C.

My dear Dr. Merriam:

This Office is in receipt of your letter of February 12, 1924, asking what rule of blood or kinship is followed in determining whether a person is an Indian.

This Office does not determine the Indian identity of individuals. It does determine the rights of persons to enrollment and benefits with the various Indian tribes. This right is based largely on Indian parentage, birth among the Indians or on a reservation, tribal affiliation and recognition.

Very truly yours,



Assistant Commissioner.

Indian Office ; miscellaneous

80/18
c

WHITTIER, CAL.,
NEWS
MAY 13, 1929

BETTER TREATMENT FOR INDIANS

Indian children in Indian schools are to be treated as are other American children in schools that are as well regulated as the authorities know how to make them, declared

Secretary Wilbur of the Department of the Interior, in an order abolishing the title of "disciplinarian" in the Indian schools.

"There is to be no orphan asylum stuff," the secretary said. "Indian schools will in no respect partake of the nature of reform schools. If any remnant of a former military control of Indians survives in the schools, it will disappear. The Indian boy and girl are to get the normal American chance for self-improvement through the schools. The purpose will be to lead the Indian into full participation in American citizenship. He has well demonstrated his capacity for this citizenship. His is a great inheritance. He is heir to a billion-dollar estate. His preparation for that inheritance does not lie in wardship but in developing in him an upstanding and independent manhood. This will be the purpose of his schools."

SONCORD, CALIF.
TRANSCRIPT
MAY 16, 1929

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LO, THE POOR INDIAN

Criticism of the Indian Service has called forth a defense from different departments in Washington. The Department of the Interior recently issued a memorandum for the press, prepared by Dr. M. C. Guthrie, surgeon of the United States Health Department, who is chief medical director of the Offices of Indian Affairs. This memorandum deplores destructive criticism and insists that the Indians themselves are the ones affected most adversely. Any criticism which is worth much must of necessity call attention to defects and usually the departments criticised are prone to feel that the brand is destructive and not constructive. According to the facts set forth by the learned doctor, there is evidence of need of a radical change in the methods and scope of the care which this government gives to its wards, the Indians. The memoranda sets forth that there are about 250,000 Indians who are wards of the government and during the period between July and December, 1927 there were 1,089 deaths and the records show that the rate is twice that of the registration area of the United States. That deaths from tuberculosis is more than four times the death rate from the disease throughout the country. That trachoma is found in about 18 per cent of the 40,000 examinations made in 1928. The memoranda sets forth that field nursing is of major importance in public health measures among the Indians and then states that only 33 field nurses are in the service. Just as a bit of constructive criticism we suggest that 33 field nurses are not enough to care for 250,000 Indians. We believe that field nurses who can spend their time teaching something of the value of sunshine, fresh air, cleanliness of person and home and a proper dietary with respect to the care of infants, will help better conditions for "Lo, the Poor Indian". Just so long as the Indian lives in dirt and filth, on the ground in tents, and in huts without windows, disease will be rampant. If the field nurses are supplied, so that there is at least one for every two thousand families, a long stride will have been taken in preventive medicine. This will take more than the 1929 appropriation of \$1,440,000, but it will prove worth while.

INDIAN SELF-GOVERNMENT

A plan recently announced by Secretary of the Interior Wilbur, after an inquiry into the Indian problem, aims to put the Indians "on their own" as free, self-responsible American citizens. Paul G. Wapato, president of the Northwest Indian Congress, fears the transition will be too rapid, and protests thus:

"To let the Indians drift instantly from the moorings of the present Indian Bureau into the tempestuous stream of American civilization without making due allowance for their present civic consciousness, political capacity, initiative, energy and individual resourcefulness, economic and governmental ingenuity, will mean not only crushing agony, but race annihilation. Then the Indian's howling will be real and genuine, as he takes his place in the street to gather a few of the crumbs of a greedy civilization."

Which is remarkable language for an Indian, and has sense mixed with its bombast.

Between the periods of governmental guardianship and complete independence, Wapato would like to see the tribes incorporated, letting each tribe run its own affairs like a business organization. He says this type of government is peculiarly fitted to the Indians' way of thinking. He believes that in this way they could soon govern themselves.

It would probably be better than the old dependency on governmental "agents," at any rate. And it might lead to genuine citizenship in time.

SENATOR FRAZIER ASKS JUSTICE FOR AMERICAN INDIAN

North Dakota Legislator at Luncheon Meeting Here Promises Square Deal, Protection and Right to Their Own Property

"When I first went to Washington as senator from North Dakota I was under the impression that the Bureau of Indian affairs under the department of the interior, existed for the benefit of the Indians and their welfare, but I soon found that it was organized to defend the government against the Indian," said Senator Lynn J. Frazier in an address before the Santa Barbara Indian Defense association in Margaret Baylor Inn yesterday at noon.

"I was kicked off the Indian affairs committee in 1924," said the Senator, "because I was too active in their defense but after the 1926 campaign, when the Republican majority was cut down to a minimum, I was put back in regular standing in my party which puts me in line for the chairmanship of the senate Indian affairs committee in the fall, unless the powers that be change their minds, and that is not likely."

Promises Justice

"I will assure you now that as long as I am chairman of the Indian affairs committee I will see that the American Indians are given a square deal, protection and a right to their own property. The stories of how they have been robbed are appalling, especially in regard to their mineral and oil lands."

"When we consider the treatment the American Indians have received at our hands there is room for much criticism. Treaties have been signed between representatives of the Council of the Indians and the officials of the government but the government has not lived up to the greater percentage of these, although the Indians have. Many of the Indians have asked congress for the privilege of appearing before the court of claims to regain rights and lands they lost during the violation of the treaties but this has not been granted in full. A measure granting such privilege to the Minnesota Indians was allowed to die in the president's office."

Urges Rights For Indians

"The Indians should have the same privilege as the white man and if given rights, they can establish claims and regain many of their losses. Whenever a bill is introduced to benefit the Indians, the Indian Bureau passes on it first and if it enters an objection it usually dies there but this is the general method followed on all bills before congress."

"It is mighty hard to get legislation of benefit to the Indians through congress but sentiment and public opinion is changing rapidly in favor of the Indians and if it continues to increase, they will have a chance for fair play."

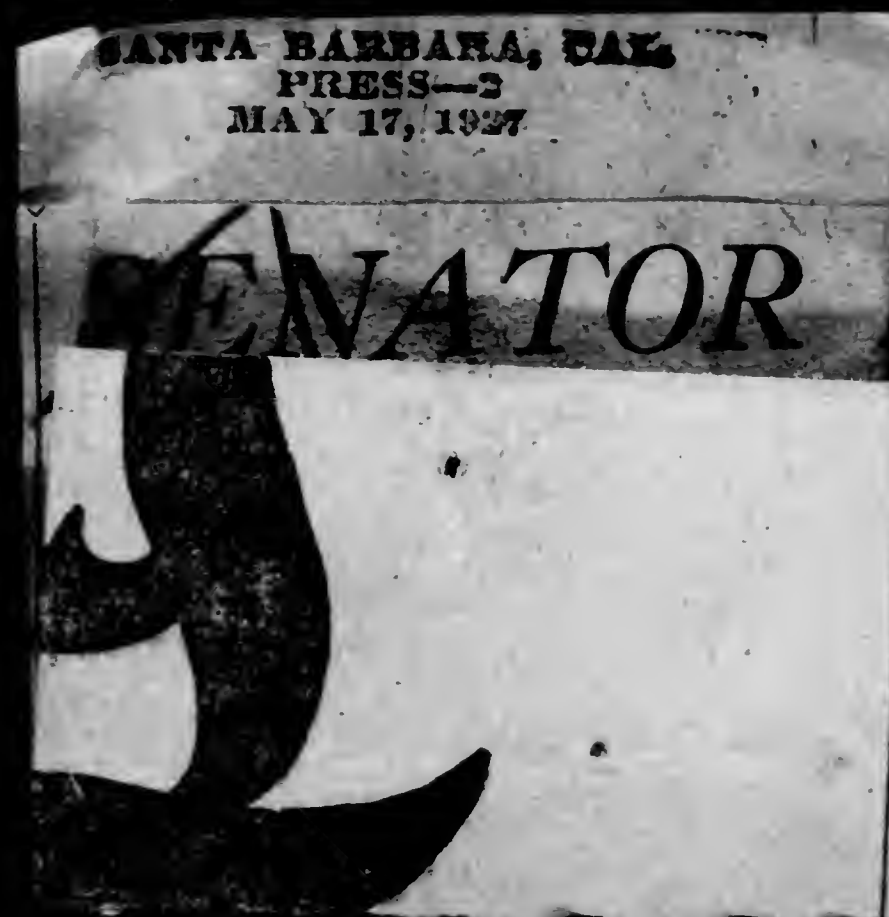
The first changes that the substitution of the reservation

Friend of Redmen

U. S. Senator Lynn J. Frazier, North Dakota, who made a plea here yesterday before the Santa Barbara Indian Defense association for the Indian and asked for a "square deal."



Retake of Preceding Frame



Members of the board of county supervisors declared yesterday that if necessary, an attorney would be engaged to assist in the collection of money owed to the county for poison used in the squirrel eradication campaign. While no trouble is anticipated in collecting 50 per cent of the accounts, members of the board say preparations are being made to force the payments of the other 15 per cent.

The county, which is paying approximately 50 per cent of the cost of the squirrel eradication campaign, is paying approximately 15 per cent of the cost of the squirrel eradication campaign.

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Board to Engage Lawyer to Collect in Squirrel Eradication

POISON SUITS

(Continued From Page One)

fluence on both the parents and the pupils.

Influence of Schools

Schools are a wonderful influence on the home but the unfair, unjust and inhuman system of Indian boarding schools which takes the child from his home and transports him hundreds of miles away, preventing him from returning home over the week-end, results in the children and parents being estranged.

"But our Indian schools are much like our public schools. There are many ways in which they could be improved and the students taught fewer things they have to forget when they get out."

In response to a question relative to the changing of the guardianship of Oklahoma Indians from the federal government to the state, he said that while some of the Indians had been abused by the exaction of high fees for attorneys and guardians, the majority of them were satisfied with the plan because it enabled them to spend more of their oil royalties. "Many of them are very rich," he said, "and desire to spend more money than the federal government allowed them to spend."

Association Growth

Following Senator Frazier's short talk he left for Los Angeles and Miss Pearl Chase, president, spoke of the growing interest of Indian affairs in the country with the organization of new Indian Defense association branches.

Santa Barbara organized the first association four years ago and since that time the following six branches of the American Indian Defense association of New York have been organized on the plan adopted by Santa Barbara:

Indian Defense association of Central and Northern California; San Francisco; Indian Defense association of Southern California; Los Angeles; Indian Defense association of Pasadena; Indian Defense association of Salt Lake City; Indian Defense association of Oshkosh, Wisconsin, and the Indian Defense and Development association of Milwaukee, Wisconsin.

Tells of Land Abuse

Miss Chase also told of the land abuse among the Cherokee Indians of Georgia which in violation of a treaty drove 20,000 of them out of the state in 1821. More than 2000 escaped to the hills and after many years laboring for the white man earned enough money to buy back their lost lands. The Indian Bureau would escape their

MAY 22, 1929

The American Indian Problem

364
More Unrecognized "Facts"

In a recent article certain unrecognized facts were quoted showing the relations of wardship and non-wardship or "patent-in-feelism" between the Federal Government and the several Indian population groups or individuals throughout the United States. A few more unrecognized facts, which seriously hamper the Government in the proper upbringing of its wards, will widen our concept of the very intricate and delicate situation. Dr. Guthrie goes on to state:—"As previously stated, of the approximately 350,000 Indians in the United States, about 225,000 (only) are in some respect wards of the Government." For the medical care of these the Government has provided 95 hospitals which have a total capacity in excess of 3,000 beds. There is also a large staff of medical directors, physicians, dentists, nurses, field matrons, and other employees.

"From time immemorial the Indians have had their own medicine men and even their medicine women; and the medicine man exists and practices his profession among practically all tribes even today. . . Their practices have been based largely upon local superstitions, religious beliefs, and fantastic procedures. . . These supernatural elements in the Indians' conception of diseases have led to methods of treatment based upon incantations, propitiatory rites, system of taboos, of fetishism and the belief that through these measures even the mysterious and extraordinary power of driving evil spirits from suffering bodies was an accomplishment shared in greater or less degree by all medicine men in good "professional" repute within their respective tribes." These are the conditions today among some tribes and many individuals. The Indian Bureau, therefore realizing that the Indian is a ward, placed under its care, to be educated and not ruled, has wisely adopted a policy of "persuasive measures and the administration of effective results rather than the use of coercive efforts."

"Still a primitive people in many respects, still subject to the influences of ignorance, prejudice and superstition, still preyed upon by these so-called medicine men and other charlatans, still in many instances low in the economic scale," it is gratifying to find that modern medicine has been accepted by the Indian to the extent that is evident

among them already. Indian ideals of civilization have been handed down from generation to generation for many thousands of years, and such ideals cannot be changed in a few short years without causing a chaotic condition, or reducing the nations to a condition of serfdom. A parallel illustration is manifest among the white people of this country. Two hundred and fifty years ago Dr. Jenner gave us vaccination against smallpox, which will eradicate the loathsome disease from the country if everybody is properly vaccinated, yet the people are not ready to accept these facts; diphtheria antitoxin was introduced in 1894 and still there are many deaths every year from the dread diphtheria; the people are not yet ready to accept the fact that if every baby was immunized against diphtheria the disease could be eliminated from the country in a very few years.

(Contributed by the Hayward Department of Health.)

Allen's Clipping
Press Bureau

LOS ANGELES.
SAN FRANCISCO
PORTLAND, ORE.
CLIPPING FROM

HOLLYWOOD, CAL., NEW
DECEMBER 5, 1928

Board Suggests New Organization Of Indian Bureau

WASHINGTON, Dec. 5. (AP)—The Board of Indian Commissioners urged in its annual report that the Bureau of Indian Affairs be reorganized from within and that more authority be given superintendents of reservations in matters of local character. It further advocated salary advancement and better living conditions for the field personnel of the bureau.

The report recommended that the commissioner of Indian affairs establish an organization within the Indian bureau to secure employment for Indians who are under federal supervision, but who do not care to reside on reservations.

The opinion was expressed that the per capita payment from Indian tribal funds should be available only for productive purposes.

PHILADELPHIAN IS NEW HEAD OF INDIAN AFFAIRS

Utica Press ~~1929~~ *April 11.*

**Charles James Rhoads Chosen by
Hoover for Big Job**

SUCCEEDS CHARLES H. BURKE

**Bureau Has Been Under Congres-
sional Fire Often**

Washington, April 10 (AP)—After weeks of search, President Hoover has found in Charles James Rhoads, of Philadelphia, the man he wants to administer the affairs of the Indian Bureau, which frequently has come under Congressional fire in late years.

The widely known Philadelphia banker desires to serve, but is delaying a formal acceptance until he can make arrangements for leave with his partners in the banking firm of Brown Brothers & Company and other enterprises.

Mr. Rhoads called on the President at the White House today, for a brief discussion. He was accompanied by Dr. Ray Lyman Wilbur, secretary of the interior, under whom he would serve.

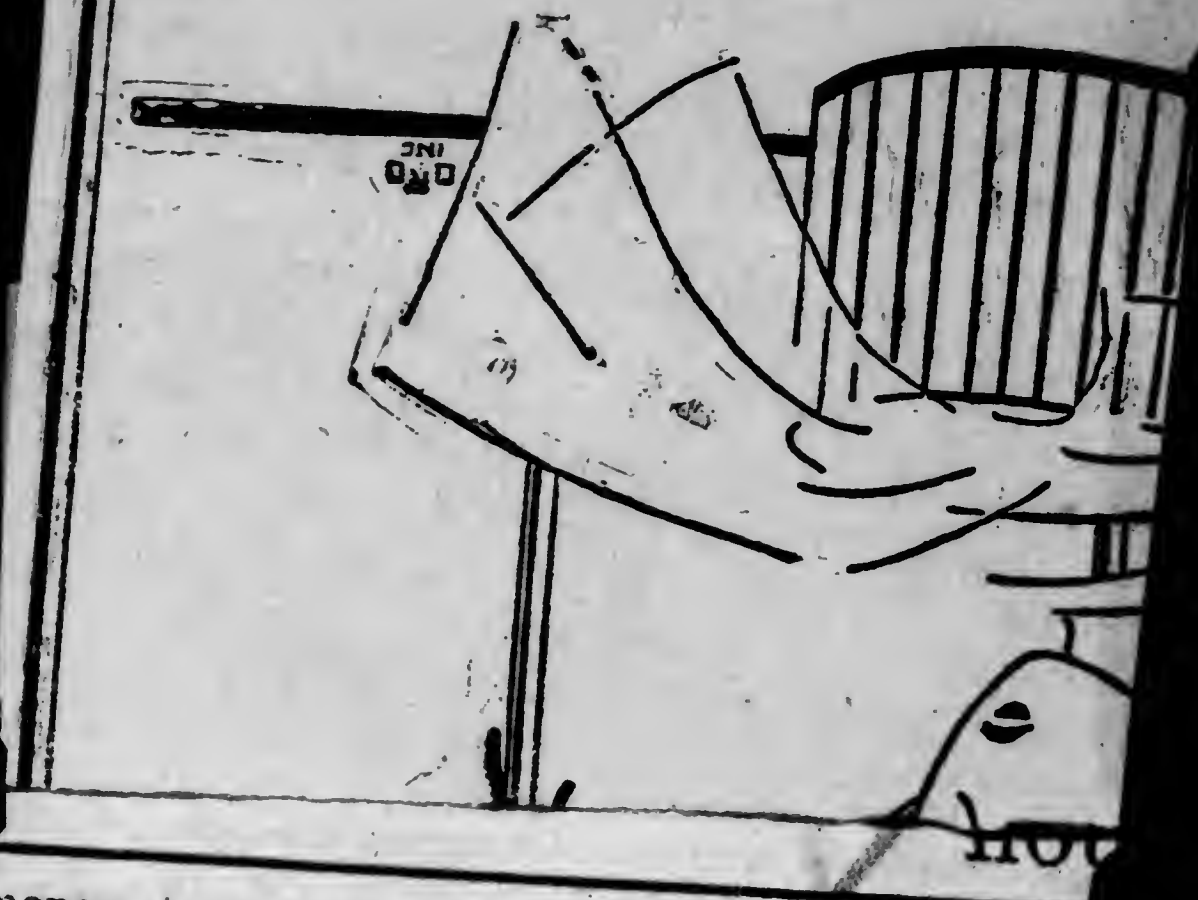
While having engaged in the banking business practically all his life, Mr. Rhoads long has been interested in Indian affairs, an interest he shared with his father, James E. Rhoads. He is now president of the Indian Rights Association and also is an official of the American Academy of Political and Social Science and a member of the American Philosophical Society.

March 16, 1929
HOUSTON TEX POST

New Deal For the Indian Bureau

CHARLES H. BURKE is to be commended for turning in his resignation as the commissioner of the bureau of Indian affairs. He has opened the way for a new administration of the Indian bureau, which it is to be hoped will be a great improvement over his. Some ugly charges were brought into the hearing on the conduct of the bureau, which was held in Washington a few weeks ago. The investigation was not exhaustive. But enough was brought out to leave the conviction that a number of things have been wrong with Burke's administration. There were charges of brutality toward the children in the Indian schools, and other abuses against them by teachers and officials. Negligence in conserving the wealth of Indians made rich through discovery of oil on their lands was another charge. The Jackson Barnett case was an illustration. It had both its humorous and tragic aspects. Some of the conditions prevailing under the Burke administration were not properly chargeable to Burke, it is to be conceded. It is clear that the government is not appropriating enough

Millinery Shop—Fourth Floor



money to provide adequately for the proper education and care of Indian children, for health work among Indians, or for other activities designed to afford them the protection they need. But it is not of record that Burke ever made very strenuous efforts to secure sufficient appropriations. A review of his record as commissioner is not such as to lead to the conviction that he was suitable timber for the position. But Mr. Burke is out and it is up to President Hoover to take the initial steps in securing a proper functioning of the Indian bureau by appointing a commissioner fitted by temperament and other qualifications to fill the office acceptably.

Burke Steps Out

Charles H. Burke, commissioner of Indian affairs, who has survived many investigations of his bureau, at last is out of office by his own resignation. His departure is a necessary outcome of the senate Indian investigation and disclosures of intolerable conditions on government reservations.

President Hoover did not hesitate in accepting Burke's resignation, but is showing a commendable desire to delay appointment of a successor until he can find a man who will reorganize the Indian bureau on a plane above criticism.

While Burke has been exonerated by the department of justice of any criminal acts in connection with the Jackson Barnett case, its report by Pierce Butler Jr., does show that illegal bequests of the wealthy Indian's money were made by the department of interior.

This in itself was a strong criticism of the Burke administration, especially because it established a precedent that was carried out in less conspicuous cases.

While Burke appears to blame for much that has been occurring under the Indian bureau, he is not alone at fault. The system itself is rotten. The senate Indian inquiry must not be permitted to lag because changes have been made in departmental administration.

With Burke out of the way, it no longer can be charged that the investigation is directed at him. Burke has retired voluntarily. The government has released him of any fear of prosecution. His swan song has been sung and the nation need concern itself about him no longer.

The purposes which prompted the Indian investigation by the senate now must be carried out. A system must be devised that not only will protect the Indian from those who want to get control of his property, but which will stamp out disease, give the Indian proper food, educate him, and make him a useful and responsible citizen.

INDIANAPOLIS (IND) TIMES
MONDAY, MARCH 13, 1929

Better Days for the Indians

Improved conditions are in prospect for the government's Indian wards.

Dr. Ray Lyman Wilbur, new secretary of the interior, announces that he will alter the policies the government has been following for many years in its dealings with the red men. He is looking for a trained sociologist to head the bureau of Indian affairs, and plans a program of rehabilitation and assimilation, which at the same time will be devoid of sentimentality.

Congress at its last session increased appropriations for the Indians, and seems in a mood to provide whatever sums are necessary to assure that the Indians are treated properly. The senate investigation of Indian affairs and other events have focused attention on the problem.

It is hardly probable that conditions generally among the Indians are as bad as some of their friends charge. But it can not be doubted that they were bad.

The Indian death rate is much higher than that of the white race, and trachoma and tuberculosis are prevalent. Hospital and medical facilities are inadequate. Many Indians live in squalor and poverty, and many have improper and insufficient food. Indian schools need larger appropriations. There is room for improvement in administration of Indian affairs. These facts have been established.

Dr. Wilbur will have the support of the country in an effort to end a condition that has become a reproach to all of us.

Indianapolis Times
March 15, 1929

INDIANAPOLIS (IND) TIMES
MONDAY, MARCH 13, 1929

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THE NEW INDIAN POLICY.

The promise of great changes in the Indian Bureau are to be fulfilled.

With the appointment of Dr. Ray Lyman Wilbur as Secretary of the Interior, it was hinted that one of his major contributions to public service would be the reorganization of that Government machinery which deals with the Indian and his affairs. Now, following the appointment by President Hoover of Charles J. Rhoades of Philadelphia, as Commissioner of Indian Affairs, comes a statement from Secretary Wilbur as to what is contemplated. In part that statement follows:

The fundamental aim of the Bureau of Indian affairs shall be to make of the Indian a self-sustaining, self-respecting American citizen.

The Indian shall no longer be viewed as a ward of the Nation but shall be considered a potential citizen. As rapidly as possible he is to have full responsibility for himself. The Indian stock is of excellent quality. It can rapidly merge with that of the Nation.

The problems of health and education for the Indians shall become a responsibility of the various States. Certain assistance for these purposes should be provided.

New Indian schools should only be provided if it is not possible to merge the training of the Indian into the school system.

Scholarships in the institutions of higher learning shall be provided for those boys and girls capable of going beyond ordinary high school training.

Except on a few large reservations there should be continued allotments of land with full ownership rights granted to the Indians.

It shall be the aim to provide employment for Indians for all occupations possible in connection with Indian communities. The general policy should be to increase facilities for the care and development of the Indian with the general plan in mind of eliminating the Indian Bureau within a period of say, 25 years.

Olympia (Wn.) Morning Olympian
March 17, 1929

INDIAN POLICY CHANGED

The policy of the federal government toward the Indians soon to take an entirely new direction.

Word has gone out through the Indian service that Secretary Wilbur intends that the Indian is to be rehabilitated and that the Indian bureau is to lead the way toward a new era in the government's dealings with its Indian citizens.

This new policy is part of a general program of reorganization which already is feeling its way out from the secretary's office to every bureau in the department.

In the meantime Secretary Wilbur is devoting much time to studying the qualifications of a number of men whose names have been suggested for the head of the Indian bureau to succeed Commissioner Burke, whose resignation was announced Friday by President Hoover. Mr. Wilbur is looking for a trained sociologist who has had wide experience as an administrator.

This new chief, the secretary believes, must turn away completely from the policies the Indian bureau has been following for the last 100 years. He must be able to adjust the Indian to a program of rehabilitation and assimilation and at the same time turn a cold shoulder to any sentimentalists.

MENLO PARK, CALIF.
RECORDER
APRIL 19, 1929

364 Potential Citizens

President Hoover's new Indian policy as enunciated by Secretary Wilbur will meet the approval of all American citizens interested in the welfare of the descendants of the first inhabitants of this continent. For a number of years the Bureau of Indian Affairs has been a target of criticism. Much of this criticism has been just, for the health, education, and general conditions of many Indian communities has been deplorable. While the exploitation of petroleum resources on some reservations has in a few cases made us change "Lo, the poor Indian—" to "Oh, the rich redskin", the average wealth of the Indian has not been noticeably increased.

"The Indian shall no longer be viewed as a ward of the nation, but shall be considered a potential citizen," declares Secretary Wilbur, who goes on to say, "Leadership should be given the Indian rather than custodianship." He further states that "The Indian stock is of excellent

quality; it can rapidly merge with the nation."

Definite plans for placing the educational program of the Indians under the supervision of the Bureau of Education, are being made. Similar plans for placing the health program in the hands of the public health service are being prepared. Arrangements for full land ownership rights will be made and provision for the employment of Indians of all occupations will be arranged.

The new Indian policy is a constructive plan for meeting a problem of many years. It is needless to deprecate the ruthlessness of the white man in his treatment of the Indian and the Indian's property. It is needless to glorify Indian heroes of fiction and history. It is needless to look in the past to determine a policy that will change the future of several hundred thousand human beings. The Hoover-Wilbur policy will safeguard the wards of the nation; it will make them citizens of the nation. In a quarter of a century there should be no Indian problem.

MAR 21 1929
Salem Oregon Statesman

Hoover Plunges In

THE do-little age made a sudden shift to a do-much age on March fourth. Herbert Hoover has plunged right into his job. With Rooseveltian directness and assertiveness he has taken hold of affairs. He began really talking to press representatives and telling them something. He is cutting down the reception to the hoi polloi from once a day to twice a week and later it will be once a week. The president has something else to do than wiggle the hands of several hundred curious tourists every day.

As to major questions Hoover has been quick to act. He dried up the oil well wildcatting so quickly that Senator Walsh, arch-foe to the Fall lessees, sets up a cry of stifling western development. He is punching up the agencies of law enforcement and planning on a thorough survey of its ramifying leads and questions. He ordered the openings of the treasury books on tax refunds of \$20,000 and over which will half satisfy the muck-rakers.

And he has come to grips with the Indian question. Commissioner Burke, who escaped indictment only when his superior officer, Secretary Work appealed to department of the justice attorneys, will step out and Hoover promises drastic changes in Indian policy. The Indian problem has always been a nightmare. For a long time rank politics prevailed in appointments. Scandals have been periodic over Indian lands and tribal and other funds. Hoover plans a study of the subject by trained sociologists. The Woodrow Wilson experts were only a grade better than politicians, but we believe Hoover will be a better picker of his experts and try to include a few with common sense. Anyway as one writer says of the new program: "Friends of the Indians feel assured that the Indian bureau will cease to be a combination of reform school, poorhouse and confidence game, and become a social experiment under expert direction."

The new president is setting a swift pace, but one wholly characteristic of him. There is bound to be movement and action and public interest in this administration.

APRIL 13, 1929

Indian Assimilation

Secretary of the Interior Wilbur has announced a policy of "assimilation" for the American Indian, saying that it is time the original inhabitants of this continent became self-supporting and independent citizens.

In theory this is excellent. But it will be well if, in applying it to practice, the interior department moves slowly and with exceeding caution. The danger inherent in any scheme to assimilate the Indian to our political, economic and social fabric is that he will lose more than he gains by the process.

Particularly is this true of tribes like the Hopis, Zunis and Navajos, which have unique and valuable cultures of their own, and whose social structures prove by their tremendously long survival that they are perfectly suited to Indian requirements.

To give these Indians an economic square deal, to offer them educational advantages, to teach them sanitation and better agricultural methods, to give them a voice in the government—that would be all to the good, if that were all.

But if these changes resulted in the breaking down of their traditional cultures and religions, took them out of the pueblos and into bungalows, and gave them plus-fours in exchange for blankets, thus destroying their individuality, it would not only be a great pity; it would probably destroy the Indian.

There is much evidence to support the belief that primitive peoples, coming in contact with our civilization, suffer a spiritual disintegration that is far more deadly than rum, trousers and tuberculosis.

No competent observer of conditions in the South Seas has failed to remark this process. In the attempt to adopt our ways they gradually lose touch with all that is fundamental and organic in their lives and presently find themselves to be without any firm ground under their feet. They can not be white, and they have lost the ability to be native. There is nothing for them to do but die, and that is precisely what they do.

It is hard for us to realize that our culture does not suit everybody; that while it may possibly be the best for us, it is simply poison to many other races. But that is the truth, and the Indians are one of the races.

Therefore, one repeats that it is to be hoped the interior department goes very slow in the application of its assimilation policy. Politically and economically, a great deal of progress is doubtless possible.

But culture and religion are quite another matter. In those fields the only course of wisdom is to let the Indian alone.

The Washington Post, February 12, 1929

LET THE INDIANS WORK.

If there is any one thing that the American heart would rather do than another, it seems

that thing is to bleed because of the plight of the red man. Now and again some accuser appears to point the finger of condemnation at the Government because some one has been told out West that weevils were found in the flour at an Indian agency, or that some son of a proud chieftain has been required to hoe potatoes on an Indian boarding school farm for two whole hours, right out in the sun. The self-appointed guardians of the Indians hasten to seize their snickersnees and battle to avenge these outrages.

But occasionally one appears to speak of the Indian in terms of practical common sense. In Sunday's Post appeared an article by William Atherton Du Puy in which, as an Indian commentator, he seems to have spoken quite out of character. He introduces an idea heretofore quite foreign to the Indian idyl. He suggests that the red man go to work.

It has been shown, it seems, that the mass of Indians are tragically poor. They live in hovels on isolated reservations, are insufficiently nourished, and, consequently, unable to resist disease. Health conditions are bad and the death rate is high. The reformers blame the Government. They cry for more doctors and more hospitals. They quite miss the fundamentals of the case, according to Mr. Du Puy. They do not seem to appreciate the fact that the Indian's plight is caused by poverty, and that the only permanent remedy lies in alleviating the poverty. The way to banish poverty in the case of the Indian is exactly the same as in the case of the white man, the Chinaman or the negro. It is to give him work to do at which he can earn a competence.

The Indian on the reservation is idle. His old manner of life is gone, and few reservations offer him an opportunity to earn a living. It is out in a workaday world which cries for skilled and unskilled labor that opportunity lies. It is in working that any individual has his best opportunity. There is a job for every Indian in America. If Indian emotionalists would concentrate on establishing these wards of the Government as wage earners they would right most of the Indians' wrongs and solve the Indian problem.

WHITTIER, CAL.,
NEWS
MAY 4, 1929

BETTER TIME FOR THE INDIAN

All signs point to better times for "Lo, the Poor Indian". Since the days when the Red-man was subjugated by the pioneers, his status in what was once his own country has been a difficult one to determine. The white men almost wiped out the Indians and then herded the remaining tribes onto reservations and declared themselves responsible for the whole crew. As wards of the government under the care of the Department of the Interior the Indians have had schools erected on their reservations and bosses installed to handle their business and issue orders. In other words the Indians have been made slaves to the political organization over them, and their rights have been few indeed. Recently there has been an outbreak of publicity regarding the inhuman treatment given these wards. Several magazines have published stories of conditions as they exist in some of the Indian schools and hospitals. The American people discovered that the treatment given the "noble red man" was a disgrace to any civilized peoples. Children have been half starved in boarding schools, overworked and sent back to the reservations to die of incurable diseases. Hospitals without equipment and without nurses have been discovered and it has been charged that the Indian wards have been denied treatment by Department Doctors who resided on the reservations. Now the new Secretary of the Interior, Wilbur, has appointed Charles James Rhoads, of Philadelphia, as Commissioner of Indian Affairs and since Mr. Rhoads has been president of the Indian Rights Association for the past year, we may expect some changes. In announcing the appointment of the new commissioner Secretary Wilbur outlined his policy of Indian Administration. This policy consists partly of making the Indian a self-sustaining citizen, and having him considered not as a ward of the Nation but as a potential citizen. The secretary believes that this can be accomplished most quickly through the schools. He is of the opinion that the problem of health and education for the Indians should become a responsibility of the various states; that new Indian schools should only be provided if it is not possible to merge the training of the Indian into the school system of the states.

A NEW INDIAN PLAN

A plan for getting rid, eventually, of that rat's nest of politicians and petty job-holders known as the Indian Bureau is now being urged. It is nothing less than a revival of the Iroquois Confederacy and its extension to the other Indians of the United States, plus the formation of a corporation to act as trustee for all the Indian properties, which have a value probably in excess of \$2,000,000,000, in spite of inroads made upon them by the thieving white man.

To accomplish this for all the Indians will require, of course, action by Congress, but a start is to be made in advance of such action, with the Iroquois Indians. So far as they are concerned, no legislation is said to be needed, for they have autonomy as the result of a treaty made by the Continental Congress in 1784. That this treaty is still valid and in full effect was declared recently by a United States court in a New York case.

The Iroquois number 15,000 and possess 78,000 acres of reservation lands in New York and as much in Canada, with valuable water powers. Fortunately for them, they are not under the Indian Bureau and cannot be shackled by it. It is believed that if the Iroquois succeed in demonstrating, through the plan now proposed, their capabilities, any opposition there may be to the extension of the plan to the 400,000 other Indians can be overcome. The plan is said to have the indorsement of some of the best lawyers of New York, and business men and bankers whose integrity and disinterestedness are above question, are ready to become trustees of the corporation.

The plan is largely the work of a college-trained Oneida woman who has spent twenty-five years in its assembling and in obtaining the support of all but a small minority of the Iroquois for its being put into effect. For the demonstration she proposes to obtain a fund of \$1,000,000 to establish industries, a model village, an athletic stadium, an academy to be the nucleus of an Indian university, magazines and newspapers, hospitals, the trust corporation, and a survey of economic and social conditions from an Indian viewpoint. The start will be made at Onondaga, N. Y. The plan is to be studied by Congress through the King Senatorial committee, which is investigating Indian affairs.

To pry the bureaucrats loose from the Indian property which they are now maladministering will take time, patience and much arousing of public sentiment, but it is not beyond the bounds of possibility, and the Lolomai Plan, which is the name given to it by its author, may accomplish the result. Lolomai is a Hopi term meaning "perfect goodness be upon you." It is not a term that could be applied to any plan ever devised by the Indian Bureau.

Concerning Indian self-government, it may be said that the Iroquois had the first democratic government upon this continent and that features taken from the pact of their confederacy were incorporated in the United States Constitution. At the time when the white invasion upset the scheme, the pact was in process of extension to all the Indian nations, and given a few years, might have had remarkable results. The Iroquois had a much higher level of culture and civilization than would be guessed by readers of the Cooper novels, which are entertaining but highly misleading. The Indians have, in fact, political talents above the average; the Pueblo Indians ran their own affairs successfully for a thousand years before the Indian Bureau was established. It remains to be seen whether they can accomplish better results under autonomy than under the vicious paternalism of the present scheme; at least they can do no worse.

WASHINGTON, D. C.
UNITED STATES DAILY
DECEMBER 6, 1932

Problem

Basic Factors in Administration Policy

By CHARLES J. RHOADS

United States Commissioner of Indian Affairs

364
THE OFFICE of Indian Affairs, a bureau in the Department of the Interior, handles the multitude of details concerned with the property and human affairs of America's only native race. In order to understand how we are attempting to execute this responsibility which has been entrusted to us, it is necessary to keep in mind these basic features in the problem:

The Indians are not a unified, group-conscious race. Within the United States proper there are over 200 tribes and at least 50 distinct groups, speaking different languages.

Paradoxical as it may seem, there is no agreement on what an Indian is. Attempts to arrive at a definition from a legal standpoint usually bring a result which is, from a humanitarian point of view, often tragic.

The Office of Indian Affairs is over 100 years old, and each new administration inherits a complex mechanism of conflicting, unrelated laws and outgrown practices, plus the accumulation of widely differing emotional attitudes of the countless groups on the outside who have either an economic or a sentimental stake in the question.

All of the 320,000 Indians in the United States are citizens; but the Federal Government has a legal responsibility for only about 200,000 of them.

The Indian is not a museum piece, nor a Wild West exhibit, but a vibrant human being. Many of these human beings, because of the circumstances through which they have passed, are socially and economically unadjusted, and their condition presents a stubborn problem of human welfare.

The Indian Service conducts activities in 26 States and the Territory of Alaska. The center of local activity is the reservation, or agency, of which we maintain 84. In addition, there are the large boarding schools and the hospitals and sanatoria, which are separate administrative units.

In the field service we have 6,000 people,

Indians

Policy

one-third of whom are Indians, carrying on the varied activities for which we are responsible; a program which touches every phase of life from prenatal service for the expectant mother to probating the estate of the deceased adult.

On the human side the program falls under the headings of health, education, and agricultural and industrial development. In the field of health we maintain 98 hospitals and sanatoria, plus many field doctors and field nurses working in the Indian communities.

Our educational division maintains 65 boarding schools and 128 day schools, though now, we are proud to say that 48,834 Indian children receive their training in public schools, as against 27,000 in Government schools. Twenty-four agricultural extension agents and 209 farmers and stockmen are responsible for the encouragement of subsistence and commercial farming and stock-raising. A small staff is opening up opportunities for paying jobs for Indians in the vicinity of the reservations.

There has been considerable progress made on this human side in recent years, thanks to generous appropriations from Congress, which have made possible better health and educational facilities and a more adequate personnel, and thanks to the increased cooperation in the work on the part of State and local agencies.

The most baffling side of the problem—our trusteeship of the Indians' property—requires continuous study and planning. Here we have activities under the headings of forestry, irrigation, and land usage. This phase of the work raises such questions as these:

Under what circumstances should an individual Indian be given complete control over his property or resources?

How can the administration of his land be freed from the many legal entanglements which frustrate any real program?

How can we best secure the use of the Indians' land and resources, and yet protect them from the predatory activities of grasping neighbors?

The following steps seem essential to us, for the immediate future, in a program to meet these complex problems of trusteeship:

To secure a legal definition of an Indian which is also socially sound, and to set a limit by blood or definition to those entitled to participation in property or financial benefits, so that the efforts of the Indian Service may be concentrated upon real Indians.

To secure a codification of all Indian laws, so that we may have in one volume all the many statutes passed in the last 100 years, and then proceed to bring them up to date.

To adjust or eliminate many of the charges against Indian tribes or individuals for roads, bridges, tribal herds and irrigation projects no longer justified.

Congress and the public have expressed an

WHITTIER, CAL.,
NEWS
MARCH 20, 1929

LO, THE POOR INDIAN

Criticism of the Indian Service has called forth a defense from different departments in Washington. The Department of the Interior recently issued a memorandum for the press, prepared by Dr. M. C. Guthrie, surgeon of the United States Health Department, who is chief medical director of the Offices of Indian Affairs. This memorandum deplors destructive criticism and insists that the Indians themselves are the ones affected most adversely. Any criticism which is worth much must of necessity call attention to defects and usually the departments criticised are prone to feel that the brand is destructive and not constructive. According to the facts set forth by the learned doctor, there is evidence of need of a radical change in the methods and scope of the care which this government gives to its wards, the Indians. The memoranda sets forth that there are about 250,000 Indians who are wards of the government and during the period between July and December, 1927 there were 1,089 deaths and the records show that the rate is twice that of the registration area of the United States. That deaths from tuberculosis is more than four times the death rate from the disease throughout the country. That trachoma is found in about 18 per cent of the 40,000 examinations made in 1928. The memoranda sets forth that field nursing is of major importance in public health measures among the Indians and then states that only 33 field nurses are in the service. Just as a bit of constructive criticism we suggest that 33 field nurses are not enough to care for 250,000 Indians. We believe that field nurses who can spend their time teaching something of the value of sunshine, fresh air, cleanliness of person and home and a proper dietary with respect to the care of infants, will help better conditions for "Lo, the Poor Indian". Just so long as the Indian lives in dirt and filth, on the ground in tents, and in huts without windows, disease will be rampant. If the field nurses are supplied, so that there is at least one for every two thousand families, a long stride will have been taken in preventive medicine. This will take more than the 1929 appropriation of \$1,440,000, but it will prove worth while.

interest in these fundamental issues, and much progress has already been made. We can look forward to a steady advance along the lines mentioned.

The American Indian

(Contributed by the Hayward Department of Health)

"FACTS" NOT RECOGNIZED

The "Indian problem" in its several phases—economic, religious, educational, and health aspects—is prominently before the American people at this time. It is well, therefore, that a clear conception of the facts relating to Government control or guardianship of the American Indian be made.

An interesting article appears in the current issue of "Public Health Reports" from the pen of M. C. Guthrie, Surgeon, Chief Medical Director, Bureau of Indian Affairs, which is quite enlightening on some of these fundamental "facts."

Quoting "of these 350,000 Indians of all classes, degrees, and changing composition, about 225,000 look to Uncle Sam or are tied to Uncle Sam by various knots of legal guardianship with respect to property, education, health and sanitation, and upbringing. . . . It should be stated that there are in many States Indian groups who have never been recognized as Government wards in any respect. For example, the Croatans of North Carolina; the Miamis of Indiana; the scattered Chippewas, Ottawas, Potawatomis, and others of Michigan; the Onandages, Senecas, Cavugas, Oneidas, Tuscaroras, and St. Regis of New York; the Alabamas, Coushattas, Koosatis, Seminoles, Isletas, and others in Texas; and certain tribes in South Carolina, Alabama, Maine, Pennsylvania, Virginia, and several other States."

"Among the principal Indian tribes in different sections of the country are also many individuals whose wardship has been terminated, who are 'patent-in-fee' Indians, who have been discharged from this supervisory relationship, and for whom now the various governmental agencies may no longer expend gratuity funds in their special behalf for education, health, or any direct purpose. To these 'patent-in-fee' Indians the relationship of Government is identically the same as it is toward any individual or group of its white citizens."

"In many white communities the situation with respect to 'patent-in-fee' Indians is confusing. In such communities, when an Indian has transgressed local laws, is hungry, or is diseased, and, accordingly, may be in need of medical assistance and possibly hospitalization, the local viewpoint is that (because he is an Indian, he is, per se, a Government ward and, therefore, a Government responsibility, and the Government

must provide the remedy needed, whether it be correctional measures for violation of law, food for the hungry, or services of a physician and nurse for the sick, and admission to an appropriate governmental hospital, sanatorium, or asylum as the needs require. As a matter of fact, these 'patent-in-fee' Indians are beneficiaries of the particular State or locality in which they live, and must look to their State or local government for those things which the State or locality provides for its white citizens who need assistance and do not have the means to provide for such themselves."

(To be continued)

Leave Poor Lo Alone!

1929

By Idwal Jones

Washington
Herald, Apr. 2, 1929

THERE is a lot of muddled thinking in regard to Indians. It has been made worse because a small handful of rich Osages have been snagged into marriage by Liliths of the gold-digging stripe—an accident that can happen to anyone with the same balance at the bank.

All that is needed in Oklahoma is a financial expert to advise them on their affairs. As for the other Indians—most of us are for leaving them alone, like the redwood trees or the Palisades.

* * *

BUT Secretary Wilbur has spoken. Indians have been nursed too long, he says. They must now be weaned. For their own good they must be taken as far away from the reservations as possible, and apprenticed to trades.

And if they don't like it, they can howl. Thus the new Big Mudjukeewis. And he will find a commissioner to enforce the policy.

This must make the Indians more distrustful than ever. Their natural cunning—which never failed them except in the case of the rich Osages—has led them to be very suspicious of the Government.

I remember when a President made a speech out West, and a politician rounded up some 300 Indians to make a good showing and give the affair a little primitive color.

THE aborigines were very obliging. They came in new purple suits with yellow shoes and fedoras with snapped brims; the women dressed in the best gowns they could choose in the mail order catalogue, and loaded down with infants in a high state of crackers and jam.

It was a hot day, and they perspired. The speech was too long and all about the Peace Pact. It had nothing to do with bigger and cheaper fish hooks nor canned vegetables to be bought at cost.

Before the speech was half over they trooped away, filled up on ice cream at the drug store, and went back to the reservation, leaving the Little White Father flat.

* * *

IT is difficult not to have a respect for a race that will not stand and cook in the sun for the whole length of a political speech when there is pretty good fishing in the neighborhood and fine shade along the river.

A people like this, we suspect, will not allow itself to be dragooned into the city and turned into garage mechanics and concrete mixers, and build up a horrible world in which the primitive man has no place, from which everybody tries to escape for at least two weeks every Summer.

Seventeen thousand Indians in the Northwest lead a happy life. They spear fish, make baskets, cut wood, play sad music on whistles and make fine clay pots.

They care not one pin for civilization. Except for having more iron tools about the place, they live exactly as they did in 100,000 B. C., and display the utmost sense in so doing.

* * *

NO Indian Commissioner ever appointed could understand these people. The only man fit for the job is a man who has sympathy with the primitive way of life.

Somebody like Dan Beard, or Baden-Powell, or the leading scout masters who can spear fish with the best of them and build a cooking fire in the teeth of a sixty-mile gale of wind.

The chief qualification for an Indian Commissioner must be not political pull but claustrophobia—the horror of being pent up in the four walls of a house. It was the only way to prevent the history of our Indian guardianship continuing to be a disgrace.

FEBRUARY 14, 1929

Supervisory Board Seeks Federal Care Of Tribesmen

LAW IS PROPOSED TO PUT INDIANS OF COUNTRY UNDER U. S. SUPERVISION

Proposal to put all Indians of the nation under the supervision of the federal government is made by the Siskiyou County Board of Supervisors.

At a meeting Saturday of the county board with W. W. Martin, foreman of the grand jury, which made a similar recommendation; Colonel L. A. Dorrington, superintendent of the Sacramento Indian Agency, and W. S. Kreigh, field agent of the agency, it was recommended that a law be passed to provide federal care of indigent tribesmen.

100 Being Cared For

At present, it was said, approximately 100 Indians are being cared for by the County of Siskiyou. It is proposed that these be placed in charge of the government. Under the present system, no Indians on reservations are in the jurisdiction of the United States Government.

It is understood that the agency officials favor the inclusion of all Indians, whether or not they are on reservations, in the federal system, but legislation is necessary to make the change. The proposal will be forwarded to California representatives in the senate and house.

LOS ANGELES, CAL.
TIMES
APRIL 29, 1929

MR. RHOADS'S JOB

Reaction of the press to the appointment of Charles J. Rhoads, president of the Indian Rights Association, as Indian Commissioner has been generally favorable, yet here and there have been comments on his announced purpose which indicate that it may have been misunderstood. At least it is to be hoped he has been misunderstood, since one or two Arizona papers have obtained the idea that he intends to attempt disruption of such cultures as those of the Navajos, Pueblos, Pimas and Papagos and make these Indians indistinguishable from the remainder of the population. What Mr. Rhoads has said, following an announcement of policy by Secretary Wilbur, is that he proposes to make the Indian Bureau unnecessary.

The Indian Bureau is not now necessary to the tribes named, except so far as it may serve to protect them from exploitation by greedy whites, and the less it interferes with them and their age-old organization and customs the better.

Commissioner Rhoads's job is to abolish the Indian boarding schools, provide for the education of Indian children in day schools, so they can live at home, and make of all the Indian communities just such self-sufficient and self-respecting entities as the peoples named have. No one solution, of course, will do for all the Indians; each tribe is a separate problem, but so far as possible the Pueblos should be considered as having a model organization. If other tribes were in similar position there would be no Indian problem. The breaking up of families or tribes is both cruel and wrong-headed, and it is also unnecessary. It is not civilizing the Indian; it is exterminating him.

Eventual disappearance of the Indian through absorption is probable, but there is no need to hasten it artificially.

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~~Week's Star - March 28, 1929~~

NEW INDIAN OFFICE

POLICY ANNOUNCED

Wilbur Seeks Commissioner
Who Will Eliminate U. S.
Guardianship.

By the Associated Press.

Secretary Wilbur is looking for a man for commissioner of Indian affairs who will be so able in that position he will work himself out of a job.

The new Interior Department head believes that the solution of the Indian problem is the elimination of the guardianship of the Government over the Indian and the transformation of the native Americans from wards to independent and self-sufficient citizens. Such a solution of the Indian question, as he sees it, necessitates a new direction for the Indian office and a stiff course of "hardening off" for the Indian.

Secretary Wilbur does not believe that the problem can be solved overnight, but he does think that a new program can be started at once. It is understood that he has the backing of President Hoover in declaring that this program must be worked out before a commissioner for Indian affairs can be selected.

Many Job Applicants.

There has been no lack of applicants for the job. More than 100 persons, all of whom declared in one way or another that they knew the last word in administration of Indian affairs, have applied for the position. Any number of names have been submitted, both to Secretary Wilbur and to President Hoover, and Secretary Wilbur has consulted with many students of the Indian in making up a list of names which, it is understood, has been sent to the White House.

Secretary Wilbur, a former president of the American Medical Association, who sometimes talks in the homely idiom of the family physician, has remarked that it "is time for the Indian to be weaned."

"It is dangerous for a child to continue nursing too long," the Secretary declared recently in talking about the Indian problem. "It is also just as dangerous for the nurse. The thing to do is to hand it a pickle and let it howl."

The first step in the new Indian problem as it has been tentatively worked out would be to establish in certain sections of the country a group of employment agencies which would take the Indian in hand as soon as he has finished school. Secretary Wilbur believes that a trained and educated Indian should be kept as far away from an Indian reservation and its influences as is possible.

Indians Shown Handy.

Those who have investigated Indian tendencies and have been associated with the education of Indians have reported that the Indian is especially apt with his hands, can be trained with ease as an airplane or automobile mechanic, and takes to handicraft work, such as weaving and pottery molding, like a duck takes to water. It is the intention of Secretary Wilbur to see that the Indian schools pay particular attention to this type of training and then have the employment agencies place the trained Indian before the employer of such labor.

It is the belief of the Interior Department that an Indian properly trained and then assisted in obtaining work where this training can be utilized, will no longer present any problem to the Government.

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FRIDAY, APRIL 12, 1929

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NEW INDIAN POLICY

Under the new secretary of the interior, Ray Lyman Wilbur, there is to be complete change in the government policy of handling the Indian and his affairs. Probably never have the methods of the Indian Bureau under any administration been satisfactory to all the groups interested in the Indians and their affairs. Speaking generally, there have been two conflicting theories of the proper solution of the Indian question and the treatment of these aborigines of America who so long have been wards of the government. One is that the Indians should be continued in their native customs and habits and the reservation system be retained to this end. The other theory is that they should be trained entirely in other modes of life and every effort made to assimilate them into white civilization. Secretary Wilbur apparently is committed to the latter solution of the Indian problem, in its general aspects or trends, at least.

Dr. Wilbur regards the question largely as a sociological one, and he has been seeking for the post of Indian commissioner under him a man acquainted with and interested in a practical way in sociological questions. He believes the man wanted for Indian Bureau head is Charles James Rhoades, associated with a banking firm in Philadelphia and long deeply and actively interested in the welfare and affairs of the Indians. Mr. Rhoades has been offered the post by President Hoover and Secretary Wilbur, and while he has not accepted definitely, it is believed he will. He is president of the Indian Rights Association and is an orthodox Quaker.

Since Mr. Rhoades is favored for the commissionership, the presumption is that he and the secretary of the interior are in agreement as to the best solution of the Indian problem. Dr. Wilbur wants the government to adopt the policy of assimilating the Indians into the American population as a whole, though it will be a slow and gradual process which will require long years to attain. The secretary holds to the view that no one avoidably completely dependent upon the government for support, can remain in that position and gain or retain self-respect. If he is to acquire self-respect and dignity, to improve in character and not retrograde physically, mentally and morally, he must be taught ways and habits of self-support and independence, and encouraged to practice them and strengthen himself in them until he becomes wholly self-reliant. Life on a reservation would defeat this and perpetuate a civilization centuries behind that of the white man's of today.

STOCKTON, CAL.—
INDEPENDENT
APRIL 3, 1929

364 New Indian Policy

CALIFORNIANS are glad that Secretary of the Interior Ray Lyman Wilbur is to inaugurate a new Indian policy.

For years there have been recurrent incidents that have served to illustrate how the interests of the Indian have been submerged in the political fray of appointees, who have little time or use for the Indian save when he can be used for exploitation.

Not content with robbing the First Americans of their property and rich oil lands—given to them in the first place because they were not considered of any particular value—many have undertaken to deprive them as well of everything they hold dear by reason of tradition and association. Their tribal customs, their dances, their religious beliefs, their mode of living—all have been changed, and now the tribes are fast dying off with tuberculosis and other diseases of the white man.

People with a sense of common justice have been often roused to indignation by the treatment of a dependent race and Americans, especially Californians, will welcome a reorganization of Indian policy that will make for justice and fair play for the American Indians.

Secretary Wilbur will prove an ideal man for this important task.

OAKLAND, CALIF.
TRIBUNE
APRIL 1, 1929

NEW INDIAN POLICY?

A hint is out that radical changes are to be made in the Government's Indian policies and that Ray Lyman Wilbur, Secretary of the Interior, is to be entrusted with the task of devising a new procedure divorced from that red tape and injustice which went with the old machinery. Friends of the Indian, those who are aware of what has been taking place, are hopeful that at last a workable and efficient plan will result.

The Indian has suffered not because of lack of good intent, but because down the long line of agencies, bureaus, and officials, hard and fast rules have been applied mechanically, and politics and greed have crept in. It is a difficult thing to govern and aid scattered peoples by bills introduced now and then in Congress; practical considerations which have weight are met when supposedly cheap Indian lands reveal mineral values.

Scandals have been disclosed in the Bureau of Indian Affairs, or among its agents, and mismanagement and corruption have been brought to the attention of the Senate investigating committee. There are charges that, in many instances, but a small part of the inadequate sums intended for Indian reservations reached the tribes, and there are stories of Indian communities being forced to move away from fertile lands to the desert because of outside desire to exploit those lands. Indian schools have been shown to be overcrowded and the assertion has been made before the investigators that Indian pupils are near starvation.

Secretary Wilbur, an educator and physician, is said to be looking for a competent and practical sociologist to take the place of Commissioner Burke who has resigned. It is given out that a new policy is being framed. If it may drive away from the reservations the white parasites and exploiters and win from Congress adequate appropriations it will be welcomed gladly by the vast majority of citizens. Incidentally it brings an unusual opportunity for distinguished service to the Californian who is Secretary of the Interior.

LOCAL COMMITTEE REPORTS ON OUR VALLEY INDIANS

Bishop, Calif., March 2, 1929
U. S. Senate Indian Committee
H. R. Indian Committee
Commissioner of Indian Affairs
California U. S. Senators
California Representatives in Congress,

At the request of the local Indian Department Representative, the undersigned citizen committee made an inspection of the restricted and unrestricted Indians in the Bishop district of the Walker River Indian Agency on March 1, 1929, and respectfully submit the following report:

Restricted Indians

Ample opportunity has been given an ambitious Indian on the government reservations and has been made more or less use of by those to whom the allotments have been assigned. Land is excellent, with ample water supply carried in concrete ditches, and adapted to the raising of all sorts of small fruits, vegetables, and small livestock used for food. The homes are fairly comfortable, expressing the individual taste, and were clean and unkept according to the disposition of the individual. These conditions are practically the same on the lands owned by the Indians themselves in patent in fee, or held in trust by the government.

If there was ample work in this territory, living conditions would of course be much better. Owing to the purchase of farming lands by the City of Los Angeles thruout Owens Valley, farming is being abandoned, the inhabitants are being dispersed and there is little work for the adult Indian. This simply means a larger allowance to be made by the government.

Unrestricted Indians

It is firmly established in the minds of nearly every individual that an Indian, no matter where you find him, is a ward of the United States government and it is the tendency of all local government to side step any responsibility along this line, therefore the status of the Indian should be clearly and positively defined by Congress, assuming full and complete responsibility for his welfare. The younger generation of Indians are more self reliant, demand a better education, and desire an opportunity to keep in step with his white brother, and every individual ambitious enough to meet the requirements of full citizenship, and to acquire some property upon which he pays taxes should be classed as any other citizen of the state in which he lives, severing all connection with the United States.

The older generations of Indians, those who have had no advantages of an education, are not qualified for citizenship, and probably never will be. Their status should be clearly defined, so that no question should ever arise as to whom the responsibility belongs, the United States government, and this regardless as to location, whether they live on the reservation, or choose to live in their old haunts, and under their primitive conditions.

Ample provision should be made for the indigent and needy in food, fuel and clothing. It is recognized that restrictions should be placed upon the amount of the ration, but the maximum should not be set at an amount that is insufficient to meet the needs of the individual. In the main such matters should be left to the judgment of the local representative of the Indian Department, who being on the ground knows best how to meet the individual need. Good business methods are preferable to red tape in dealing with hungry and helpless wards of the United States.

Schools

Since the closing of the government schools, the Indian children are being taken care of in the county schools, and treated on a par with

sick may be accepted if he can get there. A sick Indian veteran of the World War, in need of immediate treatment was admitted to the Carson Sanatorium not long ago, his transportation expenses to that institution being defrayed by local organizations. All that the Veteran's Hospital could do for him was to put him on the waiting list!

The building once used for a government school, and located near Bishop could be turned into a small hospital unit with free medical clinic. If a government doctor in charge is not warranted, arrangements could be made with a local doctor at Government expense. A full stock of medical supplies should be available at all times.

A field matron is very much needed in this territory, especially one with nursing experience. The farmer in charge is doctor, nurse, inspector, and father to fourteen hundred Indians scattered over a large territory, an incomprehensible position! The matron is needed in more ways than one, in the inspection of the home, in sanitation and hygiene, and particularly in the moral training and supervision of the girls a woman's hand is needed.

Dentist

The occasional visit of a dentist to this territory is not satisfactory, especially the treatment accorded the patients by a Mr. Dull who was last here. It is authoritatively stated by the teachers in charge that he was incompetent and careless in his work, harsh and brutal in his dental work, and the handling of his patients. Arriving here on Friday he did not attempt any work till the following Monday and leaving on Wednesday with many needed cases unattended. A dentist should visit the territory not less than once in six months, and stay here until all necessary work had been attended to.

Our local representative, Mr. L. I. Goen, Farmer in charge, is a most worthy and competent man of unquestioned integrity and with heart and mind thoroly in his work. He deserves every consideration for the way he has handled his charge. His authority should be so enlarged that he might use his own judgment and decision, in those immediate things that mean so much to the Indians. Being under the jurisdiction of the Walker River Indian Agency at Schurz, Nevada, everything must be submitted to the Superintendent there for decision, and such long distance administration destroys initiative and exercise of good judgment and is lacking in good business method and practice. An old Ford Automobile of the vintage of 1922 does not express the dignity of the U. S. government nor meet the needs of the farmer in charge.

Respectfully submitted,

Thomas G. Watterson
Edna L. Butler
Sybil Summers

Committee.

raising of all sorts of small fruits, vegetables, and small livestock used for food. The homes are fairly comfortable, expressing the individual taste, and were clean and unkept according to the disposition of the individual. These conditions are practically the same on the lands owned by the Indians themselves in patent in fee, or held in trust by the government.

If there was ample work in this territory, living conditions would of course be much better. Owing to the purchase of farming lands by the City of Los Angeles thruout Owens Valley, farming is being abandoned, the inhabitants are being dispersed and there is little work for the adult Indian. This simply means a larger allowance to be made by the government.

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Schools

Since the closing of the government schools, the Indian children are being taken care of in the county schools, and treated on a par with the whites. In the Bishop Grammar school, they are practically segregated in one room, and in charge of a very competent teacher. This situation is very satisfactory to the Indian parent, who values the full time attendance and the association with the whites.

Recommendations

A more varied ration, fresh meat, fruits and vegetables for the indigent Indians would be more in keeping with the present day requirements.

The most crying need is that of medical attention. The wage of an adult Indian, employed in what labor is available in this district is not sufficient to meet the expense of modern medical treatment. To the old and indigent, it is a calamity. At present the only place provided for a sick Indian is with board-

more ways than one, in the improvement of the home, in sanitation and hygiene, and particularly in the moral training and supervision of the girls a woman's hand is needed.

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Respectfully submitted,

Thomas G. Watterson
Edna L. Butler
Sybil Summers

Committee.

Original Defective

APRIL 22, 1929

364 The Indian Problem

DISCUSSING the Indian problem, Secretary Wilbur of the Interior department, formerly president of Stanford University, declares that "it is time for the Indians to be weaned. It is dangerous for a child to continue nursing too long. It is also just as dangerous for the nurse. The thing to do is to hand it a nipple and let it howl."

This homely summing up of the Indian problem smacks of common sense. It may be that the future will see some of the abuses under which the Indians have suffered in the past eliminated. In this connection it is said that Secretary Wilbur is looking for a Commissioner of Indian affairs who will prove himself capable of working himself out of a job; that is, one who will put the Indians in a position where they will no longer need a nurse.

We believe this should have occurred years ago. The Indians are intelligent and alert but have not been properly furnished with complete opportunity to make the most of their capabilities. We take greater pains with foreigners who come within our gates than we do with the Indians, who have been living in the country with us throughout the years, and yet the sum total of the work done with the Indians indicates that they have not done much more than mark time. Our government has patronized and tolerated them as an older person would a child. This has been a mistake.

Evidently it is the hope of Secretary Wilbur to get a good man as commissioner and inaugurate some plan that will have as its ultimate objective a new and happier status for the red man. It will, of course, be difficult at first, but judiciously applied the project should be justified by results.

One of the phases of Secretary Wilbur's Indian plan calls for the establishment of a group of employment agencies which would take the Indians in hand as soon as their schooling is completed. It is his belief that the well-trained, educated Indian should be kept as far away from the reservation as possible. The secretary points out that the present generation of Indian parents, because of the handicaps under which they have lived, are in no frame of mind to be able to inspire children to a better mode of life.

The fate of the small number of Indians who remain in this country depends on the present generation of its young people. If they can cut themselves off from the reservation life, the prospects seem bright. To find a secure place for the Indian in the nation as a self-supporting individual, who will contribute to the welfare of the country and who in turn can demand the respect of every good citizen, is an end that it is hoped can be attained. It is worth the trial. It sounds like good common sense. The task is a hard one but it can be accomplished.

March 15, 1929
GALVESTON TEX. NEWS

CLEAN UP THE BUREAU OF INDIAN AFFAIRS.

Charles H. Burke, commissioner of Indian affairs, has handed his resignation to President Hoover. For some time the bureau of Indian affairs has been under the scrutiny of a congressional investigating committee. Whether conditions disclosed by this investigation had anything to do with his decision to quit does not seem to be definitely stated in Mr. Burke's letter of resignation. No doubt he will continue to insist that his conduct of the bureau has been all that could be desired.

The fact remains, however, that the committee brought to light shameful instances of neglect and ill treatment meted out to the government's Indian wards. Stories were told of children beaten and half starved in Indian schools; of helpless Indians preyed upon by unscrupulous white men and left to eke out a miserable existence on barren reservations. Scarcely any story of this type offends public credulity; people are used to them. With few exceptions, the history of the white man's dealings with the American aborigines has been one of cruelty, treachery and exploitation. The advance of European civilization in the Western Hemisphere affords no more shameful episode than this. But it is astonishing that the American people, so sensitive otherwise to the wrongs of distressed minorities, should be so little concerned over the tragedy of the Indians.

President Hoover has a well-earned reputation as a humanitarian. From him the Indians have good reason to hope for the alleviation of their woes. The first step toward atoning for the failures of the past should be to place at the head of the Indian bureau a thoroughly competent commissioner; a man with sympathetic understanding of the Indian problem and sufficient firmness to deal sternly with exploiters inside and outside the department. It may be that Mr. Burke was ignorant of the wrongs uncovered by the investigating committee. His place should be filled by a man able and willing to keep himself accurately informed. It is not likely that such a man will be found among the horde of office seekers thronging Washington, many of them bearing indorsements from influential patronage referees. It will be disappointing indeed if Mr. Hoover uses the appointment vacated by Mr. Burke to reward some politician who knows nothing or next to nothing about Indian affairs.

POMONA, CALIF.,
PROGRESS BULLETIN
MARCH 19, 1929

New Indian Policies

Now comes the announcement that the policy of the Federal government toward the Indian is soon to take an entirely new direction. The Red Skin is to be rehabilitated, and the Indian bureau is to lead the way toward a new era in the governments dealing with poor Lo.

This new policy is a part of a general program of reorganization which it is said is feeling its way out from Secretary Wilbur's office to every bureau in the department. The new head of the Indian Bureau, soon to be chosen, must turn away from the policies the Indian Bureau has been following for the last 100 years. He has a real job ahead of him for he is expected to adjust the Indian to a program of rehabilitation and assimilation and at the same time turn a cold shoulder to any sentimentalists. A trained sociologist is wanted for this job, one who has had wide experience as an administrator.

But it will take more than a sociologist to make the Indian happy. These members of the aboriginal race of America, as they call to memory the stories of their forefathers, still dream of the old happy hours that have long folded their wings, and sigh for the wigwams and the camp fires that redden like angry skies. They yearn for the hum of the camp and their music of old which was as frightful as the serpent's hiss. They still have the desire to shake off the shackles of civilization. They want to live in the wild and be free as the mountain winds, where they can utter wild cries like a creature in pain. They long for the broad expanse and the wooded hunting grounds. They would discard the white man's garments and clothe themselves with blankets and robes with gorgeousness of coloring. All these yearnings are like phantoms gathered by the sick imagination; consequently there is perturbation of mind. Due to the frequent unfairness to which they have been subjected they are in a quagmire of distrust and they have no redress for their grievances. The enigma of life as they now must live it baffles them and they are disconsolate.

It is hoped the better dealings planned will be carried out without delay, and that in the new scheme of things the long accumulated store of discontent and unrest will be overcome with a vivid sense of that which is just and honorable, that a lively interest and sympathy will be manifested, and that under the guidance of a new chief the Indian Bureau will prove to be a civilizing agency of conspicuous value.

Lummis - Mission Indians - 1901

deal with brutes. It means not the survival of the best neighbor, but of the creature best able to cheat, eat, rob and crowd-out his neighbors. And among the chief tools of this evolutionary process is every one (except perhaps forgery) of the things which are crimes when committed by man. It involves the destruction of the weaker at every step. The brutes never "war"; but through every moment of the eons they are fulfilling the laws of evolution with the intelligence of brutes, by what for ourselves we call murder, cannibalism, highway robbery, sneak-thieving, bigamy, rape. These things are essential to the "Survival of the Fittest"—brutes.

In the same sense the same things would vastly promote the "survival of the fittest" among mankind. Polygamy, for instance, is much better for the "survival of the fittest" than monogamy is. It means more children to fight and beget fighters for the family advantage. Yet I fear these same reverend gentlemen are so disrespectful to the laws of Evolution that they persist monogamous—or, still worse, celibate. Evidently they don't really believe that they are of the Fittest.

HOW IT
WOULD
WORK.

If we would live as the beasts do, killing our next door neighbors when they were fat enough to eat, or when they had a house or mate we wanted; tearing to pieces the deformed or infirm or "useless," stealing whatever we could lay paw to, getting posterity wherever we could by force or favor—why, in one century the race would be regenerated. Only the strongest, fiercest, quickest of eye and hand and wit would be left—in the evolutionary sense, the Fittest.

If consistency were a jewel we could expect of these reverend apologists who can wash their hands so easily of blood in a smatter of science, and they would practice what they preach, what a picturesque time we would have, what little time it lasted! But if their logic were generally accepted, they would be among the first to be meat for Evolution. They would soon disappear, for the simple reason that as a class they could not shoot so quick or so straight as some other fellow who hankered after their wives, their houses or their "jobs" as ministers of the new Gospel of Get-There.

WHERE THEY
WOULD
"COME IN."

361 years after its finding by Alarcon, California has been rediscovered by the government at Washington; and is at last something more than pink paper on the map and a backbone of the Treasury. It is to be hoped that the example set by President McKinley may be made a continuing precedent—in one form or another. This is a rather large country; and it is only common sense that they who govern it can govern it better by knowing something about it. Only two of all our Presidents, if I remember rightly, ever before measured the United States at any time; and Mr. McKinley is the first who has done so during his term. Grant was a young captain out here before he became famous, and touched California on his return from the famous tour around the world; and Harrison visited us as an ex-president. But really, when you come to think of it, we should make it compulsory for all our presidents to "size up" the nation—and, if possible, beforehand.

THE DISCOVERY
OF OUR
CALIFORNIA.

The great disadvantage of Mr. McKinley's program is that he is too welcome. If his right hand does not forget its cunning it will be no fault of the tens of thousands who wring it. As a bald bargain, he probably would not take his year's salary for "shaking" with all these people; to say nothing of the tension of speechifying, banqueting, receptioning and parading. Still worse, it is not instructive, except geographically. It is the last way a President would ever find out what the People think. One doesn't row with a guest

over politics. Those who distrust a certain policy will nevertheless be glad to welcome the President of the United States to their own provincial burg, and may forget the man in the Office—and so may he. In fact, no crowned head probably ever made a journey in which he heard more "nice things" and fewer critical ones, than a President may who tours this republic. On the other hand, emotional people are apt to forget that their glimpse of an august personage in a decorated barouche does not at all alter the moral principles which were before they were born. Gravitation and the Golden Rule go on just the same as if they had not Seen Him. All Americans like to welcome a President; and if it is pretty hard on the President it has its alleviations. But really neither of us knows any more of the other than before.

It might not be a bad idea if we could revive the old American fashion in some such way, for instance, as the Lincoln-Douglas debates, "before taking." A candidate for the presidency has the advantage of a president. He is less like to be killed with kindness and choked with attention. He can learn more of the people, and they more of him. They and he can then better dissociate him from the Place. It would be a mutual benefit. And after election it would be better not only for the "outskirts" but for the whole country to have a president who had some idea of the whole country.

Meantime it is pleasant to feel secure that it will be long before the present President forgets California and the West, either geographically or for its hospitality.

TIME
TO DO

SOMETHING.

It has been notorious for a generation that the Mission Indians of Southern California have been most shamefully entreated. In all the "Century of Dishonor" of our government's broken faith with its wards there have been few darker or meaner chapters. It has been one long story of oppression, swindling and downright robbery of these inoffensive First Americans by the "Superior Race." A prey to the agencies—or at best mere grist for the agent's salary—they have been steadily the victims of cowardly dishonesty on the part of some of their white neighbors—cowardly because the swindling store-keeper or land-thief would not dare try the same game on anyone who had any recourse of justice; and a general charge because the decent people of the neighborhood have permitted the disgrace. It is a thing Californians have a right to blush for. It is a sad thing to have to say that these Indians would have been better off if they had only Mexicans for neighbors; but it is literally true. In a State proud of some of the most refined and educated communities in America these helpless natives have been so cheated and so robbed as would be absolutely impossible in Mexico or Peru, and would have been as impossible in the California of 60 years ago. I am not guessing at this. Every thorough student of the history and the peoples involved knows it to be true—and I know not only the documents but the countries, root and branch. For that matter, if our Indian Bureau would adopt one-half the laws relating to Indians that were in force in Spanish America 300 years ago, and would enforce them half as well as Spain did, it would mark a wonderful step forward. Again, let no one who never "studied" further than Prescott's beautiful romances of fifty years ago, cry out at this. Fortunately there have been scientific students since Prescott's time. Sometime when space serves, I will reprint a few fair examples of these ancient Spanish laws, that Americans, even if they hate Spain, may be ashamed to lag behind her in justice and mercy and truth to the weaker. And with the laws I will give some sample cases of what happened to the people who broke them.

It was in 1883, that Helen Hunt Jackson and Abbot Kinney, as special agents of the government, reported on the condition of the Mission Indians. It is not comfortable reading for an American jealous of his country's fame. But as truthful a report now would be far more stinging. For the more good people have come in, the worse it has gone with the Indians. Lands are far more valuable than they were—and there seem to be more people than there were who are glad to steal from a child or a cripple or anyone who cannot help himself. They value ten acres not only more than an Indian's life, but more than their own putative souls—and in the latter bargain perhaps they are right. They recall the old York simile: "Soul? Why, if you put his soul in the shell of a mustard seed, it would be as lonely as a bullfrog on the shore of Lake Superior."

EIGHTEEN
YEARS
TO BOOT.

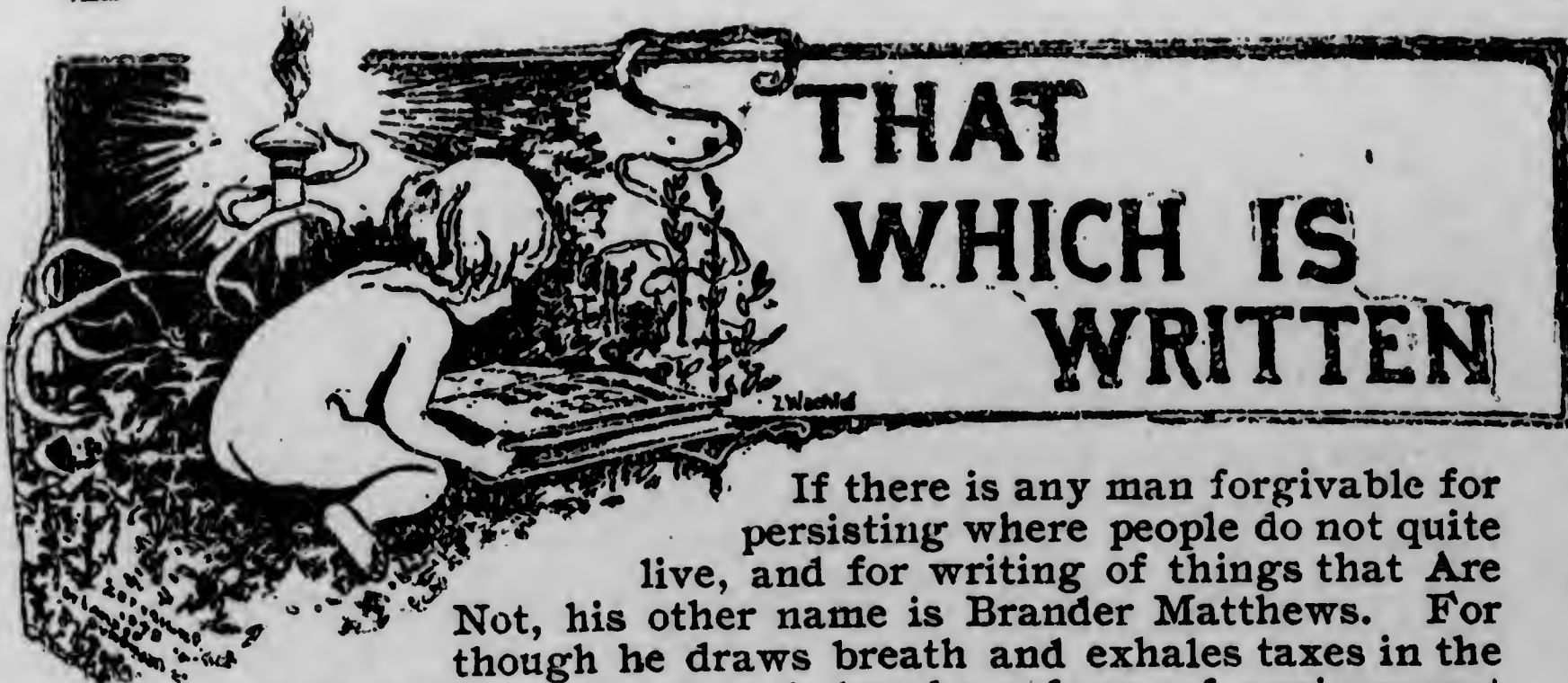
It is now an absolute and indisputable matter of fact that the Mission Indians of Southern California, particularly in San Diego county, have been swindled out of practically all the land on which it is possible for even them to make a living—even the barest living. And when I say "swindled" I mean it every letter. Fraudulent surveys; progressive advance of the *walking fences* some of their chivalrous neighbors have invented; and frequent cases of forcible dispossession by a class of white squatters who are less men than any Indians I ever knew (and I have known a great many tribes all the way from here to Chile)—these have been the proud methods we have permitted our lawbreakers to pursue.

AND WHAT
HAS NOT
BEEN DONE.

Mrs. Jackson fully advised the government of all these things as they then were—and they were already more than bad enough. But the government has practically not turned over its hand. If it did, its hand did not weigh much; for the thing has gone from bad to worse, from worse to a shame that cries to heaven. These people are starving now. They have been driven off the land that could feed them even on wild seeds. They have been robbed of their water in the desert, robbed of their cattle and their houses, robbed sometimes even of their towns. The government does not feed them, as it does dangerous Indians. It does not supply them. Its agencies are so useless and incompetent as to be ridiculous. And it does not even protect them from thieves and bullies of our own people.

But now there seems to come the first faint glimmer of hope to remove this stigma from ourselves, even if we care nothing about the Indians. Some people of weight are getting interested. Constance Goddard Du Bois, a well known writer, has spent much time in studying the conditions as they are today. Her very mild report will open the eyes of many people. If any who wish it will send me their addresses, I will try to see that they get it. Rt. Rev. Joseph H. Johnson, Bishop of the Episcopal Church in this diocese, has also investigated the matter personally, and spoken quite as clearly and strongly as to the shame of the present situation. It is hoped now to make a rally of prominent people of all creeds and professions who are manly enough and womanly enough to care that justice be done, and to *do something competent*. The moment such a rally becomes of weight, the politicians will heed. Possibly even some local district attorney may learn that it will be as well to do his duty, even if the victim of a crime has no vote. And even without waiting for the slow enginery of government, there is a great deal that such an association can do directly. Otherwise the Indians might all be dead of starvation before the Bureau found California on the map.

CHAS. F. LUMMIS.



THAT WHICH IS WRITTEN

If there is any man forgivable for persisting where people do not quite live, and for writing of things that Are Not, his other name is Brander Matthews. For though he draws breath and exhales taxes in the Burrow of Manhattan, and though by sheer force of environment he writes numerous and calmly upon many things which are not things at all but the shadows of the simulacra of things—for I take it an essay is only a genteel confession that a man doesn't notice that there is anything to do—yet he is so unspoiled in his spoiled environment, he writes so humanly of things that are not yet human, and never were divine, he fetches the paper dolls of supercivilization so unpretentiously back toward flesh and blood, that I respect him as much as I like him. He is, the sort of man one would wish thrust by some kindly accident out into the jostle of Real Things, as Stevenson was. For the metropolis is only a stage mimicry of life and affairs; and this is true of its literature as of its other activities. It is the hothouse for epiphytes. For every word creative, it writes a thousand parasitic. Now and then it makes a Book—but it is generally occupied with making books about Books—running down Swift's scale almost "*ad infinitum*." Yet there are a few men alive who can lend distinction to this sort of thing—across the water, Andrew Lang in particular; on this side, particularly, Mr. Matthews. His newest volume, *The Historical Novel, and Other Essays*, is thoroughly Matthewsian. Among its best numbers is that on "Literature as a Profession," and the tenderest and most just appreciation ever printed of that rare and fine American, H. C. Bunner. Chas. Scribner's Sons, 153 Fifth Avenue, New York. \$1.25 net.

BEARS AND BULLS.

True Bear Stories by our own Joaquin Miller—as if there were more than one Joaquin—is, as A. Ward would have said, "an amoosin' cuss." Joaquin's stories are meant to amuse, and do not fail thereof—though some are unlike the quality of mercy. One, at least—"My First Grizzly"—has genuine strength and pathos. The illustrations do not mean to amuse, but are really the funniest things in the book—or perhaps in any book. The house-a-fire bear, in colors, p. 26, is probably the most excruciating absurdity ever perpetrated between covers. These illustrations are by Pierre N. Boeringer, who—besides the trivial fact that he cannot draw—is handicapped by a total immunity from taste. Some of these pictures are as vulgar as they are wooden. Having procured a good-natured man (Dr. Jordan) who knows all about bears to write a really scientific introduction, the publishers have allowed Mr. Boeringer, who knows nothing about bears, to add an appendix, "Scientific Classification of Bears," which is one of the most howling follies ever put into print, and as dull as it is silly. Rand, McNally & Co., Chicago. \$1.25.

A HUNDRED YEARS OF PROGRESS.

A volume of uncommon scope and value, fully up to the requirements of its exigent title, is *The Nineteenth Century: A Review of Progress*. Here are 37 chapters "in the chief

Indian office : Miscellaneous

Clippings

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Washⁿ Star, May 27, 1924
THE EVENING

Indians Refuse U. S. Checks; Seek To Retain Lands

In protest against the breaking up of their allotted lands by the white man, sixteen Indians on the Colville Reservation, in Washington state, have refused to accept checks forwarded to them by the federal government as per capita payments in the allotment of their tribal funds.

The individual amounts involved ranged from \$30 to \$180 each, and totaled \$1,260. The checks were turned back to President Coolidge, who returned them to the Indian bureau along with a petition by the sixteen Indians asking that the Colville Reservation be held intact.

Indian Commissioner Burke announced today that the returned checks would be canceled and the money deposited to the credit of the assignees for payment upon demand.

Indians Enslaved

BULLETIN

364
SAN FRANCISCO, June 13.—California Indian children now have the same right to attend public school enjoyed by other children, according to a decision of the state supreme court.

The fight to gain equal rights for Indian children has been carried on in the state for several years by the Indian Board of Co-operation, E. G. Collett, executive representative, said that the fight was extremely bitter in several county courts.

BY JOHN COLLIER

Chapter 4.

Down in Oklahoma there are 50,000 slaves.

They are Indians who were guaranteed their perpetual independence by the United States 80 years ago. In 1908 a solemn mockery was carried out of making them free Americans in every sense. But they are slaves, made slaves by the very law which pretended to make them glorious free United States Americans.

This is the most lurid scandal of the Indian "system" at present, except that other scandal of the religious persecution of the Indians by the Indian bureau, which will be described in the next article.

The gist of the Oklahoma scandal is as follows:

With the Indian Bureau, which normally dictates to Congress in legislation affecting Indians, passively consenting, Congress has turned the Oklahoma Indians over to the political guardians appointed by the county courts of the state.

These guardians report to the court which appoints them. The court is locally elected. The guardians elect or defeat the judges.

The guardians receive the income of the Indians from oil, timber sales, grazing leases, etc. They control these sums absolutely. They control equally the persons of the Indians.

The income since this guard-

(Continued on Page Four)

medical service to this woman. The doctors obeyed. The woman's baby became ill, no medical treatment could be had, and the baby died. The woman is a slave today.

A joint report of the Indian rights Association, the American Indian Defense Association, and the General Federation of Women's Clubs states: "There is no hope for any reformation in the present system, and if action is delayed for a few years there will be no Indians left with property to protect."

But this system is not new. It was established in 1908. Every year since the scandal has grown more atrocious. What has the Indian Bureau, with its dictatorial powers in legislation done about the scandal?

It has done just one thing. It got Uncle Sam to appropriate about \$100,000 a year, which has been continued annually since 1915, to employ attorneys. These attorneys live in Oklahoma and practice before the county courts. They have no power under law. Assistant Commissioner Merritt rightly states that there is little friction between these attorneys and the courts



Our New
 LE
 fit you.
 the balance
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 up

369
 (Continued from Page One.)

ianship system was created has several times trebled ten million dollars. The guardians pay the Indians what they choose, collect huge fees, lend out the money, buy and sell real estate through it, and help support the political machines of the State with this Indian money.

Guardian Kimberly, placed by the court in charge of an Indian girl, demanded \$5000 a year as his fee. He proved that he took this girl to a "movie" once a week. He did not claim to perform any other service—for the girl's oil income was collected by the Indian Bureau and merely paid over to him. The court awarded him \$5000.

A young Shawnee woman tried to flee from her white guardian. He pursued her through county after county. Through a court order he took her household effects, even her bed. He refused her a cent of her money. He published advertisements warning doctors not to give medical service to this woman. The doctors obeyed. The woman's baby became ill, no medical treatment could be had, and the baby died. The woman is a slave today.

A joint report of the Indian rights Association, the American Indian Defense Association, and the General Federation of Women's Clubs states: "There is no hope for any reformation in the present system, and if action is delayed for a few years there will be no Indians left with property to protect."

But this system is not new. It was established in 1908. Every year since the scandal has grown more atrocious. What has the Indian Bureau, with its dictatorial powers in legislation done about the scandal?

It has done just one thing. It got Uncle Sam to appropriate about \$100,000 a year, which has been continued annually since 1915, to employ attorneys. These attorneys live in Oklahoma and practice before the county courts. They have no power under law. Assistant Commissioner Merritt rightly states that there is little friction between these attorneys and the courts

which appoint the guardians.

The courts and the guardians are in conspiracy to enslave the Indians and rob them. The \$100,000 corps of Indian Office employes, appointed solely to protect these pitiful victims, has no friction with those engaged in one of the most hideous crimes of the century.

Now various organizations of citizens have undertaken to get legislation abolishing this peonage and loot in Oklahoma. The Indian Bureau weakly agrees that it should be done. The facts have been broadcasted and are uncontradicted, but Congress refuses to budge. The Oklahoma delegation says "no." The Indian Bureau maintains its army of "protectors," and collects and delivers to the guardians the money from the Indian estates.

There are many ways to separate Indians from their property.

(To Be Continued)

Retake of Preceding Frame

Many Resolutions Are Passed By Convention

364

Whereas, the Indian bureau exercises practically unlimited control over Indian property estimated at one billion six hundred thousand dollars, and over the persons of the Indians to the extent of imprisonment, penalizing and punishment, notwithstanding the Indian has been declared a United States citizen since June, 1924. Whereas, the power to administer such penalty lies with appointees of the Indian bureau, who receive \$10 monthly fee and neither jury trial or other code of law is used in making decision of guilt. Whereas, after 70 years of such government by the Indian bureau, the Indian population is decreasing and is in a deplorable state of disease and in many instances poverty and the

(Continued on page 2)

the San Francisco

C. in conven

by di

STORIES

... day at the county seat.
Mrs. Annie Moretti spent Monday at the county seat.
S. A. Buchanan has had shearers from Los Banos clipping his an-
groas since the rains.
this winter, has returned to his ranch here.

Are
... papers on ap-
was also filed to the
and killing sheep. The judgment
ered was for \$437.

... salaried positions in said Indian
bureau have increased to 5000.

Therefore, be it resolved, that the San Francisco district C.F.W. C. in session, regularly endorse and urge consideration of the joint resolution 189 presented to congress in the 69th session by Hon. James Fear of Wisconsin, providing for the appointment of a committee of five each from the senate and the house of representatives, with all necessary expense fund supplied for a complete and thorough investigation of any and all charges of misappropriation of American Indians, and report their findings and that copies be sent the representative of this district in congress and President Coolidge.

INDIANS CALLED VIRTUAL SLAVES

John Collier Hits Policy of
Interior Department

Religious Liberty Denied to
Red Men, He Declares

Avers Courts Ignore Them;
Women Quiz Aided

The status of the 340,000 Indians on the reservations located in different parts of the United States and controlled by the Indian Bureau of the Department of the Interior virtually is that of slaves, says John Collier of New York, executive secretary of the American Indian Defense Association and research agent for the Indian Welfare Committee of the General Women's Federation of Women's Clubs.

Mr. Collier, now at the Clark, is in Los Angeles to confer with the members of the committee who are attending the biennial convention of the federation being conducted here. He has furnished information on various phases of the Indian question to the women interested in that department of the federation's work. The Indian welfare committee has maintained headquarters at the Biltmore, where a large number of Indian exhibits have been on display for the purpose of illustrating different subjects pertaining to the life of the Indians that have been discussed during the conferences.

TELLS OF ABUSES

In outlining the aims of the American Indian Association, which was organized a little more than a year ago, Mr. Collier told briefly of the abuses which this association seeks to remedy.

"The Indians on the reservations are nominally the owners of lands that aggregate some 123,000 square miles and contain natural resources whose value runs up into billions of dollars," said Mr. Collier. "Under the present system, however, this vast estate is under the control of the Indian Bureau, which does largely as it pleases, without much regard for the rights of the owners."

"Aside from the instances of injustice to the tribes that occur as a result of improper management of their property, the Indians suffer, further, on account of being deprived of their constitutional rights. They are not permitted religious liberty, have practically no standing in courts of law, can make no wills, and are compelled to submit to the dictates of bureau officials as to the schooling of their children."

Of the restrictions placed upon the Indian tribes none has aroused more bitter opposition on the part of the wards of the nation than those interfering with the practice of their ancient religious rites, Mr. Collier said.

WELL DEVELOPED

"This opposition has been particularly marked among the Pueblo and Zuni Indians of New Mexico and Arizona," said Mr. Collier. "The Pueblos were among the most enlightened of all the tribes found here when America was discovered. Their religion and culture extend back for thousands of years. They were in possession of a well-developed governmental system when the Spaniards first made their appearance in the Southwest, and their institutions were recognized by the Spanish authorities."

"Now the Pueblos have been or-

dered arbitrarily to discontinue their ancient customs and forms of worship, and the demoralizing effect has been such as in time will cause the complete disintegration of the tribe unless the rulings of the Indian Bureau are withdrawn."

Mr. Collier stated that the bureau in its dealings with the Indians often invokes laws enacted in an early day and never repealed which were designed primarily to protect the first white settlers from the onslaughts of savages and could not justly have any application under conditions as they exist today.

HAS NO RIGHTS

"So far as the Indians' rights in legal proceedings are concerned, it may be said that he has none," he observed. "If he is charged with a crime or makes an appeal for legal relief in a civil case he is not permitted representation by counsel nor is he granted the right of trial by a jury or a hearing before the magistrate of a regularly constituted court of law. He is brought before an agent of the Indian Bureau, who combines in his own person the roles of judge and jury, and in criminal proceedings, that of accuser as well."

Mr. Collier said the efforts of the organization with which he is connected are directed toward such a change in the present system of handling Indian affairs as will place the property included within the reservations under legal control in the same sense as the national forests or other portions of the public domain are controlled by law. In addition, the association is seeking to obtain for the Indians governmental recognition of their constitutional rights as inhabitants of the United States.

The Indians Again

Editor of THE FORUM:

Mr. Witter Bynner's reference to the Indian Bureau and inferential placing upon it of the blame for the spread of trachoma among Indians as expressed in his letter in your May issue is so characteristic of a popular misapprehension that it calls for a word of reply.

The Indian Bureau is only an administrative bureau of the Interior Department, working under the laws passed by Congress and limited by appropriations granted to it by Congress. It can do no more than those laws authorize and those appropriations permit.

Agency doctors receive from \$1,200 to \$1,500 per annum and on account of the smallness of the salaries there is always difficulty in keeping the positions filled. These doctors are constantly treating patients for trachoma. If the disease is spreading among the Indians it is through no dereliction of the Indian Bureau, which is doing the best it can with the means given it by Congress:

The blaming of the Indian Bureau for not doing things it is powerless to do is a favorite sport of the professional agitator, but it is quite apart from the so-called Indian problem as a whole. If the Indian Bureau were abolished today, as some would have it, another Indian Bureau would have to be organized tomorrow. As the Mexic-American says: "*Quien sabe?*"

GEORGE STEELE SEYMOUR.

Chicago, Ill.

The Forum, 138, July 1924

FEBRUARY 18, 1927

INDIAN SURVEY STAFF STUDIES CONDITIONS

Party Of Eleven Arrives Here On Tour Of Superior California

A party of eleven, comprising the Indian survey staff of the Survey of Indian Affairs, Institute for Government Research, arrived in Sacramento to-day and will remain here several days while studying the social, economic, agricultural and industrial conditions among the Indians of Superior California.

The survey staff is working independently of the United States government, but at the conclusion of the compilation of data will submit recommendations to the secretary of the interior for the betterment of conditions among the Indians of the United States.

Visit All Sections.

The party has been in the field since last November and will continue until June 15th. During that time they will have visited every Indian school, college, reservation, village or other settlement in this country.

While the party makes its headquarters in Sacramento, members of the survey staff will visit the Indians in Round Valley, Redding, Porterville, Pyramid Lake and Carson City, Nev. Later they will visit the Indians in the central and southern part of the state.

On The Staff.

The survey staff consists of Lewis Merriam of Washington, D. C., technical director of the institute and former assistant chief of the United States Children's Bureau; Ray A. Brown of Madison, Wis., professor of law of the University of Wisconsin; Henry Roe Cloud of the American Indian Institute of Wichita, Kan.; E. E. Dale of Washington, D. C., who is head of the department of history, University of Oklahoma; Herbert R. Edwards, M. D., field secretary of the National Tuberculosis Association; F. A. McKenzie, professor of sociology at Juanita College in Pennsylvania; Mary Louise Mark of Columbus, Ohio, professor of social statistics at the Ohio State University; W. Carson Ryan, Jr., professor of education at Swathmore University in Pennsylvania; William J. Spillman, agricultural economist of the bureau of agricultural economics, United States Department of Agriculture; Miss Emma Duke of Washington, D. C., formerly head field agent of the United States Children's Bureau, who is studying conditions among Indians who have adopted the white's man's mode of living; R. B. Stambaugh, executive clerk.

The party is registered at the Hotel Sacramento.

ESCONDIDO, CAL.. TIMES-
ADVOCATE
OCT. 10, 1924

INDIAN DEPARTMENT GIVES AUTHORITY TO INDIAN POLICE

Resulting from a difference of opinion as to where proper authority lies among the Indians of the Pala and other reservations, Marshal Jack Hewson has written the Indian department at Washington for information on the subject. Marshal Hewson has received a letter from Charles H. Burke, commissioner of the Indian Bureau, stating that the Indian police appointed by Charles L. Ellis, superintendent at Riverside, have authority as peace officers among the Indians and on the reservation, but that the officers of the "American Indian Federation" have no authority whatsoever. Marshal Hewson will recognize the agency appointees hereafter, he says.

AT THE WHITE HOUSE

April 15 ——— 1902.

~~Philippine Cases Discussed
by the Cabinet.~~

INDIAN AGENCIES

AGENTS TO BE SELECTED ON ACCOUNT OF FITNESS.

Another topic of discussion was certain of the Indian agencies, where vacancies are occurring or bid fair to occur. The administration feels that in the case of an Indian agent it is peculiarly incumbent upon it to have the highest type of official, and that political considerations must be wholly secondary.

Important though other offices in the far western states may be, the fact that the Indians are to a large degree helpless makes the administration feel that they must have the highest type of officials to supervise their interests.

AT THE WHITE HOUSE

Star

Nov. 29, 1902

Talk About Encroachments
of Cattlemen.

THREE NEW STATES

DELEGATE RODEY IS SURE THE
HOUSE BILL WILL PASS.

A Conference as to Transfer of Bureaus
to New Department of Com-
merce—Today's Callers.

Edward Rosewater, editor of the Omaha Bee, spent some time with the President to-day discussing Nebraska and western affairs. About a year ago Mr. Rosewater made charges against Agent Matthewson, in charge of the Omaha and Winnebago Indians, and has continued to press his objections to Mr. Matthewson's reappointment. The President has decided to appoint another man to the position.

Mr. Rosewater talked with the President about the troubles that the government is encountering with cattlemen who have fenced government lands for pasture purposes. More than a year ago the President directed the Interior Department to give the cattlemen notice to take their fences down. Few of them have complied with the order and action is to be taken to force them to do so. In some instances federal grand juries will be appealed to and in others United States marshals will act forcibly. To avoid having to take the fences down cattlemen have resorted to the plan of importing the widows of soldiers and having these widows take up quarter sections on which the fences are located.

The widows, by reason of the preference given them under the law, will soon acquire title, and their interests are then bought by the cattlemen. In fact, every known expedient has been resorted to by cattlemen to avoid taking the fences down. Col. John S. Mosby, the famous confederate guerrilla, is in Oklahoma and the Dakotas looking up the situation for the government. He has been talking some and indirectly criticising senators for endeavoring to have him ease up on the cattlemen. There have been suggestions of trouble for him because of his talk, but it is said the President will stand by him. The President will discuss the subject in his message.

Train loads of widows of soldiers have been paid to take up government lands on each side of the fences that were ordered to be torn down. This prevents the government carrying out its plans.

TO SAVE THE INDIAN

Star

Nov. 22, 1902

EFFORTS TO TEACH HIM TO BE SELF-SUPPORTING.

Effect of Doing Away With the Demoralizing Ration Distributing System.

The commissioner of Indian affairs, W. A. Jones, in his annual report estimates that the government from its foundation to 1890 spent a grand total of \$845,275,290 in fighting, subduing and controlling the Indians of the country and \$240,000,000 for the education and care of their children.

"The extent and demoralizing effects of the ration system evil," says the commissioner in explaining his policy of abolishing that system, "were generally recognized and universally condemned, except, perhaps, by a mistaken philanthropy, which, ignoring the natural law that man must earn his living by the sweat of his brow, would exempt the Indian from labor and carry him upward on flowery beds of ease. Much had been said about this evil and sporadic attempts had been made to check it, but with little avail. For years the Indians had been fed and clothed and allowed to spend their time in the devil's workshop.

"It was felt that it was time for a change. Heretofore the dealing had been with the tribe, it is now with the individual. His manhood is appealed to, and he is to be taught self-reliance and self-respect, and to put his hand to the plow if he would work. Nothing is further from the truth than the assertion that the plan is to hire out adult male Indians as contract laborers.

"The results of the policy have been favorable even beyond expectation, and there is every reason to believe that the final success of the plan, if carried out judiciously, is assured. As a first result, over 12,000 men have been dropped from the ration roll, being wholly self-supporting. As a second result, a large number of Indians have been put to work, or work has been found for them."

Concerning the order directing the agents to encourage the discontinuance of the Indians' custom of wearing long hair, painting, etc., Mr. Jones says the reports on the subject by the agents are all in, and that the consensus of opinion expressed is that "it is a step forward and in the right direction."

The report advocates the placing of agencies and portions of agencies under the charge of bonded superintendents of training schools, a policy already inaugurated wherever practicable, and, according to the commissioner, giving better administration than when the same agencies were under the control of "political favorites."

The total cost of the Indian schools during the fiscal year was \$3,437,785, and \$138 per capita. This amount maintained 249 schools, with an enrollment of 24,434 pupils, and, in addition, a number of pupils at the Hampton, Va., Institute and at public schools.

N. Star INDIAN NAMES. *March 24*

Complete Revision Now Going on Under the Government. *1902.*

The government is now at work on a complete revision of the names of all the Indians of the United States. The work has been progressing quietly under the general supervision of Hamlin Garland, the well-known novelist, who accepted the duty at the request of President Roosevelt. Dr. Charles Eastman, who was for many years in the Indian service, latterly as physician at the Crow Creek Indian agency, is revising the Sioux rolls, under a special appointment. Robert Byrnes, a bright Cheyenne boy, is going over the rolls of the Cheyenne and Arapahoe agency, in Oklahoma, and other rolls are being revised. The work will be continued until the gigantic task is finished. The work is a complicated one, and will require a considerable period in its consummation. Commissioner of Indian Affairs Jones has adopted two blank forms for use in making these radical changes in the fanciful, sometimes unpronounceable, and oftentimes vulgar, nomenclature of the red men.

The names as they now exist are often unpronounceable, and their English translation unfit for publication. There is nothing now, as a rule, to show the family relationship. It is proposed to remedy all these discrepancies, and if the work had been undertaken and completed long ago the present difficult and complicated work of enrolling Indians for allotment purposes would have been a simple matter. The object of the government is to adopt names that are proper, distinctive as family names, and, under the latter requirement, such as will make title to allotments, etc., clear. The blanks which will be used in the enormous work have separate columns for allotment numbers, the permanent name, which includes the family surname and the first name; the name as known among the Indians themselves; the English translation of such Indian name, the latter, if it is proper, euphonious and otherwise unobjectionable, will be retained as the permanent name; the sex and age, the relationship in the family, a description of allotment and place for specifications as to relationships other than those of the immediate family and for general remarks.

Wash. Post REFUSED TO SIGN INDIAN BILL. *May 20, 1902.*

House Passes a Joint Resolution to Comply with President's Request.

An innocent-looking resolution was passed by the House yesterday under suspension of the rules, which, however, is said to be of great importance to the Indian appropriation bill. The apparently authoritative statement is made that unless it is enacted by both Senate and House and forwarded to the White House, President Roosevelt will not sign the Indian bill.

This joint resolution was presented yesterday by Chairman Sherman, of the Indian Committee. It fixes the date at December 31, 1902, instead of in September, when entries under the mining laws of the United States of certain lands in the Spokane, Wash., Indian reservation shall take effect. It was adopted after a brief debate in which Mr. Sherman, Mr. Curtis, of Kansas, and Mr. Richardson, of Tennessee, participated. In that debate it was squarely stated that facts had been misrepresented to the conferees of the House. It seems that a prominent Western man assured the conferees that the allotment had already been made on this Indian reservation. On the strength of his statement the House conferees yielded.

The result was a rush of sooners to get on the reservation in question, where the allotments, as shown by subsequent investigation, have not been made and where the Indians have not been awarded their lands. The government must now eject these squatters, probably at considerable expense and difficulty.

MANINGTON NAMED IN INDIAN PROBE

Daugherty Inquiry Figure
Mentioned as "Fixer"
by Witness.

The name of Howard Manington, which figured in the Daugherty hearings last year, was brought into the hearings today of the House committee investigating Indian affairs in Oklahoma when George M. Swift of Okmulgee testified that he had entered into an agreement with Manington in 1921 to pay him 10 per cent of what moneys could be recovered in the settlement of an Indian estate.

Swift assented when Chairman Snyder asked if Manington "had the reputation of a fixer."

A settlement of the estate was made through the office of the commissioner of Indian affairs in the Interior Department. The committee is conducting hearings on charges of maladministration by Charles H. Burke, commissioner of Indian affairs, made by Hugh L. Murphy, former judge of Okmulgee County.

Swift's statement was made today under examination by Burke, who questioned him concerning settlement of the estates of Martha and Saber Jackson, Oklahoma Indians, who inherited property upon which oil was subsequently discovered. Swift acted as attorney in the matter for W. E. McKinney, Saber Jackson's guardian. The settlement through the Indian office, it was brought out, was for a total of \$370,000, whereas \$670,000 was asked by the Jacksons through their representatives.

Burke inserted in the record a plea filed in the Oklahoma courts by Swift by which Swift said that under a contract he had with Saber Jackson he was entitled to 50 per cent of the difference between \$50,000 and \$10,000 between what Saber Jackson actually got in the final settlement and the value which had been placed on the estate by Federal courts.

Burke said that the settlement of \$50,000 was arrived at without any help on the part of Swift—in fact, against his opposition, and hence did not fall within the scope of the contract.

Furthermore he inserted in the record a statement by W. E. McKinney, Saber Jackson's guardian, that Swift's contract with Saber was fraudulent, as it was drawn up in the absence of Saber, and Saber signed it in ignorance of what it meant.

Swift, questioned by Burke, said that R. S. Cape of Muskogee had told him that "certain favorite attorneys were to receive 10 per cent of the funds in the hands of the department in case they can get the department to relinquish supervision over the funds of Martha Jackson."

"Cape told me that he had taken it up with you," Swift said, "and that there was no objection on your part." He asked that a subpoena be sent for Cape.

He admitted that he had written a great part of Murphy's statement, which the committee is now investigating, but denied that Murphy was made to sign it to "add weight" to it.

Burke next cross-examined Swift concerning the entertainment of "big-bugs" and "higher ups" to which Swift referred in a letter to James Brazell, president of the Black Panther Co., which was read yesterday by Burke.

Swift admitted that most of the persons entertained were friends of Charles Houts, a St. Louis attorney, who accompanied Swift to Washington and whose expenses were also paid by the Black Panther Co., and that none of them was an employe of the Indian Bureau.

Upon a question from Burke as to

whether he was delaying the hearing, Chairman Snyder said that the committee had received the impression that Swift was the real author of the Murphy charges, and that, as these charges were directed against the commissioner, he thought that Burke was entitled to go to "any length" in cross-examination.

FRAUDS ON INDIANS

West. Star ————— Feb. 13, 1904.

ACTING ATTORNEY GENERAL'S REPORT TO HOUSE.

Result of Investigation of Department of Justice Into Charges of Mr. Brosius.

Attorney General Day has transmitted to the House the reports of the examiners of the Department of Justice in response to the resolution of inquiry as to the investigation into the alleged Indian territory scandals. Mr. Day also transmits a copy of a lengthy report made by the Attorney General on the same subject to President Roosevelt under date of February 1.

The Attorney General states that the investigation was begun on allegations made June 23, 1903, that Pliny L. Soper and Leo E. Bennett, respectively, United States attorney and United States marshal of one of the Indian territory districts, had been guilty of receiving a share of the profits arising from the contract for feeding prisoners at Muskogee. Another allegation is also made, during the same month, that through officers of the Interior Department the United States courts of the Indian territory seemed to be inclined to overthrow the authority of the Secretary of the Interior in the territory, so that he could not as effectually as formerly protect the interests of the Indians by summary action.

While the investigation of these matters was going on the charges of S. M. Brosius were filed with the Attorney General, implicating several assistant district attorneys, a marshal and several other officers of the territory under supervision of the Department of Justice. These irregularities were said to have been in connection with the leasing of Indian lands. Three examiners were sent to the territory with instructions to make an exhaustive investigation of all the matters mentioned.

With the report of these examiners before him the Attorney General says he is able to make the statement that there seems to be no ground for the belief that the courts of the territory are, or were, deciding cases in any other way than according to their view of the law. So far as the contract for feeding prisoners is concerned, the Attorney General says that no testimony from a reliable source has been produced.

The Brosius Charges.

As to the Brosius charges, the Attorney General says it seems to be clear that the practices of some of the land companies operating in the territory are at least unfair to the ignorant Indians with whom they deal. It is also clear, he says, that all of the officials of the Department of Justice referred to in the charges have given occasion for the suspicion that they were connected with the land companies. As a result of the investigation Deputy Marshal J. C. C. Rogers and Constable H. L. Rogers of the northern district were removed from office.

Deputy Clerk R. G. Owen was requested to resign on grounds of disorderly conduct, drunkenness and immorality.

After dealing at great length with the charges against Pliny Soper the Attorney General concludes:

"I think Mr. Soper is clearly censurable, notwithstanding his frankness for urging public reasons upon the commission to accomplish a questionable end for his acknowledged client, Mr. Roff."

Further on the Attorney General says: "Mr. Soper has done much important work as district attorney and some on behalf of the Indians, and in view of this and because of the conclusions stated verbally by the late Examiner Chalmers, that he had been unable to find anything against him, I am not prepared to recommend his removal from office."

As to Other Officials.

The charges against Assistant Attorney Clay H. Huckleberry, jr., of the northern district, as stockholder and counsellor of the International Bank and Trust Company, the Attorney General says he cannot recommend any action adverse to Mr. Huckleberry. As to Ben H. Colbert, mar-

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925 Penna

shal for the southern district, said to have been connected with one of the tribal land companies, the Attorney General says the removal of the marshal from office would be unduly severe punishment.

The report recommends the immediate dismissal of Marshal Benjamin F. Hackett of the central district, together with the subordinates in his office. Assistant District Attorney Joseph McCoy of the western district is censured by the Attorney General and his conduct disapproved. The recommendation is made that the new temporary appointee in his office, Mr. Kistler, be retained instead of McCoy.

After the allotment of Indian lands the Attorney General indicates that he will pursue the investigation further, unless it shall appear that the investigation by the Interior Department has developed sufficient evidence upon the subject. In conclusion the report says:

"It seems to me also that further legislation for the protection of our Indian wards, in view of the vast influx of white people into the territory, and particularly laws strengthening the hands of the Secretary of the Interior, are necessary; but these are matters more proper for the consideration of the department especially charged with Indian affairs."

INDIAN BUREAU IS EXONERATED

*House Committee Declares
Accusation Unfounded*

*Maladministration Charges
Termed Spite Work*

*Oklahoma Courts Also Given
Clean Bill of Health*

[BY A. P. NIGHT WIRE]

WASHINGTON, Feb. 19.—The majority report of the special House committee which investigated administration of the Office of Indian Affairs, today exonerated Commissioner Burke of charges of maladministration, preferred by Hugh Murphy, former judge of Okmulgee county, Oklahoma, and cleared the Oklahoma court of similar charges brought against it by the Indian Rights Association of Philadelphia.

Representatives Hastings, Oklahoma, and Hill, Washington, Democrats, filed minority reports concerning disposition of \$1,100,000 of the estate of Jackson Barnett, wealthy aged restricted Greek Indian, in two equal gifts, one to his wife, and the other as an endowment for an Indian school and orphanage.

Representative Howard, Democrat, Oklahoma, who brought the Murphy charges to the attention of the House by inserting them in the Congressional Record, declared the outcome of the investigation was the "most detrimental thing that has happened to the Indians in twenty-five years," and would doubtless "inspire other parties and scheming attorneys to seek the money of the rich Indian with the hope of having the co-operation of the Bureau of Indian Affairs in the dissipation of Indian estates."

The majority report, signed by Chairman Snyder of New York and Representative Leavitt of Montana, Garber of Oklahoma and Drumm of Pennsylvania, Republicans, and Hayden of Arizona, Democrat, found that "there is nothing to sustain any charge of corruption against the Commissioner of Indian Affairs, Charles H. Burke, or any other official or employee of the Indian Bureau of the Interior Department."

The evidence shows, the report stated, "that the charges are unfounded and untruthful and were conceived and given wide publicity to injure the Commissioner of Indian Affairs and other department officials, because of the refusal of the Department of the Interior to allow a claim for large fees from the estate of full-blood restricted Indians."

Referring to the charges against the Oklahoma court, which were preferred by Matthew K. Sniffen, secretary of the Indian Rights' Association, the majority report said: "The wholesale charges made against the judges, attorneys, business and professional men of Oklahoma are not sustained by any evidence and are libelous in their character."

JUNE 11, 1924

Ind.
Bureau

Indian Expert Flays Speaker

Speakers at the biennial convention of the General Federation of Women's Clubs yesterday, as representatives of the Federal Indian Bureau, spoke in derogatory terms of the American Indian, his habits and asserted barbarous practices were bitterly denounced by Charles F. Lummis, recognized authority on Southwest and Indian history, in a later discourse at a program given by Mrs. H. A. Atwood, chairman of the Indian Welfare committee.

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"Today I sat on the platform of the Auditorium," he declared, "and saw the Indian Bureau 'put it over' the officers and delegates of the General Federation with a smoothness of long practice in fooling Congress and philanthropic bodies and Americans in general. And, to my astonishment, not a voice was raised in protest."

Referring to a woman speaker, he spoke of her as "a lawyer whose chief contribution to the anti-climax was an incredible demagogery and play to religious prejudice—talking of some poor renegade Indians in the bureau's train as 'Christian Indians.' Every Indian in every pueblo from which these renegade Indians came is a Christian—baptized, married and buried in a Christian church."

Indians Refuse U. S. Checks; Seek To Retain Lands

In protest against the breaking up of their allotted lands by the white man, sixteen Indians on the Colville Reservation, in Washington state, have refused to accept checks forwarded to them by the federal government as per capita payments in the allotment of their tribal funds.

The individual amounts involved ranged from \$30 to \$180 each, and totaled \$1,260. The checks were turned back to President Coolidge, who returned them to the Indian bureau along with a petition by the sixteen Indians asking that the Colville Reservation be held intact.

Indian Commissioner Burke announced today that the returned checks would be canceled and the money deposited to the credit of the assignees for payment upon demand.

Secret Propaganda Fight Is Charged To Indian Bureau

Charges that the Indian bureau "organizes and furnishes pornographic material" circulated in defamation of the Indians are made in a circular issued over the signature of the Santa Barbara Indian Defense association, in concert with similar bodies.

The text refers to the Indian Rights association of Philadelphia. This organization, it is charged, "advertises that the Pueblo Indian tribes, in their religious life, are 'Sodoms and Gomorrahs,' practicing the 'rites of Astarte' under the stimulus of those whites who seek the reorganization of the Indian bureau."

Such material is secretly circulated by the Indian bureau, it is charged, although it actually reaches the public through other organizations and is referred to as unofficial propaganda.

"The Indian bureau multi-

graphs this 'pussyfoot' propaganda and distributes it, as Commissioner Burke privately explains, to a 'selected list,' the Santa Barbara organization leaflet asserts. "The official propaganda which is offered to the public as such is not defamatory, neither is it crudely self laudatory. An admirably managed publicity goes out from the secretary of the interior's own office."

APRIL 26, 1926

NEED CLEANUP IN INDIAN BUREAU

Indian affairs are being well aired at this session of congress. Imperial county has some experience with the incompetence, if not worse, of officials who have been in charge of the Indian reservation on the Colorado river at Yuma. No one who knows anything about the administration of the Yuma reservation will hesitate to believe anything that may be said about the remainder of the department. When an agent is proved incompetent or a grafter, is he fired? No, he is transferred. What kind of justice could be expected under conditions like that?

Representative Frear charges that members of congress were denied access to a Red Cross report showing lamentable conditions in certain districts. That's nothing, under the usual arbitrary rulings of the Indian department, not even the president would be permitted to scan the records.

A typical example of misuse of the Indian funds is indicated in the recent vote by congress to divert a large sum from the Navajo treasury to build a big bridge for which the Indians have no use. It is likely that the present uproar over the Indian situation will be so loud that some reforms will be undertaken.

UNSATISFACTORY INDIAN AFFAIRS.

The United States Bureau of Indian Affairs is out of touch with the American Indian, according to educated leaders of that race. This is not the fault of the present officials of that bureau, say its critics, but the fault of the system and of the policy of many years.

Among the evils which a paternalistic policy has fostered are poor education, absence of health work, and restriction of their use of their own property. Many who know the Indians best assert that they are naturally thrifty and industrious, clean, healthy and intelligent. They have not been allowed enough freedom of action or independence of decision to keep themselves individually or racially fit. Tuberculosis of lung and bone is carrying off great numbers of the remaining tribesmen and trachoma is prevalent.

It is perhaps only because of lack of information on the subject that a nation eager to Americanize its alien population and to train them to good citizenship should neglect these original Americans. If the system of handling Indian affairs is wrong, the public needs to hear more about it and then set about remedying the faults.

Los Angeles Times 1926

INDIAN'S FRIENDS RENEW CHARGES

*Defense Association Appeals
to House Committee*

*Would Refute Attack Made
by Bureau Official*

*Indictment of Commissioner
Publicly Reiterated*

The American Indian Defense Association has asked for an opportunity to appear before the House Committee on Indian Affairs to reply to an attack made on it by Commissioner Burke of the Bureau of Indian Affairs, according to word received by Mrs. Stella M. Atwood of Riverside. Mrs. Atwood, besides being a director in the association, is chairman of the division of Indian welfare, General Federation of Women's Clubs.

John Collier, executive secretary of the association, made the following statement on Burke's attack: "Our organization has no interest in attacking Commissioner Burke individually. We are concerned with reorganizing the system of Indian affairs.

"Of all of the hundreds of charges this association has made public, which are in the hands of Commissioner Burke for reply, the commissioner attempted to reply only to one. This was the statement that since 1921 the Pima Indians of Arizona have died at the rate of fifty-nine per annum, in comparison to the white death rate of twelve per annum and that they have died, not from epidemic disease but from slow starvation and heart-break, the cause being the complete loss of their water for irrigation. The loss took place through the negligence of the Indian Bureau. Commissioner Burke denounced this assertion without seeking to disprove it. It is true, every part, and it is sensational and scandalous.

"The charge that Commissioner Burke has indorsed a bill in Congress depriving executive-order Indians of 37½ per cent of their oil revenue, exempting oil companies from production taxes, the clouding or destroying of Indian claims of vested interest in two-thirds of their undivided land in the whole country, was denied, but in no fashion disproved by the commissioner. The charge is here repeated:

"The broad charge was not dealt with and is here repeated and will be proved before any tribunal, official or unofficial, that the American Indians are held by the Indian Bureau in a condition of subjection, under a complicated espionage, without appeal to the courts whether in matters of property or person, and that their life is governed under administrative decrees, including an administrative code of crime, which are not printed and made available to the Indians, who have to live under such antediluvian arrangements.

"The charge is repeated that the Indian Bureau is afraid of the light and has suppressed the report of the American Red Cross on Indian health conditions and other reports more important made at great cost, refusing to grant access to them even when members of Congress ask it."

The association asks for a chance to prove the above and other charges before the Congressional committee.

MAY 7, 1926

INDIAN BUREAU EXPOSE ASKED OF CONGRESS BY CALIFORNIANS

364
Sen. Johnson and Rep. Swing Aid In Attempt to
Force Publication of Sensational Report

SPECIAL TO THE SUN
WASHINGTON, May 7.—Congress may force publication of the Red Cross report on the health and welfare of California Indians which the Indian bureau here has succeeded in suppressing since the year it was made, 1923.

For two years Sen. Hiram Johnson and Rep. Phil Swing have tried to secure copies of the report from the Indian bureau. Word has leaked out that it contains sensational charges of neglect and abuse of Indians on the part of the Indian bureau, and reveals an abhorrent state now existing among surviving California tribes.

ISSUE REVIVED

Revival of the issue comes as part of a vigorous attack being made on the entire Indian bureau administration by Rep. Frear of Wisconsin. This state as well as California was included in the Red Cross report.

Frear is asking congress to probe all activities of the bureau. The rules committee of the house is considering his request.

The sensational character of the Red Cross report is revealed by Dr. Haven Emerson, president of the Indian Defense Assn. and professor of public health administration at Columbia University. He saw the report before it was submitted.

REPORT TOO FRANK

"The report has been suppressed because it went in frankness and detail far beyond anything stated in my communication to Science," he says. "It revealed concretely and descriptively the unanswerable conditions of neglect, abuse and ignorance in government service that would shock the whole medical profession and the humanitarian world if they were made known."

Partial revelation of Indian abuses in California was made in the report of Doctors Allen F. Gillihan and Alma B. Schafer of the state medical board, appointed by the governor of California to survey conditions.

REPORT GIVEN

Their report concluded:

1. That ill treatment of the Indians of California during the past 70 years has resulted in reducing the population from over 100,000 to 17,000 (the figure obtained from 1920 census records.)
2. That the Indians are now living a hand to mouth existence in houses that are not fit to live in; upon land that is useless; and without water.
3. That they are not receiving an education worthy of the name.
4. That a great deal of sickness exists among them and they are receiving absolutely no care.
5. That they are not receiving any advice, assistance or encouragement in their business dealings with the outside world, or in the personal side of their lives or in the lives and health of their families.

INDIANS STARVED

Frear, in addition to his claim of abuses in California and Wisconsin, charges that the Pima Indians in Arizona are being systematically starved to death; that the Navajos were robbed of \$100,000 in the Colorado river bridge bill recently passed by congress; that a huge conspiracy to cheat Indians of title to all lands they occupy by reason of executive orders, and of royalties they may derive from oil discovered thereon exists in the Indian leasing bill now before congress; that reservation Indians are being cruelly punished and forced to wear ball and chain for minor offenses; and that the Indian bureau is

seeking to perpetuate an illegal system of appointing \$10 a month Indian judges to have entire control of dispensing justice on reservations by a bill now under consideration.

LEAGUE AIDS FREAR

The Indian Defense Assn., fighting with Rep. Frear in his championship of the Indians, is composed largely of Californians.

Among its directors are Mrs. H. A. Atwood of Riverside, chairman of the Indian welfare division of the General Federation of Women's clubs; Charles F. Lummis, Los Angeles, author; William Kent of Kentfield; Dr. Aurealia Reinhardt, president of Mills college; Stewart Edward White, San Francisco, author; Dr. Walter M. Dickie, secretary State Board of Health; Dr. Walter Palmer Lucas, professor of pediatrics, University of California; Edythe Tate Thompson, Fresno; Dr. John R. Haynes, Los Angeles; Dr. Henry J. Ullman, Santa Barbara; Jay B. Nash, Oakland; Walter V. Woehlke, Ross; Mrs. Frank A. Gibson, Mary J. Workman, Rev. Father Robert Lucey, Los Angeles, and E. Raymond Armsby, Burlingame.

WORK AMONG INDIANS

Local Association Celebrates
Twenty-first Anniversary.

REVIEW OF HISTORY

MR. S. M. BROSIUS DISCUSSES
PROPERTY RIGHTS OF TRIBES.

Deprecates the Attitude of National
Government Toward Its Wards—
Other Topics Discussed.

The twenty-first anniversary of the Washington Auxilliary of the National Indian Association was the occasion for a meeting of the society yesterday afternoon at the First Baptist Church, 16th and O streets northwest. The association is composed altogether of women. Mrs. M. E. F. Wilbur, the president of the auxilliary, presided, the meeting being opened by the rendering of the Andante Finale from Lucia by Miss Marie Luise Heinrich.

Addresses were delivered by Mrs. Wilbur, Mr. S. M. Brosius, Washington agent of the Indian Rights Association of Philadelphia; Mrs. Amelia S. Quinton, president of the National Indian Association, and Miss Alice Fletcher, for many years a missionary of the National Association to the Omaha Indians. Before the meeting tea was served, and at its close additional refreshments were provided by the ladies of the First Baptist Church.

In her opening address Mrs. Wilbur referred to the development of the society from the time of its organization, March 3, 1882.

"Through the influence of Mrs. Harriet Foote Hawley," said Mrs. Wilbur, "Mrs. Quinton, the then general secretary of the National Indian Association of Philadelphia, was invited to meet the ladies of various denominations in this city to consider the desirability of forming an auxilliary in Washington to awaken public sentiment, and by petitions and otherwise to engage the attention of our honorable Congress in favor of the Indian tribes of our country. The first officers were Mrs. Hawley, president; Miss Laura Sunderland, secretary, and the following vice presidents: Mesdames Andrews, Stickney, Sunderland, Pomery, Halstead, Haskell, Dawes, Keifer, Hoar, Alley, Dalgren and Scull.

Home Building Inaugurated.

"The first five years of work was largely theoretical, but in all about \$500 was raised by the ladies to further the avowed objects of the association. In February, 1885, the auxilliary was the first to introduce home building in reference to the Indian question. At the suggestion of Miss Alice Fletcher a fund was raised to help a young Omaha couple in Hampton to build and furnish their cabin and start life on the reservation.

"Mrs. Hawley died in 1886 and was succeeded as president by her sister, Miss Kate Foote. The succeeding presiding officers have been Mrs. A. G. Wilkinson, Mrs. Albert Brockett, until, when, in 1887, your present president was elected."

Mrs. Wilbur closed by quoting a speech of Mrs. Hawley a short while before her death:

"If you have loved me, take up my work and go on with it; nor stop, nor stay your hands until every Indian in this country can stand free before God, whom he has learned to worship, in full possession of his home, in full exercise of his citizenship, and on an equality in every respect with his neighbor—the white man."

Address by Mr. Brosius.

At the conclusion of her address, Mrs. Wilbur introduced Mr. Brosius, who spoke of the changed condition under the law that the Indian had assumed in relation to property rights within the past year.

"The statute authorizing the sale of lands of deceased allottees," said he, "meant the breaking up of distinctive bodies of Indians, by interspersing a continually increasing number of settlers among them, which means the establishment of public schools and other civilizing agencies in their midst. The Indian, however, should be encouraged to retain title to his lands until he is taught the value of them."

He told of the decision of the United States Supreme Court, in which it is held that Congress has authority to dispose of Indian reservation lands at will, without the consent of the Indians, no matter how binding the obligation of treaty or agreement. He declared that the Supreme Court intimated that Congress would deal fairly with these wards of the government, we may look forward to the early seizure of all reservation lands for purposes of homestead entry. While these changes are going on, the conscience of the country should be aroused in support of justice toward this less-favored race of people.

Mr. Brosius stated that in the last five years the number of Indian agencies had been reduced from fifty-seven to thirty-three. This was an encouragement to believe that the Indians would be relieved from the spoils of the politician. The reduction of agencies was largely due to the untiring efforts of W. A. Jones, the commissioner of Indian affairs.

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Mrs. Quinton described some of the work accomplished by the industrial department under the direction of Mrs. Doubleday of New York. Through its influence Indian departments have been opened in several large dry goods stores.

The Omaha Indians.

Miss Alice Fletcher was the next to speak, and described her experiences among the Omaha Indians. She said she had learned the Indian problem facing east instead of west. She told of her work in shaping several bills passed by Congress in 1881. She held that Indian children should not be educated in government schools, but in the regular public schools, for the association with white children would be of great benefit to them.

When Miss Fletcher had finished Mrs. T. H. Alexander offered a resolution asking President Roosevelt to continue Col. Pratt as superintendent of the Carlisle Indian School. It was adopted unanimously.

COMMISSIONER VISITOR HERE

C. H. Burke Is Guest at Sherman; Lauds Cooperation

C. H. Burke, commissioner of Indian affairs, visiting Sherman Institute last night and speaking to the members of the faculty and a number of friends of the institution, following a dinner in his honor, expressed his gratification over the spirit of cooperation that exists between Sherman and the community. During his talk he also took occasion to call the attention of teachers and employes to the Welch bill, which has been passed by the house of representatives and has been amended by the senate and will increase the pay of employes of the entire service and praised their loyalty and that of other teachers who have remained in the service at low pay.

Commissioner Burke called attention to the fact that he became somewhat familiar with Sherman 30 years ago when he was a member of the Indian affairs committee of the house, of which James S. Sherman, the man for whom the institute was named, was chairman. He stated further that his attachment for the school has grown steadily through the years until it has come to be as close as was that of Sherman, who, he said, always seemed to favor it.

The speaker expressed the belief that the financial support for the Indian schools will be better henceforth and emphasized the importance that is being attached to hospital work among the Indians as well as education, stating that he has worked for both. He also deprecated the work that has occurred in some quarters in furtherance of propaganda attempting to secure the release of certain tribal funds of the Indians, instigated, he said, from selfish motives in wanting such funds expended.

In speaking the local good feeling between Sherman and the community he said: "I am glad that you do take an interest in Sherman. We are proud of this institution and regard your interest as a great assistance. I have advocated a system of trained nurses or welfare workers, who also enter the homes of the Indians for health instruction and other suggestions for better living conditions as to cleanliness and sanitation. It is a wonderful field. Progress continues in that direction and after July 1 there will be more hospitals and doctors."

Indian Is Competent

Dispelling the idea that some people have that Indians are not qualified to do things, the commissioner said: "The Indian is just as competent as anyone else if you give him the training and the proper environment; but the Indians must learn that they also must help themselves."

Dr. Wells Speaks

Superintendent F. M. Conser, who acted as chairman for the program, following a chicken dinner served in the dining room of the domestic science building, introduced Dr. W. B. Wells, as the first speaker and he stated that Riverside people are proud of the type of work that is being accomplished at Sherman in "training the young men and women for citizenship." He also told of the nurse service that is given through the cooperation of the federal government and the Rockefeller foundation, a supervising nurse being included. He also expressed appreciation for the cooperation of C. L. Ellis in this district.

The speaker told of the interest in the Riverside community life taken by Superintendent Conser and of the importance of the Indian help in building a hospital at Soboba at a low cost to the government.

Landis Speaks Briefly

Ira Landis, recently selected to take the place of A. N. Wheelock as superintendent of Riverside schools praised the work of the members of the teaching profession stating that he doesn't believe there is any higher calling than that of teaching for character building and the development of a future good citizenship.

Entertainment Features

During dinner William Lorentino and Jose Cojita gave a number of guitar duets, specializing in Hawaiian numbers.

A special feature was a clever skit by 16 girls of the senior class,

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A special feature was a clever skit by 16 girls of the senior class, portraying many of the girl activities of the school in song, recitation and poetry. Those participating were:

Hazel Magee, Bobbie Lamoureux, Winona Lincoln, Adella Brown, Susie Condio, Agatha Crouch, Barbara Helen, Agnes Siliabji, Sylvia Scott, Amy Washoe, Mabel Pina, Vemocka Scott, Pascualita Artey, May Johnson, Elsie Salane and Mildred Hart.

A Few of the Troubles of Filling "Meanest Job in Government Service"

The Indian Commissioner Finds That the Red Man Displaces Bret Harte's "Chinee for Tricks That Are Vain."

BY C. MORAN.

The position of Commissioner of Indian Affairs, the present commissioner is Charles H. Burke, is said frequently to be "the meanest job in the Government service." The commissioner's activities affect the individual welfare of more than 240,000 Indian wards having property if a total value of over \$1,500,000,000.

The position is rendered difficult by reason of the fact that although Indians as a class are poor, the sudden accession of wealth of a number of them through oil and gas leases has developed problems that are well nigh impossible of solution. The Government files are filled with the records of Indian extravagances, many of them the result of exploitation on the part of white men; many of them due to the intoxication from quick wealth. There is the story, for example, of a wealthy Osage Indian who was induced to build a palatial home equipped extravagantly with thousands of dollars worth of furniture. The bedroom was sumptuously furnished, but the counterpane was blanketed with dust, as the Indian and his squaw preferred to sleep on the floor. There was a fine, white enameled gas stove in the kitchen, but there was no gas in the house. The dining room would have been appropriate as the banquet hall of a king, yet the occupants ate their meals on the ground at the back of the house.

THE Osage Indian tribe is said to be the wealthiest people per capita in the world. In addition to having already had the lands within their reservation allotted to them, each Indian owning property in his own name, individual enrolled members of the tribe receive annual payments amounting in some cases to as much as \$48,000 from oil royalties and bonuses paid for oil leases. The mineral rights on the entire reservation have been reserved by the tribe, the proceeds being divided among the original 2,229 enrolled members or their descendants. Whenever a member of the tribe dies, his share descends to his heirs, with the result that some Osage families have huge incomes.

A total of \$29,422,800 was paid to the Osage Indians from royalties and bonuses on oil and gas produced on their reservation during the past fiscal year. A report on the oil operations shows that 33,662,179 barrels of oil was produced, the royalties on both oil and gas amounting to \$11,144,492.63. Approximately



FAT-ON-THE-SKIN, OR BACON RIND, A NOTED OSAGE INDIAN ORATOR.

turity, the sum of \$38,510.02 had accumulated to his credit. Notwithstanding the fact that he had received the sum of \$2,000 a year for his support, debts totalling \$34,834.92 had been contracted to Oklahoma banks, automobile dealers, merchants and various merchandising firms during the three years prior to his becoming of age. Beauty shops in towns located on

week. Before payment was approved by the Government, a 25 per cent deduction was made from the total amount of the invoice. The Indian maiden has a cash balance to her credit from oil royalties amounting to \$39,770.67.

Claims of a commercial flying concern and a taxicab company covering the cost of a trip in a hired airplane and a taxicab from Kansas City,

transportation by rail from Kansas City to Pawhuska is \$8.02.

As these were restricted Indians, any debts contracted by them had to be approved first by the Government before payment could be made out of their restricted funds. The Osage agency superintendent refused to make settlement on the ground that the flying concern and taxicab company should have obtained the consent of the guardians for the Indians to travel by airplane and taxi at a cost of \$264 instead of the chapter rate of \$16.04 by railroad.

One of the most baffling cases ever encountered in the Indian Service has been the series of alleged murders in a family of Osage Indians in a plot to gain possession of their estate. The first mysterious death occurred in May, 1921, when Annie Brown, an Osage Indian woman, was found murdered on a road. She was an Osage allottee and shared in the tribal income, although she was not a restricted Indian under guardianship of the Government. About the same time Charles Whitehorn, another full-blood member of an Osage family, was killed.

Two years later, in February, 1923, a relative of Annie Brown and partial heir to her estate, named Henry Roan, a full-blood Osage Indian, was found dead in an automobile. He had been shot through the back of the head, and the car was on a road leading out of Fairfax, Okla., within the boundaries of the Osage reservation. The following month Rita Smith, an Osage Indian woman, and her husband, Will Smith, who was a white man and who had been active in gathering evidence regarding Roan's death, were both murdered when their home was blown up by a bomb. A servant, Nellie Brookshire, perished at the same time.

An extensive investigation of the murders was made by the Department of the Interior, and two men ultimately were indicted by a grand jury in Oklahoma. The cases came to trial, but were thrown out of court on account of faulty indictments.

FOR more than a year Interior Department inspectors have been investigating various transactions of the Indian Bureau in Oklahoma involving property and other business affairs of rich Oklahoma Indians under Government guardianship. Recent developments resulted in the suspension of several officials connected with the Five Civilized Tribes.

The investigations have assumed such proportions that Secretary Work placed them under the direct supervision of the Assistant Secretary of his department. The force of inspectors heretofore engaged in the work of inspection has been increased in number and every phase of Indian activities is being looked into.

In October, 1924, inspectors were sent to Muskogee, Okla., to examine into the activities of an insurance company in obtaining large insurance policies from restricted Indians of the Five Civilized Tribes. This resulted in discontinuing the practice. Another investigation was the case of an Indian woman who in obtaining a divorce from her husband made a settlement of \$50,000 upon him. The investigation showed that there was a division of a considerable part of the money among Oklahoma attorneys, and the evidence was submitted to the Department of Justice for action.

Oil has been discovered on a number of Indian reservations, including the Pawnee, Otoe, Kiowa, Crow, Blackfeet and Navajo. The agency headquarters of the Five Civilized Tribes (the Cherokee, Creek, Choctaw, Chickasaw and Seminole in Oklahoma) now has a well organized oil-leasing section which handles millions of dollars each year, mostly for individual Creek oil-land owners.

Discovery of oil on a small tract of allotted land belonging to an Indian woman living on the Shawnee reservation has given her the largest daily income of any Indian in the United States. The amount she receives daily is approximately \$1,200 in royalties from several oil wells recently brought in on her land. The tract of land was a poor type of soil from an agricultural standpoint. It was considered of not much value until oil was found in large quantities, making her rich overnight.

Dying unmarried and without issue, Robert Thompson, a member of the Quapaw Indian Tribe of Oklahoma, left one of the largest estates coming before the Bureau of Indian Affairs for settlement. Its appraised value totaled \$440,783, derived chiefly from lead and zinc royalties allotted him in the Quapaw reservation. Proceedings for the determination of the heirs have been conducted for some time. Mus-kah-tun-kah Track, a sister of the deceased Indian, and Mary Thompson, a niece, being adjudged the lawful heirs. The sister entered an additional claim of \$20,000 against the estate on the ground that she had furnished her brother a home and had taken care of him during his lifetime. The claim was disapproved.

In addition to owning property estimated at approximately \$1,500,000 in value, individual Indians under



OSAGE INDIANS PHOTOGRAPHED IN WASHINGTON, STANDING: TALL CHIEF, BACON RIND AND BONE HEART. SEATED: WELL-TO-FOLLOW, SOLITARY SUN AND FOLLOWER.

Smithsonian Institution Photo.

\$8,278,308 was realized from bonuses paid by oil operators at public auction sales of leases during the year. The total amount received by the Osage Indians from the oil and gas industry during the past 10 years aggregates \$177,359,644.07.

The wealth of the Osages has drawn swarms of parasites to their reservation and the latter seek to divest the Indians of their property. The superintendent of the Osage agency handles \$50,000,000 a year in oil rental and bonus money. To prevent dissipation of the wealth only limited sums are paid to what are called the "re-

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Mo., to Pawhuska, Okla., by two young restricted Osage Indians under the guardianship of the Government, were rejected recently. Both of the Indians had been sent by the superintendent of the Osage agency to Kansas City in charge of a custodian for treatment at a Kansas City cure. Within four days the patients reappeared at the reservation. One Indian made the trip back in an airplane, a commercial flying company providing the plane for the flight at a charge of \$150. The other Indian hired a taxi and was driven back overland, the bill being \$114. Cost of



already had the lands within their reservation allotted to them, each Indian owning property in his own name, individual enrolled members of the tribe receive annual payments amounting in some cases to as much as \$48,000 from oil royalties and bonuses paid for oil leases. The mineral rights on the entire reservation have been reserved by the tribe, the proceeds being divided among the original 2,229 enrolled members or their descendants. Whenever a member of the tribe dies, his share descends to his heirs, with the result that some Osage families have huge incomes.

A total of \$29,422,800 was paid to the Osage Indians from royalties and bonuses on oil and gas produced on their reservation during the past fiscal year. A report on the oil operations shows that 33,662,179 barrels of oil was produced, the royalties on both oil and gas amounting to \$11,144,492.63. Approximately



FAT-ON-THE-SKIN, OR BACON RIND, A NOTED OSAGE INDIAN ORATOR.

turity, the sum of \$38,510.02 had accumulated to his credit. Notwithstanding the fact that he had received the sum of \$2,000 a year for his support, debts totalling \$34,834.92 had been contracted to Oklahoma banks, automobile dealers, merchants and various merchandising firms during the three years prior to his becoming of age.

Beauty shops in towns located on

week. Before payment was approved by the Government, a 25 per cent deduction was made from the total amount of the invoice. The Indian maiden has a cash balance to her credit from oil royalties amounting to \$39,770.67.

Claims of a commercial flying concern and a taxicab company covering the cost of a trip in a hired airplane and a taxicab from Kansas City,

home was blown up by a bomb. A servant, Nelle Brookshire, perished at the same time.

An extensive investigation of the murders was made by the Department of the Interior, and two men ultimately were indicted by a grand jury in Oklahoma. The cases came to trial, but were thrown out of court on account of faulty indictments.

FOR more than a year Interior Department inspectors have been investigating various transactions of the Indian Bureau in Oklahoma involving property and other business affairs of rich Oklahoma Indians under Government guardianship. Recent developments resulted in the suspension of several officials connected with the Five Civilized Tribes.

The investigations have assumed such proportions that Secretary Work placed them under the direct supervision of the Assistant Secretary of his department. The force of inspectors heretofore engaged in the work of inspection has been increased in number and every phase of Indian activities is being looked into.

In October, 1924, inspectors were sent to Muskogee, Okla., to examine into the activities of an insurance company in obtaining large insurance policies from restricted Indians of the Five Civilized Tribes. This resulted in discontinuing the practice. Another investigation was the case of an Indian woman who in obtaining a divorce from her husband made a settlement of \$50,000 upon him. The investigation showed that there was a division of a considerable part of the money among Oklahoma attorneys, and the evidence was submitted to the Department of Justice for action.

Oil has been discovered on a number of Indian reservations, including the Pawnee, Otoe, Kiowa, Crow, Blackfeet and Navajo. The agency headquarters of the Five Civilized Tribes (the Cherokee, Creek, Choctaw, Chickasaw and Seminole in Oklahoma) now has a well organized oil-leasing section which handles millions of dollars each year, mostly for individual Creek oil-land owners.

Discovery of oil on a small tract of allotted land belonging to an Indian woman living on the Shawnee reservation has given her the largest daily income of any Indian in the United States. The amount she receives daily is approximately \$1,200 in royalties from several oil wells recently brought in on her land. The tract of land was a poor type of soil from an agricultural standpoint. It was considered of not much value until oil was found in large quantities, making her rich overnight.

Dying unmarried and without issue, Robert Thompson, a member of the Quapaw Indian Tribe of Oklahoma, left one of the largest estates coming before the Bureau of Indian Affairs for settlement. Its appraised value totaled \$440,733, derived chiefly from lead and zinc royalties allotted him in the Quapaw reservation. Proceedings for the determination of the heirs have been conducted for some time. Mus-kah-tun-kah Track, a sister of the deceased Indian, and Mary Thompson, a niece, being adjudged the lawful heirs. The sister entered an additional claim of \$20,000 against the estate on the ground that she had furnished her brother a home and had taken care of him during his lifetime. The claim was disapproved.

In addition to owning property estimated at approximately \$1,500,000 in value, individual Indians under the guardianship of the Government have large deposits in banks, according to a compilation completed recently at the Interior Department. The figures show that there are approximately 4,493 individual Indians with cash balances in banks ranging from \$1,000 up to \$200,000 or over, and that there are thousands of Indians with deposits to their credit ranging below \$1,000.

Of the wealthier Indians, there are 14 with over \$200,000 in cash deposited in banks, 8 with between \$150,000 and \$200,000; 19 with between \$100,000 and \$150,000; 40 with between \$75,000 and \$100,000; 84 with between \$50,000 and \$75,000; 330 with between \$30,000 and \$50,000; 49 with between \$25,000 and \$30,000; 68 with between \$20,000 and \$25,000; 75 with between \$15,000 and \$20,000; 170 with between \$10,000 and \$15,000, and 421 with between \$5,000 and \$10,000. Under the law these Indians are unable to withdraw their deposits without first obtaining the approval of the Government.

The scope of the job as Commissioner of Indian Affairs may be appreciated further from the fact that there are now approximately 5,500 employees in the Indian Service, of whom nearly 2,000 are persons of Indian blood, with a total pay roll of nearly \$4,500,000 a year. There are 250 employees in the Washington office, the remainder of the personnel being distributed in the field among 95 Indian agencies covering some 200 Indian reservations.

Weed Worth Millions.

A YOUNG student at Sao Paulo, Brazil, may save millions of dollars for his country by a discovery he made recently. He is shipping from Brazil a new kind of burlap, which is made of jute, and the discovery is said to be a dicto Garret. The student has a patent on the discovery.



OSAGE INDIANS PHOTOGRAPHED IN WASHINGTON, STANDING: TALL CHIEF, BACON RIND AND BONE HEART. SEATED: WELL-TO-FOLLOW, SOLITARY SUN AND FOLLOWER.

Smithsonian Institution Photo.

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HOW an Osage Indian woman disposed of her funds after having been declared competent to handle her own affairs and relieved from Government guardianship was revealed in an application recently for the payment of \$3,819 still due from the Government. The application showed that she had expended \$1,200 for a fur coat, \$3,000 for a diamond ring, \$5,000 for an automobile, \$7,000 for furniture, \$3,100 to pay loans made from her mother and sister, \$600 for shipping furniture from Florida to California, \$1,500 loaned to her sister, \$4,000 in a cash payment on a California home, \$2,500 for a lot and \$12,000 in Florida real estate.

The balance of the money had been expended in general expenses such as clothes, traveling expenses, income taxes and gifts to her people. The allottee has an average annual income of \$12,000 from oil royalties and bonuses. She is 23 years old, married and has one child. She was released from Government guardianship two years ago, when all the restricted funds to her credit with the exception of \$3,819 were turned over to her.

What is believed to be a record in the expenditure of accumulated funds from oil and gas royalties is shown in connection with a young allottee of the Osage tribe who became of age recently. Prior to his attaining ma-

the Osage reservation do a lucrative business with youthful Indian debutantes, as indicated by an invoice submitted to Washington covering six months' purchases by an Osage girl allottee. The bill was made up principally of cosmetics, hair dressing and beautification accessories, the total amount spent by the girl during the half-year period being \$373.05. The list of items included hair puffs, rouge, powder puffs, hair nets, combs, massages, curls, hair dressings, hair pins, lip sticks, shampoos, manicures and cold creams. Some of the articles were bought regularly every

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AN OSAGE FAMILY, LEFT TO RIGHT: WA-XTHI-ZHI, OR CHARLIE; WIFE OF WA-SHO-SHE, AND WA-SHO-SHE, OR JUDGE LAWRENCE.

Smithsonian Institution Photo.

in "East Lynne," achieving a great success. In 1861-1865 she traveled with a troupe, playing Nancy Sykes in "Oliver Twist," with E. L. Davenport as Bill Sykes and James W. Wallack, jr., as Fagin. In 1865 she played in Philadelphia, appearing in "Eleanor's Victory," "Lucretia Borgia," "Jane Eyre," "The Child-Stealer," "Mary Tudor" and "Cynthia." She appeared in the principal theaters of the United States and at the time of her death was playing at the Park Theater, Brooklyn. (An old edition of Appleton's Cyclopaedia of American Biography.)

APRIL 22, 1927

NEW ERA COMES IN INDIAN AFFAIRS

Quaker O'Taylor has written an interesting story of Indians and Uncle Sam's Indian affairs in which he tells of the new era in Indian affairs and how our aboriginal inhabitants are now taken care of. Of the relation of the officials with their work Mr. O'Taylor says:

"To the officers and employees of the Bureau of Indian Affairs in the Department of the Interior, the Indian is not a problem to be talked and written about in an abstract way at irregular intervals. It is as intimate and personal to many of them as their own family relations, for it is their daily duty to feed and clothe a large portion of the Indian population, minister to their health, educate them, and improve their industrial and social condition.

"Uncle Sam's Indian family now comprise 193 tribes and 225,000 people, who occupy 111,000 square miles of territory in widely scattered sections of the West. The bureau has followed the Indian in his migrations under force from the borders of the original thirteen states to the shores of the Pacific. To administer this empire requires the services of almost 5,000 employees and about \$35,000,000 annually.

"The federal government, through this bureau in the Department of the Interior, teaches sanitation to the Indians, promotes home building, educates the children, encourages thrift and industry, cares for the indigent and helpless, supervises the marketing of Indian products, makes individual allotments of land to Indians, teaches them how to farm and raise livestock, supervises the leasing of lands for non-competents, sends the tubercular to hospitals and sanatoria, protects their property holdings, sells lands under supervision to secure a fair price, teaches Indian mothers how to care for their homes and children, constructs irrigation projects, encourages the proper utilization and conservation of timber resources, determines heirs of deceased Indian allottees and approves Indian wills, supervises the development and conservation of mineral resources on reservations, purchases annually approximately \$5,000,000 worth of goods and supplies for use at Indian schools and agencies, and sends physicians, nurses and field matrons to Indian homes to improve health and sanitary conditions."



Sacramento, Cal. Bee
OCTOBER 23, 1923

Ind Office

LESS RELIGION, MORE WORK TO BE URGED UPON INDIANS

By LEO A. McCLATCHY.

WASHINGTON, Oct. 23. — (Bee Bureau) — A little less religious worship and a little more work, is the program the Indian bureau has adopted for the government wards on Indian reservations throughout the country.

Some of the Indians, it has been found, have been devoting so much time to paying homage to their respective Deities they have had little or no time, or inclination, to familiarize themselves with tasks that would enable them to become self-supporting.

The Indian bureau is not trying to wean its wards away from religion, but it has found that there is such a thing as devoting too much attention to the spiritual. Some of the Indians would rather worship than work. The suggestion will be made to them that a little of each will prove highly beneficial.

INDIAN BUREAU HIT BY EX-EMPLOYEES

Children Beaten and Underfed, Sanitation Poor, Senate Committee Told.

By the Associated Press.

Charges of mismanagement and mistreatment of Indian children at reservation schools in Arizona and Nebraska were laid before a Senate committee yesterday by former employes of the Indian service.

The accusations ranged from "beatings" of the children and "poor" sanitary conditions in the buildings to alleged failure of the Indian Bureau, administration of which is under investigation, to take action to remedy the situation.

Mrs. Julia C. Carroll of College Park, Md., who was employed at the Genona Indian School in Nebraska, in 1923, testified that she complained to Supt. Samuel B. Davis because the children were underfed, and that Davis replied that he "didn't want meddlers about." "He took boys out of the school to work on his farms," Mrs. Carroll said.

Burke Holds Work Immaterial.

Turning to Charles H. Burke, Commissioner of the Indian Bureau, who sat at the committee table, Senator Wheeler, Democrat, Montana, asked whether it was the "policy of the bureau to permit the superintendents to have farms near the reservations."

"It is not the policy, but that is immaterial," Burke replied.

"It is material," Wheeler shot back.

Food at the school, Mrs. Carroll said, was "poor and half cooked," and added that for breakfast the children had "bread with no butter, half-cooked oatmeal and bad coffee."

When the children asked for more bread, she declared, they were told there was none, although she said the bakery was "stacked high" with it, but that it was "locked and the baker gone."

Some of the children, Mrs. Carroll charged, were "beaten up like dogs until blood flew out of their noses." She cited the case of Sarah Dupuys, a girl at the school who, she said, was beaten by Supt. Davis "because she had laughed."

"You men don't know what's going on at that school," she shouted. "That man is a beast."

Finally, Mrs. Carroll said, she was "kicked out" after the superintendent had told her she had "disrupted the morale of the whole school."

Burke Says Charges Investigated.

"You were relieved from duty because you were considered temperamentally unfitted," Burke said. "All of your charges were investigated by inspectors."

Miss Eleanor B. Jones of Circleville, Ohio, a graduate nurse, who was employed at the Navajo Indian School at Tuba City, Arizona, charged that the work she was to do had been misrepresented so that when she arrived she found she was to care for sick children in the school when she had supposed that she was to do field work and have an automobile. This was in November, 1927.

"Isn't it rather late to bring complaints?" Burke asked after the witness had told of an epidemic at the school of whooping cough and measles with the children "coughing and spitting" on the floors of the "crowded" quarters.

"I am not complaining, I was asked to come here," Miss Jones answered.

"Do you know that there is a hospital there now?" Burke asked.

"Yes," she replied.

Miss Jones also charged that "nothing was done" to stop the epidemic although she said a physician attended the children and prescribed for them.

"The dispensary was full of chemicals I had never heard of," she said.

Recent Improvement in Welfare of Indians Outlined in Statement Presented to House

Grant of Citizenship, Gain in Native Population, and Added Health Facilities Cited by Federal Bureau.

Legislation extending citizenship to all Indians in the United States was cited January 4 by the Bureau of Indian Affairs, Department of the Interior, in support of its claim that administration of Indian affairs in the last seven years has been the most fruitful in the 100 years the Indians have been Government wards.

The Bureau reviewed its work in a statement prepared for the House Committee on Appropriations. The statement follows in full text:

The entire wealth of the Indians of this country in the fiscal year 1921 was estimated to be \$716,705,500. For the fiscal year 1928 the estimated Indian wealth is \$1,648,075,274.

The Indian population in 1921 was 340,838. The Indian population compiled from data during the fiscal year 1928 is 355,901, an increase of approximately 15,000.

Appropriations for the Indian Service for the fiscal year 1921 totaled \$10,028,722.22. For the fiscal year ended June

30, 1928, the appropriations for the Indian Service totaled \$12,654,685.

In 1921 the total number of Indian children in all schools was 62,764, of whom 33,250 were attending public schools. During the fiscal year 1928 there were 68,881 pupils enrolled in all schools, and of that number 34,163 were enrolled in the public schools.

Appropriations for health work for the fiscal year 1921 totaled \$350,000, and for the fiscal year 1928, \$948,000 was specifically authorized for this purpose. In addition to this amount other funds have been allotted for conservation of health. The total number of hospitals in the Indian Service in 1921 was 81, with a total bed capacity of 2,411. This number has been increased over the period of seven years to 92 with a bed capacity of 3,150.

The death rate of Indians in 1921 was approximately 24.8 per thousand, and the death rate during the fiscal year

[Continued on Page 10, Column 1.]

nated as trachoma-free schools. By this method of segregation it is believed that much progress can be made in the elimination of this disease among the Indians.

Bureau Combats Tuberculosis.

Efforts are being made also to check the widespread prevalence of tuberculosis among the Indian population and to this end increased sanatorium facilities have been provided and special emphasis has been placed on preventive measures both in schools and in the ordinary reservation activities. Sanatorium schools for the benefit of childrens suffering from tuberculosis have a bed capacity of 874. There is not adequate provision for the care and treatment of this disease among the adult Indian population.

Over a period of seven years the receipts from timber sales have increased from approximately \$1,400,000 to approximately \$2,500,000 annually. The cost of timber sale administration has been less than 21 cents per thousand feet or 5-10 per cent of the gross receipts.

A total of 4,894 allotments have been made on the Gila River Reservation in Arizona covering 97,800 acres. On the Blackfeet Reservation, Montana, 4,301 allotments were made covering 554,613 acres. Allotment work on the Flathead Reservation was completed and a total of 920 allotments made covering 123,457 acres. The Act of June 4, 1920, authorized allotments on the Crow Reservation, in Montana, and 2,126 such allotments were made covering a total acreage of 1,654,412. On the Fort Belknap Reservation, in Montana, 540,000 acres were divided into 1,171 allotments. There were 1,402 allotments made on the public domain in different States, embracing 208,817 acres.

Additional Land Irrigated.

Legislation was obtained authorizing an appropriation of \$5,500,000 for the construction of the Coolidge Dam in Arizona. Under this authorization appropriations have been obtained and the dam has been completed, thus making it possible to irrigate 80,000 acres of additional lands, 40,000 of which are on the Pima Indian Reservation.

The appropriation for health work for the fiscal year 1929 is \$1,440,000, or four times the amount that was appropriated for this same work seven years ago. The number of doctors, nurses and hospitals have been materially increased during the past seven years, there being now 17 more hospitals than we had in the Indian Service seven years ago. The Medical Service has been reorganized, the salaries of employes have been materially increased, the Indians are now doing more farming than ever before, there being 5,000 more Indians engaged in industrial activities now than at the beginning of the administration of Commissioner Burke.

The Indian citizenship bill was passed by Congress during the administration of Commissioner Burke, extending citizenship to all Indians in the United States, and some of the most important legislation in the history of the Indian Service has been enacted during that time. For instance, the passage of the act extending the trust period on the lands of the Five Civilized Tribes, which will save the property of at least 10,000

Presented to
House.

[Continued from Page 1.]

1928 has been reduced to 21.8 per thousand.

Special efforts have been made to cure and prevent the spread of trachoma among the Indians. To this end the Navajo Boarding School at Fort Defiance, Ariz., with a capacity of 450 pupils, and the Tohatchi Boarding School at Tohatchi, N. M., with a capacity of 250 pupils, and the San Juan Boarding School with a capacity of 200, have been designated as "trachoma" schools. The Chin Lee Boarding School in Arizona, with 160 capacity, the Charles H. Burke School in New Mexico, with 600 capacity, and the Theodore Roosevelt School in Arizona, with 450 capacity, have been designated as trachoma-free schools. By this method of segregation it is believed that much progress can be made in the elimination of this disease among the Indians.

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More Funds Sought.

It is believed that, instead of annual appropriations of between \$12,000,000 and \$15,000,000, as now authorized by Congress, the need is for gradually increased annual appropriations so that the Bureau may carefully readjust its personnel and activities. Immediate unwieldy appropriations could not be administered economically and wisely.

For example, more doctors are needed, more medical experts on trachoma and tuberculosis, more sanatoria and more sanatorium schools. There should be at least 200 more nurses for field service. Twenty-five additional hospitals for Indians now without adequate hospital facilities should be provided.

Indian schools should have a minimum per capita allowance of \$300, which amount is necessary if those schools are to operate with modern standards.

DOCTORS IN INDIAN SERVICE ILL PAID

Get Less Than Street Cleaners,
Educator Charges—Death
Rate High.

By the Associated Press.

NEW YORK, March 18.—Government doctors to the Indians are paid less than street cleaners, Dr. Haven Emerson, professor of public health at Columbia University, told the American Indian Defense Association yesterday.

As a result, he said, the death rate among Indians is three times higher than any other race in this country, except the Chinese. The mortality was principally due to tuberculosis, trachoma and diseases in infancy, he said.

Dr. Frederick W. Hodge of the Museum of American Indian, Heye Foundation, also assailed the health policy of the United States Indian Bureau, which, he said, "did more harm than good."

He urged that the Indian administration be placed under civil service.

Wash Star - March 18, 1925

COMMISSIONER BURKE PRAISES LOCAL INTEREST IN SHERMAN

In Address at Indian School Washington Official Deals with Policies of Indian Bureau, Welfare of the Indian, Appropriations and Salaries

In expressing his appreciation for Riverside's attitude toward the work of the Indian bureau as reflected in Sherman Institute, and for the cooperation afforded the department by the city and county health departments, Hon. Charles Henry Burke, commissioner of Indian affairs, in an address at Sherman Institute last night, declared that nothing gave him more encouragement than what had been revealed by his visit here.

The distinguished official was prevailed upon by Superintendent F. M. Conser to make a few remarks following dinner served in the domestic science building, the guests, numbering more than 100, including a number of city officials and citizens who have been especially interested in the school, and the nearly 80 instructors who make up the teaching force. The meal was prepared and served by the girls of the domestic science department, in the style for which they have become noted.

During the dinner hour the company was entertained by some of the musical and histrionic talent of the institution, William Lorentino and Jose Cajete, in Hawaiian costume, contributing several instrumental numbers on the steel guitar. "A New Girl at R.H." (Ramona Home), presented by a dozen Indian girls, was a refreshingly original skit which cleverly described in dialogue and song the episodes in the life of a Sherman student. So well did the performers acquit themselves that Commissioner Burke later requested Superintendent Conser to convey to them his personal gratitude.

The cast participating in the senior girls' playlet comprised Hazel Magee, Bobbie Lamoreaux, Winona Lincoln, Adella Brown, Susie Condio, Agatha Crouch, Barbara Helen, Agnes Siliabji, Sylvena Scott, Amy Washoe, Mabel Pina, Vemocka Scott, Pascualita Artey, May Johnson, Elsie Salane and Mildred Hart.

Cooperation Along Health Lines

Dr. W. B. Wells, city and county health commissioner, in extending a few words of greeting to the guest of honor, took occasion to sound a note of appreciation for the type of work that has been accomplished at Sherman. The health department, he said, had enjoyed the most thorough cooperation along health lines at the hands of C. L. Ellis, district superintendent of the Mission Indian agency here, and of Superintendent Conser.

Dr. Wells foresaw great progress along health lines in Riverside county, and in this connection referred to the rehabilitation of March field and to the proposed government hospital at Soboba, the appropriation for which, \$30,000, will be virtually increased to \$50,000 by reason of the labor that will be supplied by Sherman students.

Ira C. Landis, newly appointed city superintendent of schools, was called upon, and in addressing himself to the teaching staff, reminded the instructors that they were engaged in one of the greatest of professions, one concerning which they need not feel backward in "talking shop." The relations of the city schools and Sherman, he said, had been most happy, and the character of the product sent in from Sherman highly regarded by the former.

Nursing System in Field

Commissioner Burke recalled that he had visited Riverside on two former occasions, the first visit having been made more than 15 years ago, and the last six years ago, shortly after he had been made commissioner. He first knew of Sherman institute, he said, as much as 30 years ago, when as a congressman he served on the Indian affairs committee, under the leadership of Hon. James S. Sherman, in whose honor the school was named. Mr. Sherman, he said, seemed always to have a special concern for the school here.

The two most important items stressed by the Indian bureau are education and health, Mr. Burke said. While it has been difficult to make the advancement desired, it

tribal estates be released. Considerable wealth has been amassed through the development of natural resources in many cases, and those who would profit by the relinquishment of this wealth and its profligate dissipation are busy with their propaganda, even to the extent of advocating the abolition of the Indian bureau!

Commissioner Burke reminded his hearers that the problem is more the problem of the people than it is that of the government per se.

In closing, the commissioner gave the instructors a word of encouragement, alluding to the adoption of the classification act, which he said would be helpful, and to the Welch bill, which he confidently expected would become a law by July 1. This measure, he said, would add to the compensation of the employes of the service an average sum of approximately \$140 a year.

Before adjourning the meeting, Superintendent Conser called to their feet the Indian employes present. The group included Fred Long, who has been with the institution more than 40 years; Mr. and Mrs. Joe Scholder, who also have been connected with Sherman for many years; Bemis Pierce, former football star; Mr. and Mrs. Bert Jameson, Miss Julia Wells, Miss Mae Roberts, Isaac De Schene, Clarence Campbell and Kenneth Marmon.



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Dr. W. B. Wells, city and county health commissioner, in extending a few words of greeting to the guest of honor, took occasion to sound a note of appreciation for the type of work that has been accomplished at Sherman. The health department, he said, had enjoyed the most thorough cooperation along health lines at the hands of C. L. Ellis, district superintendent of the Mission Indian agency here, and of Superintendent Conser.

Dr. Wells foresaw great progress along health lines in Riverside county, and in this connection referred to the rehabilitation of March field and to the proposed government hospital at Soboba, the appropriation for which, \$30,000, will be virtually increased to \$50,000 by reason of the labor that will be supplied by Sherman students.

Ira C. Landis, newly appointed city superintendent of schools, was called upon, and in addressing himself to the teaching staff, reminded the instructors that they were engaged in one of the greatest of professions, one concerning which they need not feel backward in "talking shop." The relations of the city schools and Sherman, he said, had been most happy, and the character of the product sent in from Sherman highly regarded by the former.

Nursing System in Field

Commissioner Burke recalled that he had visited Riverside on two former occasions, the first visit having been made more than 15 years ago, and the last six years ago, shortly after he had been made commissioner. He first knew of Sherman institute, he said, as much as 30 years ago, when as a congressman he served on the Indian affairs committee, under the leadership of Hon. James S. Sherman, in whose honor the school was named. Mr. Sherman, he said, seemed always to have a special concern for the school here.

The two most important items stressed by the Indian bureau are education and health, Mr. Burke said. While it has been difficult to make the advancement desired, it looks as though the government would be a little more generous in the future in the way of appropriations.

It had always been his desire, he said, to have cooperation in health work and in the system of nursing in the field. The latter has replaced the old system of employing matrons. Good progress has been made, the new arrangement affording a wonderful field for service, the nurses teaching cleanliness and sanitation and otherwise building up the standard of living on the reservations. After July 1 more money will be available for hospitals, nurses and doctors.

Government Will Wean Changes

The time is coming, the commissioner observed, perhaps in another generation, when the government will relinquish its supervision of the Indians. They will then be a part of and dependent on the community. The Indian can take his place in the world alongside any other race, with the same training, in the speaker's opinion. It is the government's purpose to make the Indian self-reliant.

In this connection, reference was made to the demands of many, including the Indians themselves, that funds held in

present. The group included Fred Long, who has been with the institution more than 40 years; Mr. and Mrs. Joe Scholder, who also have been connected with Sherman for many years; Bemis Pierce, former football star; Mr. and Mrs. Bert Jameson, Miss Julia Wells, Miss Mae Roberts, Isaac De Schene, Clarence Campbell and Kenneth Marmon.

INDIAN AFFAIRS AND EARLY DAYS ARE DISCUSSED

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Daniel E. Murphy, deputy disbursing agent of the U. S. Indian Service, was the principal speaker at the Chamber of Commerce luncheon in the La Palma Hotel, Tuesday noon. Mr. Murphy did not come to make a speech, but a number asked him questions regarding local Indian affairs, and in answering the questions Mr. Murphy gave a very interesting talk.

He said there are 257,000 acres in Indian reservations in this district, having an appraised valuation of three million dollars. The Indian population at the time of the last census was 2735 in this district.

There are five day schools for the Indians of the district, the schools at Arlington and Banning, (Sherman and St. Boniface, respectively) being the largest. About 200 students of the district are enrolled at Sherman and about 75 in St. Boniface.

The Indian Service has secured an appropriation of \$30,000 for a hospital at Soboba.

The Palm Springs Indians are potentially the wealthiest in the district. The 50 Indians located here have 31,000 acres of land having an appraised value of a half million dollars. Sixteen hundred acres of this is in Palm Canyon, a proposed national monument, and having been appraised at \$23,500.

Although Indian affairs are on the tribal basis now, the government is attempting to individualize the Indians. The Indian lands in Palm Springs are tentatively allotted, it being the intention to allot to each Indian the land he now occupies. All unallotted land is the property of the tribe, and any Indian who refuses to accept his allotment, has his pro-rated interest in the tribal lands.

An Indian who accepts his allotment may receive title to the land, after which he can do anything with it he desires. He can lease it or sell it, and the entire proceeds from the land belong to him. His status becomes the same as that of a white man. Many Indians on other reservations who have accepted their allotments, have become wealthy, for then they have had an opportunity to direct their own affairs absolutely.

Adler Tells of Early Days

Otto Adler, proprietor of the La Palma, told of the first efforts in Palm Springs toward community cooperation. Mr. Adler came to Palm Springs 18 years ago. He was preceded by Mrs. Nellie Coffman and her two sons, proprietor of the Desert Inn, and Dr. Murray. Eight years ago Mr. Adler was very active, with a few others here, in promoting the first Desert Play, which has now become a nationally-known production.

Dr. J. J. Kocher, president of the Chamber of Commerce, told of the first board of trade in Palm Springs. The early organization had many interesting events. Ten years ago a big celebration was held, when an enormous sledge-hammer, placed in a large casket made by Mr. DeMuth, was carried to a funeral pyre. The procession marched to the tune of Tosti's "Good-Bye," and with proper ceremonies, the hammer was cremated.

Another important event in the life of the early organization was the celebration of the 25th wedding anniversary of Mr. and Mrs. Otto Adler. They were presented with a great loving cup at that time, in the year 1919. The cup was manufactured in Palm Springs, and on it was inscribed, "In commemoration of the 25th Wedding Anniversary of Mr. and Mrs. Otto Adler, Palm Springs, California, 1894-1919." The cup was brought to the table Tuesday and passed around for all to admire.

AUG. 3, 1929

Indian Commissioner Has Fine Opportunity

CJ. RHOADES, new commissioner of Indian affairs, in a recent statement declared it is the purpose of the bureau under his direction to make the Indians self-supporting through education.

If that means that he intends to make them over after the pattern of their white neighbors, no greater mistake could be made.

But the past record of the new commissioner gives another cue to his meaning.

Education is not entirely a matter of books.

What he probably means is to see to it that they are intelligently directed to get the best out of life in the better practice of their own habits and customs.

Too often our own thinking regarding the Indians is muddled. We lump them all together, forgetting that the cultures of the various tribes differ almost as widely as those of the United States and Mexico, for example.

The Navajos, for instance, the most numerous of all, are a pastoral people, owning large flocks of sheep and many horses and moving from place to place in search of pasturage.

The Pueblos, on the other hand, from time immemorial, have lived in villages, cultivating small holdings in the immediate vicinity and

doing what work they could find to do on the outside.

Very different also are the Utes of Colorado and Utah and the Sioux of the Dakotas and Montana.

As the New York World well puts the matter:

To pretend that the Indians of these and many other tribes, now or in the long run, could for their own good be herded together, taught in the same schoolrooms and workshops to do the same daily tasks, and then turned loose to make their own way as best they could, would be absurd.

A government policy, as has been often suggested, of weaning the Indians as fast as possible away from their tribal life and then doing away with their reservations would only add another unpardonable wrong to the many inflicted upon them in the past.

The communal life of the Indians is essential to their survival as a race. To break up their tribal groups, scatter them at random and abolish their reservations would not be progress; it would mean their rapid destruction.

The melancholy story of that destruction already has been written in California and other states where such a program has been practiced. The situation is a challenge to the new commissioner to put into force policies that will be of benefit to the Indians, not a continuation of the exploitation that would spell their ultimate ruin.

~~P~~ALEFACE LAWS HOLD REDSKINS

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An Indian, living in tribal relations on an Indian reservation is not subject to state laws. Attorney Lion argued yesterday in superior court in a habeas corpus hearing for Frank Piper, member of a Santa Ysabel Indian tribe.

Piper had been arrested on a charge of grand theft and had been remanded to jail by the committing magistrate, in default of \$1000 bail, to await trial in superior court. Judge Andrews who

heard the argument for the writ, denied the application and the redskin must take his turn in the prisoners' dock together with pale-face violators of the state's laws.

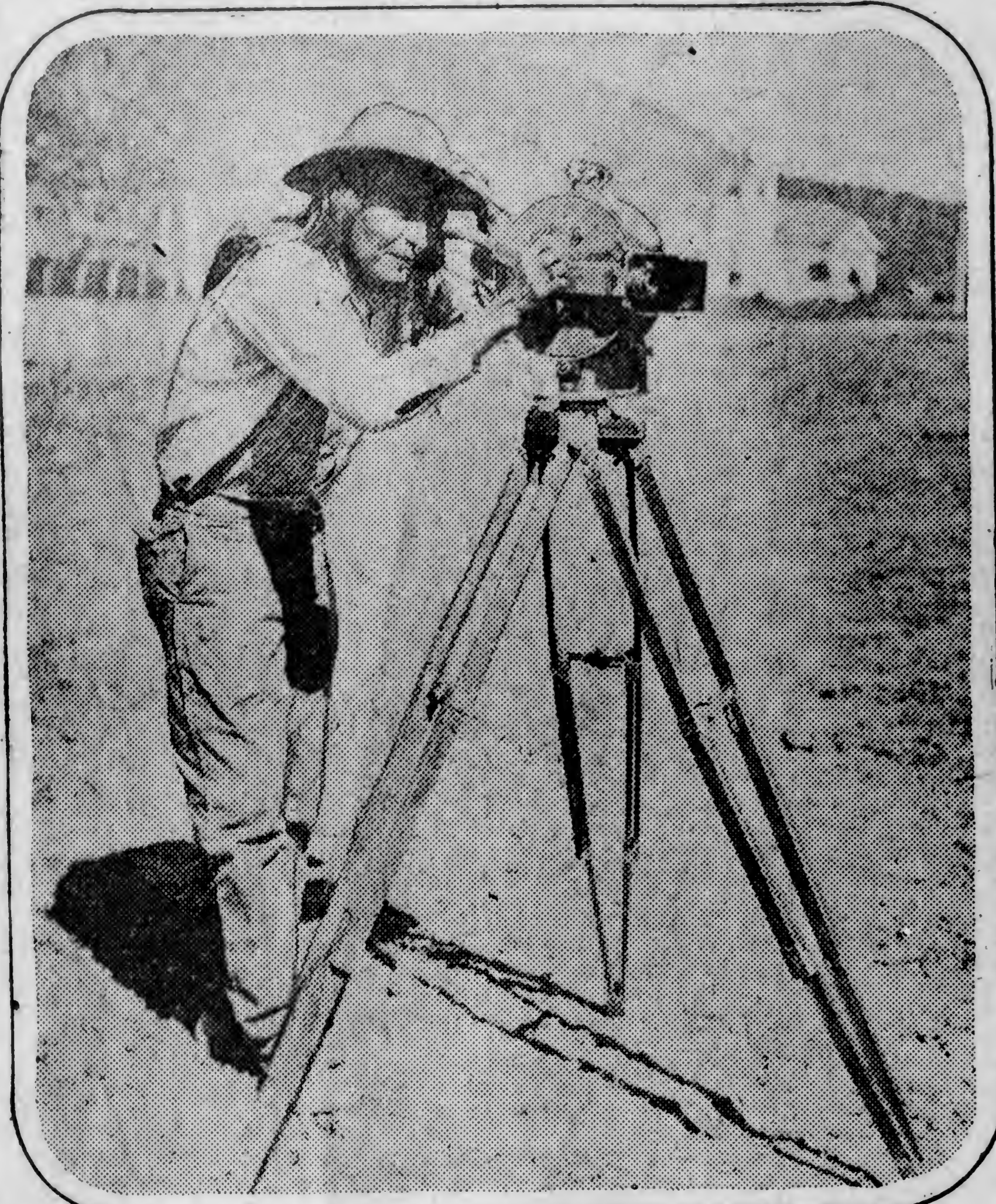
Piper is charged with having appropriated a horse, the property of another Indian. He has admitted using

the cayuse, but claims that he only "borrowed" the animal and later returned it to its pasture.

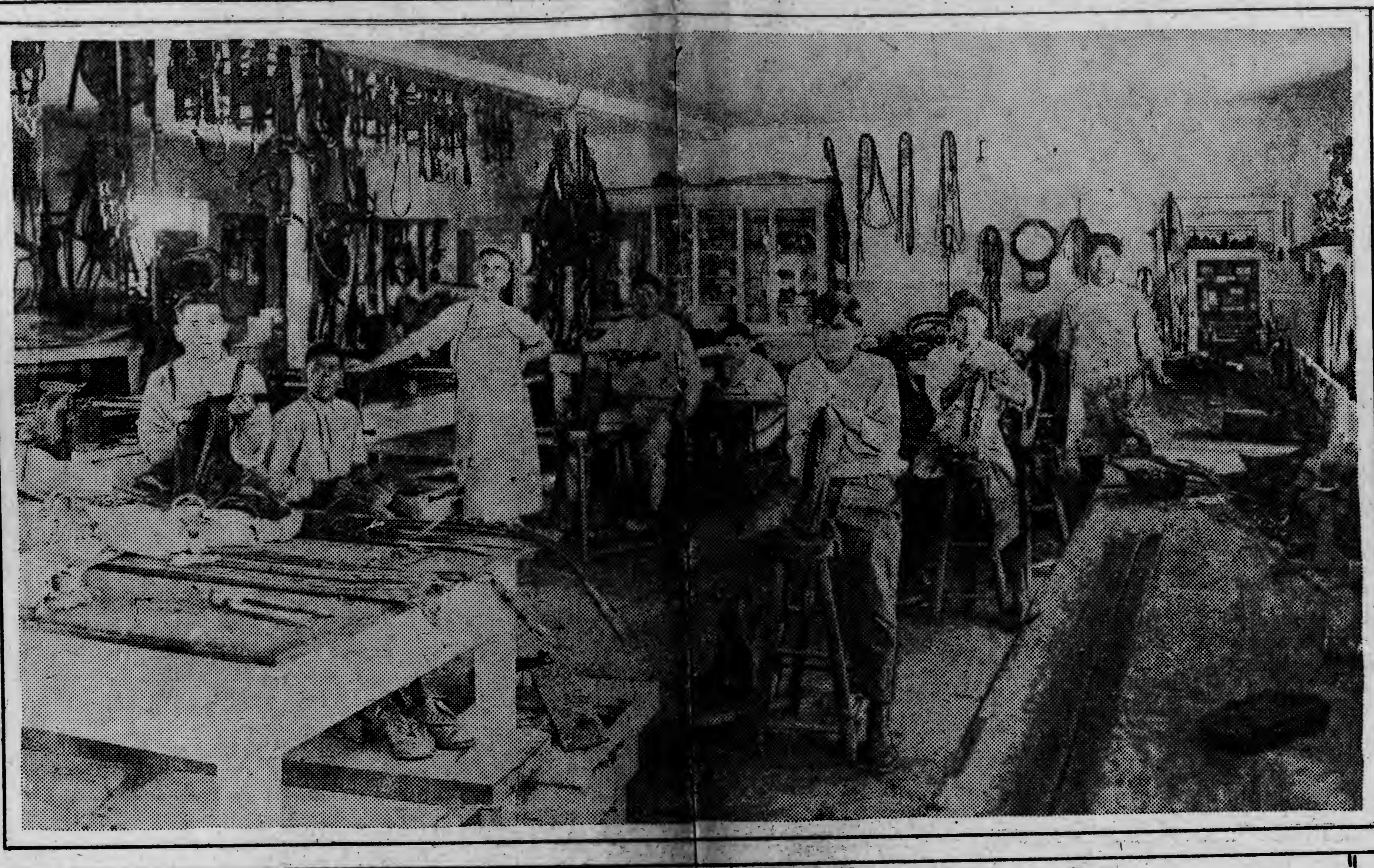
San Diego Union,

Calif., Jan. 6, 1928.

Washingtonians Guard and Direct Billionaire Indian Business



THE CHIEF STUDIES A MOTION PICTURE MACHINE



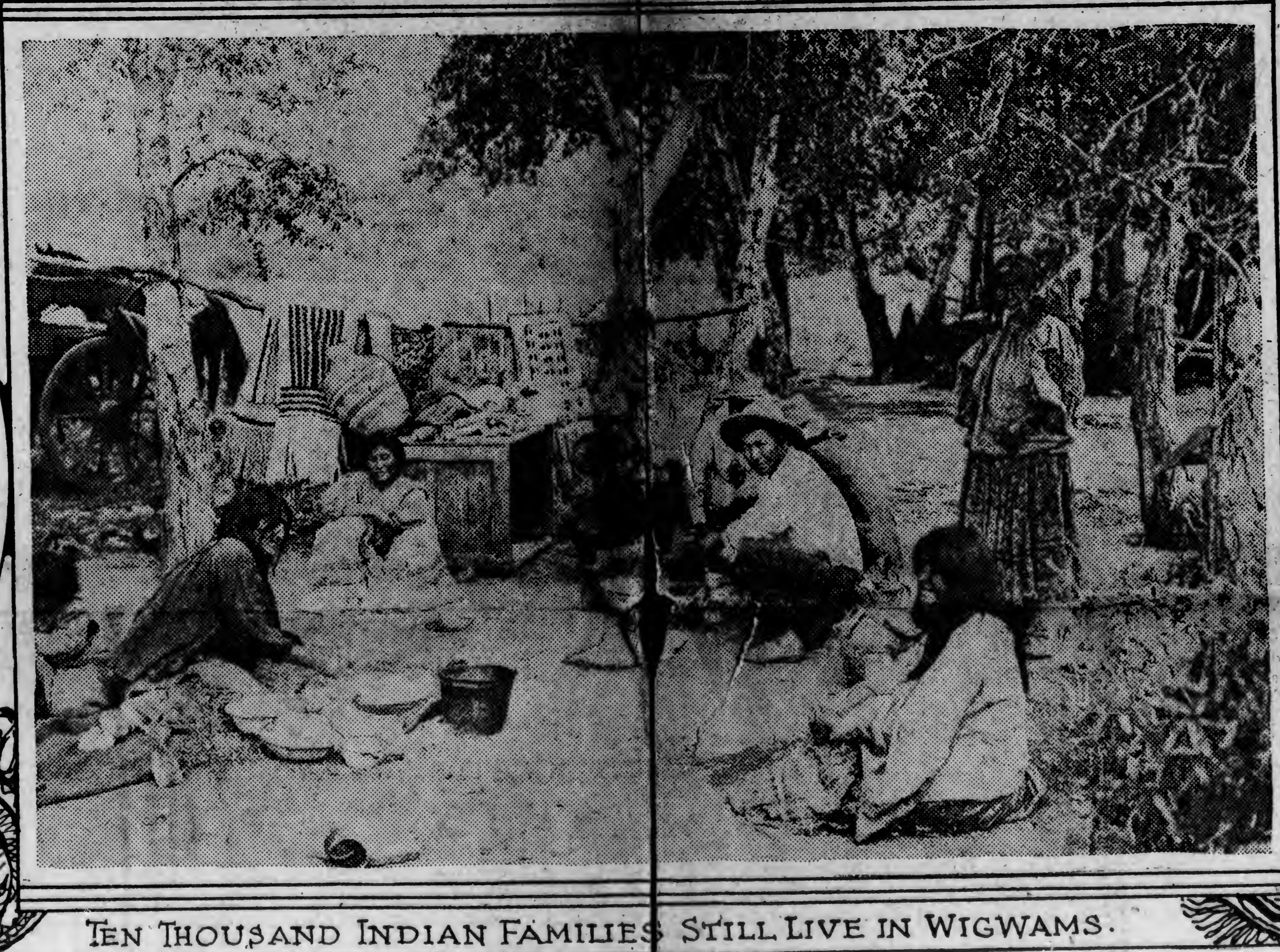
INDIAN BOYS ARE TAUGHT PRACTICAL TRADES



AN INDIAN FRUITGROWER AND HIS ORCHARD



A MODERN INDIAN FAMILY ON A CAMPING TRIP



TEN THOUSAND INDIAN FAMILIES STILL LIVE IN WIGWAMS.



INDIAN SQUAW AND HER SEWING MACHINE



BY GEORGE H. DACY.
THE Department of Interior, through its Bureau of Indian Affairs, plays banker for our remnant American redskins, whose total fortune at this time amounts to considerably more than \$1,000,000,000—wealth which, could it be apportioned equally, would mean that each Indian would possess more than \$3,000 in cash or readily

lines among certain of the leading tribes—sees to it officially that the Indians are prevented as far as possible from wasting their wealth prodigally. The richest producing oil field in the country is on the Osage reservation, on land which the Osages purchased from the Cherokees some years ago for \$1.25 an acre. In this particular case the mineral rights were reserved for the benefit of the entire Osage tribe. Hence all the redskins share equally in the oil royalties. Certain Osage families were

trades and agriculture. They are especially interested in stock raising. The girls are also educated along practical lines, special attention being devoted to household science and the home-making arts. The Indian day schools were among the first in this country to furnish medical and dental service, free noon lunches and scientific attention to protect the well-being of the dark-skinned scholars. The Indians welcome civilization warmly and are enthusiastic about the efficient education of the younger generation. Indian parents have contributed in ex-

missionaries. During a recent year Uncle Sam cared for 20,000 Indian patients at 73 special hospitals which the Government operates exclusively for the use of the red men and their families. The former isolator of the aborigines, who annually died by the thousands because of the dearth of medical attention and hospitals, has been lifted. Today the Indian reservations have metamorphosed into health centers. The Bureau of Indian Affairs now spends more than half a million dollars a year in health campaigns among the Indians. The army of physicians and surgeons which looks

Indians : Speeches, Hearings, Bills, etc

1926

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INDIAN TRIBES OF CALIFORNIA

HEARING

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON INDIAN AFFAIRS
HOUSE OF REPRESENTATIVES

SIXTY-NINTH CONGRESS

FIRST SESSION

ON

H. R. 8036 and H. R. 9497

MAY 5, 1926



WASHINGTON
GOVERNMENT PRINTING OFFICE

1926

INDIAN TRIBES OF CALIFORNIA

HEARING

COMMITTEE OF THE

HOUSE OF REPRESENTATIVES

ON INDIAN AFFAIRS

WEDNESDAY, MAY 5, 1926

H. R. 8036 and H. R. 9497

INDIAN TRIBES OF CALIFORNIA

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Wednesday, May 5, 1926.

The subcommittee met at 10 o'clock a. m., Hon. F. D. Letts (chairman) presiding.

Mr. Letts. This hearing is on two bills relating to Indians in California; one, H. R. 8036, introduced by the later Mr. Raker; and the other, H. R. 9497, introduced by Mrs. Kahn.

The bills will be inserted in the record at this point.
(The bills referred to are as follows:)

[H. R. 8036, Sixty-ninth Congress, first session]

A BILL Authorizing any tribe or band of Indians of California to submit claims to the Court of Claims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims of whatsoever nature that any tribe or band of Indians of California may have against the United States by reason of those certain eighteen treaties ratified by the chiefs and head men of the several tribes and bands of Indians of California, which said treaties were submitted to the Senate of the United States by President Fillmore for ratification on the 1st day of June, 1852, or by deprivation of the lands and goods referred to in said treaties, or the failure or refusal of the United States to compensate said tribes or bands of Indians for lands occupied and claimed by them, as referred to in said treaties, and which lands are claimed to have been taken from them without compensation, may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, notwithstanding lapse of time or statutes of limitation, or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided*, That any judgment for said claimants shall be for an amount equal to the fair value of the compensation provided for the Indians in said treaties, including the lands described in said treaties, not to exceed \$1.25 per acre for the said lands, with interest thereon at 4 per centum per annum from June 1, 1852, to the date of the judgment. Any judgment which may have been made by the United States upon any claim or claims made under the provisions of this act shall not be pleaded as an estoppel, but may be pleaded by way of set-off, and any sums paid to or expended by the United States for the benefit of the claimants shall be credited to the United States as of the dates the court finds such payments or expenditures to have been made.

SEC. 3. The claims of those entitled to sue under the provisions of this act shall be presented jointly by petition, which shall be filed within two years after the passage of this act. Said petition shall be subject to amendment. Any tribe or band of Indians or claimants the court may deem necessary to a final and just determination of a claim that has been filed under the

provisions of this act may be joined as a party plaintiff notwithstanding the fact that the said tribe or band or claimants have not filed a claim within two years after the passage of this act. The petition shall be signed and verified by the attorney or attorneys employed by the claimants under contract approved by the Secretary of the Interior. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence and the departments of the Government shall give the said attorney or attorneys access to such papers, correspondence, or records as may be necessary in the premises.

SEC. 4. Any court rendering a judgment under the provisions of this act shall decree such fees as it shall find to be reasonable, not exceeding 10 per centum of the amount of the recovery, to be paid the attorney or attorneys employed by the claimants as compensation for their services in such action. In addition to the amounts above provided for in said judgment the court shall decree an amount to cover all necessary and proper expenses incurred in the preparation and prosecution of the claims herein authorized.

SEC. 5. The amount of any judgment rendered, other than that provided for in section 4 hereof, shall be placed in the Treasury of the United States to the credit of the claimants entitled thereto and shall draw interest at the rate of 4 per centum per annum until such time as the Congress shall otherwise direct.

SEC. 6. For the purpose of this act the tribes or bands of Indians of California shall be construed to mean those Indians residing in California at the time of the alleged deprivation of their lands and their descendants.

SEC. 7. Within eighteen months after the passage of this act the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of the persons entitled to claim thereunder. Said roll shall be a public record and made accessible to claimants, their agents and attorneys at reasonable times. Any person claiming to be entitled to share under the provisions of this act may within two years after its approval present or cause to be presented to said Secretary an application in writing for his enrollment as a claimant hereunder. At any time within two and one-half years after the approval of this act the said Secretary shall have the right to alter and revise said roll, at the end of which time said roll shall be final and conclusive as to the rights of the persons entitled to share under this act.

[H. R. 9497, Sixty-ninth Congress, first session]

A BILL To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration

Whereas in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which certain Indian tribes in California, represented by four hundred and one chiefs, captains, and headmen, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

Whereas the early recognition of the claim of prior occupancy in the United States is shown by the following communication, drawn up by General Knox, Secretary of War, and transmitted to Congress on June 15, 1789, by George Washington, President of the United States:

"The Indians, being the prior occupants, possess the right of soil. It can not be taken from them unless by their free consent, or by right of conquest in cast of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation"; and

Whereas due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years and their insistence on unrestricted rights in all parts of the State, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with by far the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were ever made, was assumed by the United States without process of law and has since been patented in a greater part to other persons; and

Whereas all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over \$22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than four hundred and fifty thousand acres, or a per capita acreage as of 1925 of less than twenty-four acres, most of which land is wholly unfit for cultivation or even habitation; and

Whereas it is an established historic fact universally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving hundreds of them in the dead of winter through rain and mud and snow to faraway illegal "reservations"—men, women, and little children, including the old, the feeble, and the sick—many perishing on the way from hardship and the brutality of the drivers, by forcing thousands into remote and inhospitable parts of the State, by depriving them of their natural food, thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases, and on several occasions by massacring large numbers in cold blood; while for a period of at least fifteen years (1849-1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

Whereas since 1848, when the treaty of Guadalupe Hidalgo transferring absolute possession of California from Mexico to the United States was confirmed, citizens of the United States have occupied millions of acres rightfully belonging to Indians and have profited from the use thereof by hundreds of millions of dollars; and

Whereas it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made

and entered into in 1851 and 1852, and through the failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$49,583,640 (the same being the value at 50 cents per acre, without interest, of the Indian lands of California, less the four hundred and fifty thousand acres at present allowed for reservations and allotments) be, and the same is hereby, appropriated, out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized, and accounted for, for the benefit of the Indians of California, in accordance with the provisions of this act, as compensation for and in lieu of all other moneys, lieu lands, or other compensation to which said Indians of California are or may be entitled in law or equity in the place of lands which have heretofore been taken from them under the provision of said "Eighteen treaties," or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SEC. 2. There is hereby created a commission, to be known as the California Indian Land Commission, to consist of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of \$—— annually.

SEC. 3. The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems where deemed necessary; erect fences, farm buildings, and suitable living quarters thereon; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands; and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necessary household furnishings and utensils during said period.

The commission shall make suitable rules and regulations in conformity with the provisions of this act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the commission, and shall be subject to local assessment and taxation: *Provided, however,* That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government which may be hereafter charged with the construction, maintenance, or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the commission, to supervise or assist in the installation, maintenance, and operation of such systems, the cost of such work to be paid by the commission out of the appropriation herein made.

Said commission is also authorized to request and utilize the assistance of any bureau, department, or agency of the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the commission and to pay the cost thereof from the appropriation herein made.

SEC. 5. The commission shall keep current minutes, records, and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this act, and the purposes for which such expenditures have been made. Said report may include also any recommendations which the commission desires to make for further congressional action in connection with the purposes of this act. The minutes, records, and accounts of the commission shall be open to inspection by any citizen at all times during business hours.

Mr. LETTS. So as to identify the previous hearings held on similar bills, a note will be made of them at this point.

(The hearings referred to were held by a subcommittee of the Committee on Indian Affairs, House of Representatives, on March 23, 1920, and April 28 and 29, 1922.)

Mr. LETTS. As there is no particular order in which we should proceed, we can proceed to hold a hearing on these two bills jointly, and, if it is agreeable to the other members of the subcommittee, we will hear from Mrs. Kahn at this time.

STATEMENT OF FLORENCE P. KAHN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. KAHN. What I want to make is really a general statement, because I feel that, in the face of the adverse report rendered by the Secretary of the Interior on my bill, it would be absurd to take up the time of the committee trying to induce them to report it out favorably.

But what I want to do is to establish the principle of recognizing the moral obligation toward the Indian, and meeting it through what is called a gratuity appropriation. If no more than \$10,000,000 net were put aside for the Indians, and the interest used annually, the California Indians could be given adequate agricultural and industrial facilities within 10 years.

It is not Utopian to think that Congress will act on a moral obligation, because right now there is before it a proposition involving not \$10,000,000 or \$20,000,000, but hundreds of millions of dollars; and we feel sure that the claims of the Indians for these oil lands are to be settled on a moral and not a legal ground, and that they will eventually get their rights, and also that the Sioux Indians, who are also suing for \$750,000,000. And we feel that, in the same way, the question of the California Indians can be settled and will be.

But we feel that this year, on account of the adverse report of the Secretary of the Interior, and the attitude of the Director of the Budget toward all these such things, it would be neither wise nor profitable to push it.

But we hope eventually something can be done for the California Indians, and that there is a large, growing spirit of cooperation in California toward the Indians. The people of California are recognizing more and more their duty toward the Indians, and the moral obligation that the Indian has toward them. And we feel that California will cooperate whole-heartedly with anything that the United States Government decides to do for our Indians.

Mr. BRIGHAM. Your recommendation for \$10,000,000—is that for all Indians?

Mrs. KAHN. For all Indians in California.

Mr. LETTS. You have familiarized yourself with the provisions of the Raker bill?

Mrs. KAHN. Yes, slightly. I do not know it quite as well as my own. But I do not believe that it would in any way conflict with it.

Mr. LETTS. Does that serve the same purpose in another way?

Mrs. KAHN. I think that Mr. Collett, who is here, could probably answer that question far better and in much more detail than I could.

Mr. LETTS. Very well.

Mrs. KAHN. As he knows the specific details, I might say, of each bill, and he has made this a life study, and he has devoted his whole time and his whole energy to the condition of the Indians in California, and to getting legislation for them; and I feel quite sure that any question that you may ask him regarding a conflict of one bill with the other can be answered by him with far more authority than by me.

Mr. LETTS. Thank you very much.

Perhaps it would be well to read at this point the letter of the Secretary of the Interior, dated April 13, 1926, to the chairman of this committee on H. R. 8036, the bill introduced by Mr. Raker. It is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 13, 1926

HON. SCOTT LEAVITT,

Chairman, Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 8, 1926, inclosing for a report a copy of H. R. 8036, a bill authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians as indicated in the bill are for compensation from the Government for lands formerly occupied and claimed by them in California, which lands are alleged to have been taken from them without payment and disposed of as public domain.

The claims are based upon 18 treaties made with the different tribes of Indians of California in 1851 and 1852 and submitted to the Senate for ratification on June 1, 1852. These treaties were signed on the part of the Government by the United States agent and on the part of the Indians by certain chiefs and headmen. When these treaties were submitted to the Senate for ratification that body unanimously voted to reject them, as shown by the Executive Journal of the Senate for June 28, 1852, on page 417. With reference to the submission to these treaties after they were severally read the second time and considered in the committee as a whole, no amendments were made thereto, and they were severally reported to the Senate.

These Indians have for a number of years been asserting that they were entitled to compensation for the lands that were set apart for them by the 18 treaties in question to the extent of approximately 7,500,000 acres.

A bill, H. R. 12788, similar to this, was introduced in the Sixty-sixth Congress during the second session. Extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives, and a full and complete history of the matter was incorporated in said hearings, which are dated March 23, 1920. The bill did not become a law.

There would seem to be little necessity for action by the Court of Claims and the expense and delay incident to a suit to recover the value of these lands should an appropriation be made in settlement of their claims. The bill provides for payment of \$1.25 per acre for the lands, and it would be easy to compute the amount that would be due, as there is very little question as to the acreage involved.

It is recommended that H. R. 8036 do not receive your favorable consideration. The Director of the Bureau of the Budget has advised that this adverse report is not in conflict with the financial program of the President.

Yours very truly,

HUBERT WORK.

Mr. EVANS. There is one thing about that report that calls for comment—the statement that the Budget Bureau says that it is not in conflict with the program of the President. It seems very nonsensical to me to put such a statement in an adverse report.

Mr. LETTS. Yes.

I think by reference we should, perhaps, put in this record the hearings which are referred to in this report of the Secretary, on H. R. 12788, Sixty-sixth Congress, second session.

Mr. BRIGHAM. Do you mean to incorporate them in this record?

Mr. LETTS. No—just by reference; I think that is sufficient; that brings them up for our consideration.

And perhaps we ought, by reference, to incorporate that bill and the report of the Secretary of the Interior on that bill at that time.

The Secretary of the Interior also reports on Mrs. Kahn's bill (H. R. 9497), under date of April 9, 1926, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 9, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 26, 1926, inclosing for a report a copy of H. R. 9497, being "A bill to provide funds for the reimbursement of the Indians of California for lands taken from them under the 18 treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration."

The bill makes an appropriation of \$49,583,640 for the benefit of the Indians of California, and cites 18 unratified treaties of 1851 and 1852 as the basis for making the appropriation. The treaties referred to were negotiated with the different tribes of Indians in California who ceded all their lands except certain diminished tracts which in most cases were reserved by the tribes as reservations. In some instances the Indians either declined or were not permitted by the pioneers of California to occupy the reserved areas. The treaties were presented to the Senate of the United States for ratification, but were unanimously rejected by that body. No direct appropriation was ever made by Congress to carry out the terms of the unratified treaties, but there have been appropriated by Congress approximately \$10,000,000 for the benefit of the Indians of California as gratuities since the dates of such treaties.

Heretofore the claims of the California Indians have been asserted for payment for approximately 7,500,000 acres of land from which they claimed to have been erroneously excluded. It is the intent of this bill to make an appropriation to pay for 99,167,280 acres at 50 cents per acre. This is the entire area of the State of California (Rand McNally's Atlas), less the 450,000 acres which is stated in the bill as being the area reserved for and allotted to the Indians. Royce's Land Cessions shows that the land claimed by the Indians, parties to the 18 unratified treaties, at no place touched the eastern State line of California, but that there is a strip of country lying east of the Indian Lands which was not claimed by them. There are no accurate figures showing the area of this strip, but it is believed a near approximation of such area would be 20,000,000 acres.

Nothing can be found in the records of this department which would tend to substantiate their claim.

It is recommended that H. R. 9497 do not receive your favorable consideration. The Director of the Bureau of the Budget has advised that this adverse report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

Mr. Lea, may we hear from you at this time?

STATEMENT OF HON. CLARENCE F. LEA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LEA. Mr. Chairman, the hearings on this same subject were held in the Sixty-sixth Congress, March 23, 1920, and the Sixty-seventh Congress, April 28 and 29, 1922, and quite fully cover the subject involved.

These are the same hearings referred to by the Secretary of the Interior.

Mr. LETTS. That is what I wanted.

Mr. LEA. I would like to give you an outline of the case of the California Indians, and then address myself to the Raker bill.

After the war with Mexico a treaty of peace was agreed to between the United States and the Republic of Mexico, under date of Febru-

ary 2, 1848, by which the lands of what is now California were ceded to the United States.

At that time, according to the best estimates available, there were something over 200,000 Indians in the State of California. At the present time, there are only about 20,000; or, in other words, in 75 years 90 per cent of all the original stock in numbers have disappeared.

The Indians were citizens of Mexico, of course, before the territory was ceded to the United States.

In the treaty that was made with Mexico, a particular obligation was placed upon the United States to respect the Indians and their rights to their lands.

In article 9 of the treaty reference is made to those remaining in the territory incorporated into the Union, declaring that all the rights of citizens of the United States, to be protected in the free enjoyment of their liberty and property, was granted to these Indians which were taken over by the United States.

And in article 11, referring to protective laws, it was the duty of the United States to enact, there is this language:

The sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territory, or for it being settled by the citizens of the United States, but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes by committing those invasions which the United States have solemnly obligated themselves to restrain.

Mr. EVANS. Will you tell us what you are quoting from? Is that part of the treaty?

Mr. LEA. That is part of the treaty. That quotation is from article 11 of the treaty of the United States with Mexico, in which treaty special care was made to protect these Indians; and it was a sacred obligation assumed by the United States in that treaty with Mexico we would respect their rights.

In 1834 Congress passed an act providing that no purchase, grant, lease, or other conveyance of lands, or any title or claim thereto, from any Indian nation or tribe of Indians shall be of any validity, in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution.

In other words, the Indians of this country had what you might call a "community right", instead of an individualistic right. A tribe of Indians would occupy a given area, instead of having it parceled out into private ownership, as we now know ownership in the United States. Congress thus recognized this, and provided that the Indians should not be deprived of their rights, except by treaty, and of course, that treaty right as to Indian tribes was conferred in the Constitution of the United States.

Individual Indians were prevented from bartering away their rights. Under the act of Congress of February 27, 1851, it was provided that all Indian treaties should be negotiated by agents of the Indian Department. Pursuant to that act a commission was created to go to California and negotiate with these Indians, with a view of securing to the Federal Government lands of which the Indians were in possession, and of course, with the idea of con-

firming the right of the Indians to lands in certain portions of the State.

It was pursuant to that law that the 18 treaties referred to in this bill, originated. Those treaties were negotiated in 1851, 18 different treaties, involving about 150 tribes of Indians, and were signed on the part of the Indians by about 400 chiefs and headmen of the tribes.

Those treaties, in substance, provided, first, that the Indians agree to cede their rights in lands to the United States Government—that is, lands outside of defined areas; in the second place, they agreed to keep the peace; to accept the sovereignty of the United States; to accept certain reservations, 18 in number, aggregating about 7,500,000 acres, described in said treaties by metes and bounds. That is what the Indians agreed to.

The Government agreed, as this treaty was negotiated, to pay to the Indians certain sums in goods, agricultural implements, etc., amounting to \$1,800,000. That is, this sum was not mentioned in the treaty, but that is the estimated value of the goods that were promised the Indians.

Second, to reserve in perpetuity for the Indians' use and enjoyment different reservations specified in said treaty. Those reservations were all defined by metes and bounds.

Third, to provide schools and other necessary buildings.

Fourth, to provide skilled instructors in farming, blacksmithing, and woodwork; supervisors, and such assistants as should be found necessary. Said instruction to be continued as long as might be found necessary by the President.

Now, that treaty up to that date was entirely in accordance with the policy that Congress had authorized, and had specifically authorized, in reference to the California Indians.

It is interesting to note the fundamental principles that have been recognized, under which the United States should deal with its Indian population.

In the Lone Wolf case the Supreme Court, referring to the power of Congress to abrogate treaties with Indians, said:

It is to be presumed that in these matters the United States will be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent people.

And that, I think, must be recognized all through our dealings with the Indians, particularly the California Indians. They were and are as a whole an ignorant and dependent people. The relation of guardian and ward applies to the relation of the United States to the Indians of California.

We have here a definite relation and obligation. We did take their lands, and we did not pay them for them. But in addition to that, if they had no lands, the United States had a definite moral obligation to these people as the wards of the United States.

Mr. EVANS. What you really mean is that the Government has never dealt with the Indian as the Supreme Court of the United States says it should have dealt with the Indian?

Mr. LEA. That is true. In abstract declarations of principle, we have been all right; but we have been very weak in applying the principles we have announced.

In 1792, Cornplanter, who was chief of the Senecas, representing the Six Nations, said to Washington, who was then President:

The land that we live on our fathers received from God, and they transmitted it to us for our children, and we can not part with it.

And Washington in reply said:

The General Government will never consent to your being defrauded, but will protect you in all your just rights.

Now, that undoubtedly was the purpose of Washington.

In 1830 a report of a committee of Congress similar to this, in reporting to Congress about the purchase of Indian lands, used this language:

Thus the practice of buying Indian titles is but the substitute which humanity and expediency have imposed, in place of the sword, in arriving at the actual enjoyment of property claimed by the right of discovery, and sanctioned by the natural superiority allowed to the claims of civilized communities over those of savage tribes.

In 1851, under the act of March 3, provision was made to establish the titles to California lands. Of course, those titles in California existed by the Spanish Government, and by the Mexican Government, and by the rights of these aborigines, which antedated the Spanish and the Mexican Governments. The idea of the commission was to go out and provide a means by which the titles for the future could be settled.

Three commissioners were appointed. There was a general provision in the act that all claimants would be required to present their claims, with certain exceptions applying to the Mission Indians in California, and to all Indians that lived in pueblos and rancherios. You understand, of course, that we had a chain of 19 missions running along the border of the coast of California, and that they acquired what are known as mission lands, and the owners of those lands were not required to assert their rights.

All lands for which claims were not presented within two years, it was provided, should be deemed a part of the public domain.

The commission was authorized to make a report. There was a method provided for going into court to establish judgments adverse to the rulings of this commission.

The commission never reported on the rights of these rancherio Indians, so far as we have been able to learn.

The Secretary of Interior, in giving instructions to these commissioners as to how they should perform their duties, told them to conform to the universally acknowledged principles of the law of nations, "which interdict interference with or prejudice of private property upon a change of sovereignty."

In other words, there was a clear recognition of what was unquestionably the fact, that the title of these Indians, in their original condition, and under the title of Spain and Mexico, was to be good under the Constitution of the United States, and such title prevailed at that time.

Now, going back to the treaties. The treaties were signed, as I have before mentioned, and then sent on to Washington. They were submitted to the Senate by the President for ratification, and they were unanimously rejected.

Now, there is no doubt under what circumstances they were rejected, nor why.

In 1848 gold was discovered in California. In 1849, 70,000 white people arrived in California, approximately one white man for every three Indians in the State, notwithstanding that great Indian population. In 1850 there was another wave of white invasion; and in 1851 and 1852 it was the same way. So in the meantime California had organized a government, elected her Senators and sent them on to Washington, before ever these treaties arrived here.

The California Legislature selected by the newly-arrived whites, took up the question. I want to read to you an extract from the Senate Journal of California of that date, which to me is a very interesting explanation:

Mr. Wambough, from the majority of the special committee appointed to examine into the policy pursued by the United States Indian Commissioners in negotiating certain treaties with different Indian tribes in this State, reported against the policy pursued by said commissioners in treating with the Indians in California, and submitted concurrent resolutions instructing our Senators in Congress to oppose the confirmation of any and all treaties made with Indians of California granting them exclusive right to occupy any of the public lands of this State.

Also instructing our Senators and requesting our Representatives in Congress to use their best endeavors to induce the Federal Government to remove the Indians of this State beyond its jurisdiction.

In other words, these early pioneers in California—some of them had not been there 12 months—went to the legislature and dominated the legislature of California, and through the legislature of California, dominated our Senators, taking the position that every Indian should be turned away from the land on which he had been born, and should all be driven outside of the State of California, and that they should not be permitted to remain inside of the State.

In the California Assembly Journal of February 16, 1852, I find this quotation:

Mr. Coats, chairman, made the following report:

"The committee to whom was referred the subject of Indian reservations have had the subject under consideration and beg leave to submit the following report:

"Your committee have learned, with unfeigned regret, that many and extensive reservations of land have been made in various sections of this State for the exclusive occupation and use of the Indian tribes within its limits. These reservations, as your committee are satisfactorily informed, embrace within their limits, in a large majority of instances, extensive tracts of the most desirable mineral and agricultural lands in California. * * *

"These reservations have been made in most of the countries in the State from the forty-second parallel of north latitude to the southern boundary; and a large majority, if not all of them, embrace some of the best mineral and agricultural lands within its limits. Your committee are of opinion that, in the aggregate, these reservations include a population of not less than 20,000 American citizens—

That is, this inflow of the whites—

"and they are also of opinion that the aggregate value of those reservations is not less than \$100,000,000.

"But if they are set apart for the exclusive occupation and use of the Indians, the loss to the State and National Governments could not be less than \$100,000,000—at a fair computation of the mineral and agricultural lands.

Now, the Indians had practically the possession of California from the top of the Sierras west to the sea; they at least had 75 per cent of the lands of California. And when these negotiators went out there, they got the Indians to surrender all but 7,500,000 acres. They proposed to give the Indians less than one-tenth of the lands they

had in California. And yet these people, represented in the legislature of California, refused to allow them that one-tenth, on which they placed a value of \$100,000,000.

"All experience has demonstrated the fact that close continuity to the white man is not the place for the Indian. This fact is clearly evinced by the history of that unfortunate race from the foundation of our Government to the present time. To avert the danger of a too close proximity the National Government has for many years adopted the policy of removing the Indians beyond the limits of civilization.

"All of which your committee respectfully submit for the consideration of this House, and recommend the adoption of the following resolutions:—

Now, this is just one of the resolutions—

"Resolved, That our Senators in Congress be instructed and our Representatives requested to use all proper means to prevent Congress confirming the Indian reservations which have been made in this State, but respectfully to insist that the same policy be adopted with regard to the Indian tribes in California which has been adopted in other new States."

And what they meant was to take the Indian and move him on and keep his lands.

One man submitted a minority report; and I would like to read to you that, or portions of it:

I can not remain a silent spectator or satisfy my conscience by a silent negative vote, but feel compelled, not only to dissent from the resolutions introduced by that majority but to lay before you a report differing in some respects from that of the majority, and recommending a different policy.

The policy recommended by the majority of your committee is that the treaties be set aside and all the Indians, except the neophytes of the missions, be removed out of the State.

To remove the Indians from this State I consider as impracticable; there is no place within the territory of the United States in which to locate them. We can not suppose that the General Government will remove them to Oregon, to Utah, New Mexico, or to the Indian Territory east of the Rocky Mountains. And where else will you locate them? On the desert and sterile regions east of the Sierra-Nevada, that they may die of starvation, or if, perchance, a few survive, that they may become the Arabs of America? Better, far better, drive them at once into the ocean, or bury them in the land of their birth.

The policy which to me appears more worthy of a Nation whose empire extends from sea to sea, and whose area has within three-fourths of a century expanded from 521,660 to 3,221,595 square miles, if not one that should seek to raise the character of the Indian, to civilize, refine, and enlighten, should at last be one that could tolerate their existence, and even allow them a resting and abiding place on the clay from which they were formed.

Shall future generations seek in vain for one remaining descendant of the sons of the forest? Has the love of gold blotted from our minds all feeling of compassion or justice?

As I do not coincide with the majority of your committee in the policy to be pursued by the General Government, I must depart from the opinion expressed by them for the proper action of this body. They recommend that our Senators be instructed to oppose the approval of all the treaties made with the Indians in this State by the United States Indian Commissioners. Now, so far as those treaties can have any effect on the Indians with whom they have been made as treaties, the effect has taken place, and the effect will be the same on the Indians to disapprove of these treaties by our Congressional Senate at this time as to annul and set them aside after they shall have been approved.

Now, I think that portrays what happened. Nobody says that the Indians were ever compensated one dollar—

Mr. EVANS (interposing). Mr. Lea, as a legal proposition, the rejection of the treaties by the Senate of the United States left the matter in status quo, as if no treaty had been made?

Mr. LEA. I think that is true.

Mr. EVANS. What, if you know, is the position of the Government? Does the Government maintain that the treaties are in effect, or does it maintain that there were no treaties?

Mr. LEA. They simply maintain there are no treaties.

Mr. EVANS. Then the matter, from a legal standpoint, stands as if there had never been a treaty negotiated?

Mr. LEA. Yes, technically, that is true. It required the approval of the Senate to make the treaty; so it was never in effect. The Indians surrendered their lands, but the treaty was not in effect.

Now, Mr. Raker, shortly before his death, introduced this bill (H. R. 8036); and this bill is simply a continuation of his efforts that began six years ago to try to provide substantial relief for these Indians:

The fundamental purpose to be gained, as I see it, is to provide for some reasonably appropriate care for these Indians. They have been variously provided for—some of them with a degree of comfort and success, while there are many others in California who are still in a pitiful condition, living in abject poverty and disease. A great many of them are affected with tuberculosis and with trachoma.

Mr. EVANS. Do I understand correctly the Government recognizes no reservations in California for these Indians?

Mr. LEA. Yes; there are some reservations.

Mr. EVANS. Well, any of these 18 reservations?

Mr. LEA. These reservations are wiped off the map.

Mr. EVANS. They are blotted out?

Mr. LEA. Yes, sir.

Mr. EVANS. And the occupants of what were the 18 reservations are now like the "Beduins of the desert"?

Mr. LEA. Yes, sir. Some reservations have been established in California, and some lands have been bought for the homeless; and unquestionably the Indian Department has done a good deal of good work in California for the Indians; there is no mistake about that.

But I look upon this as an outrageous injustice to the Indians. It occurred long ago. It is impossible now to right that wrong, except in part. And perhaps the practical thing is to take care of the essential needs of those Indians. I would not make every one of those Indians wealthy if I could. It is best that those Indians have to work to earn their living. But they should be provided for, so that they will have homes, a comfortable and warm place to sleep, and so that they will have medical treatment, and an opportunity to have it least a garden.

We are asserting this claim as a definite justification for adequate care for these Indians.

Section 1 of H. R. 8036 provides, in substance, that all claims of these California Indians, by reason of those 18 treaties, shall be adjusted by action in the Court of Claims, with a view of compensating them for deprivation of the lands and goods referred to in the treaties, or the failure or refusal of the United States to compensate the tribes for their lands taken by the United States.

Mr. LETTS. One question there: Would a claim like that arise out of the treaties?

Mr. LEA. No.

Mr. LETTS. And is the kind of claim that you are thinking about one that really arises out of these unratified treaties?

Mr. LEA. It is not; because the treaties not having a technical legal existence could not be the basis of a legal action. We must go to the moral or equitable obligation. Here is the United States—

Mr. LETTS (interposing). But if you refer this to the Court of Claims the court will be bound to determine the matter from its legal aspect, and, of course, not from the moral obligation.

Mr. LEA. This bill gives the court the legal right to consider the obligation of the United States. We give the court legal jurisdiction. That, of course, is the object of this bill, to give the court the right to recognize that obligation.

Mr. LETTS. Well, this bill provides that the court will have jurisdiction to settle all rights thereunder—both legal and equitable. Now, when you say "equitably," you mean equitable in a legal sense, I suppose?

Mr. LEA. Well, I think it would be broader than that. This bill assumes the Indians do have a claim against the United States, and confers jurisdiction upon the court to determine the amount of it, if any.

Section 1 of this bill (H. R. 8036) more specifically limits the jurisdiction of the court to the matters involved in these 18 treaties, instead of making the extent of the relief a state-wide affair.

Section 2, in effect, constitutes a waiver of the statute of limitations. Of course, in ordinary obligations, at this time, the statute of limitations would have run long ago, unless it would be on some technical grounds that might be asserted. In substance, what we want to accomplish here, of course, is to waive the statute of limitations.

Now, going down to line 18, page 2 of the bill, it reads:

Provided, That any judgment for said claimants shall be for an amount equal to the fair value of the compensation provided for the Indians in said treaties, including the lands described in said treaties, not to exceed \$1.25 per acre for the said lands, with interest thereon at 4 per cent per annum from June 1, 1852, to the date of the judgment.

I would like now, in the first place, to call attention to the interest provision. So far as I am aware, the general rule has been that jurisdictional bills have not carried interest. I do not know whether you have reported any lately that carried interest or not.

But my first suggestion would be this: That from the standpoint of logic and justice, if you concede the justice of the original claim, I think it is inescapable that we must concede the justice of interest. Suppose you and I have a piece of land, and five years ago somebody took it from us. We have lost the value of the land, and we have also lost the use of it. And when the deprivation of the use of the land continues over a long period of time that loss of use may be as great a financial injury as the loss of the thing itself. So here, where the Indians were deprived of the use of these lands 75 years ago, they have lost not only the lands, but they have lost the use of those lands. There is a very logical and legitimate and matter-of-fact reason why they should be awarded interest. But I realize that to

carry interest in a bill of this kind is more or less of a pioneer proposition under the present condition of affairs.

In 1863 Congress passed a law which denied interest in Court of Claims cases, except where the suit was based on a contract that specifically called for interest. And that, of course, is not this case. There is no contract here that calls for interest. There would be no interest unless the authorization in this bill provided for it.

So that is the theory of this provision about interest. This interest provision would carry probably as much as the principal itself in this bill; no one could tell just how much that would be.

Mr. EVANS. Would it not carry very much more?

Mr. LEA. I could not say.

Mr. EVANS. At 4 per cent it would double every 25 years, would it not?

Mr. LEA. Yes. This bill allows offsets for all moneys expended by the Government for the benefit of these Indians, and the offset would date from the date the payment was made. So that fact would greatly reduce the amount of interest. However, it is a substantial sum; there is no doubt about that. The interest is a very important feature of this bill, so far as the amount affected by it is concerned.

Now, that is the justification for the interest.

Suppose that the committee, in considering this bill, should conclude that it did not want to recommend any interest provision, and that you would follow the practice, as I believe it has been the practice heretofore, of omitting interest. I have an amendment I would suggest that I think should, in justice, be put in this bill. Instead of \$1.25 per acre, strike that out and insert \$2.50, so that it would read the "fair value of the compensation, including the amounts described in said treaties, not to exceed \$2.50 per acre."

As I have before mentioned, there are practically 100,000,000 acres of land in California. More than 75,000,000 acres were surrendered by the Indians. The amount that is involved here is less than one-tenth of what they surrendered. Since that time the Federal Government has sold the lands in California at \$1.25 an acre, at \$2.50 an acre, and in some instances at \$5 an acre. In other instances it has sold the lands for the value that they would bring when they go into the market, so that the buyer would pay what the land was actually worth.

In addition to that, the Federal Government has disposed of a very large acreage of homestead lands in California which were given to the whites. The Indians were deprived of the privilege of filing homesteads to take up any of those lands which were taken from them and given to the whites.

That is not right. If you assume that these Indians have a just claim at all, it is a monstrous injustice to say that they should be limited to the smallest sum that the United States sold an acre of land for in California. We ask that, if this question is submitted to the Court of Claims, the court determine the fair value of these lands, not exceeding \$2.50 an acre. A good many of the lands were sold at \$2.50. We do not ask you to go to \$5, the highest figure, but give the court a little discretion. The court in the determination of these cases might assess some of these lands at 50 cents an acre, because some of it was practically worthless. But much of the land was valuable.

To-day California has 19,000,000 acres of reserved public lands. The estimated amount of timber on those lands is 100,000,000,000 feet. The estimated value is \$300,000,000 or \$400,000,000 to-day, timber alone, on lands taken from these Indians 75 years ago.

I read to you the statement from the California Legislature, which was put on the records and which they allege that these treaty lands were worth \$100,000,000 at that time. Here we ask only \$2.50 an acre for only one-tenth of what the Indians surrendered. As I have mentioned, there are 19,000,000 acres of public lands yet in California. The gold that has been taken from California amounts to nearly two billions of dollars.

Mr. EVANS. Figuring the lands in question at \$2.50 an acre, what is your estimate of the aggregate amount payable for the lands under this bill?

Mr. LEA. 7,500,000 times \$2.50 an acre would be \$18,750,000.

Mr. EVANS. Or, in round figures, \$20,000,000.

Mr. LEA. Well, you add to that the value of those goods, estimated at \$1,800,000; and that would make \$20,550,000 as the aggregate. Now, understand that against that the Department claims from \$10,000,000 to \$12,000,000 offsets. So that, suppose you figure on \$20,000,000 as the maximum amount, and that we concede offsets of \$11,000,000 or \$12,000,000, for the sake of argument; you would thereby reduce the maximum amount that the Indians would recover to about \$8,000,000, which would amount to about \$400 per capita. That figure would also be reduced by a lower valuation of some of the land.

Mr. BRIGHAM. Are appropriations being made now, Mr. Lea?

Mr. LEA. Yes; they are.

Mr. BRIGHAM. If this sum were appropriated for these Indians to satisfy this claim, would those appropriations through the Indian Bureau cease?

Mr. LEA. I can only say what my own view is about that. I could not speak for anybody else. My view is we should not go on the theory that the appropriations will cease. A less amount would adequately care for the Indians, because if we could provide homes for them—not only give them some lands and a place to sleep and a place to get wood and water—that would greatly reduce the amount that the Federal Government would need to pay.

Even if we had a favorable determination of this case, I would say that the Indian is still a ward of the Government. He might still look to the Government for some relief against distress this remedy might not provide.

Mr. EVANS. If these Indians had a fund to their credit in the Federal Treasury, the only appropriation made by the Federal Government out of Federal funds would be for administrative purposes, rather than for the upkeep of the Indians?

Mr. LEA. Yes; that is true.

Now, I have a suggestion along that line—

Mr. BRIGHAM (interposing). Permit me to interrupt you just a moment. According to this report, in 1921 the total appropriation made for California Indians was \$649,487.96. In 1920 it was \$749,567.96. I do not know what the appropriations have been since.

Mr. LEA. Well, they have been along in that general neighborhood.

Mr. BRIGHAM. The clerk of the committee tells me that they have increased since that time. So that there is quite a substantial gratuity appropriation being made.

Mr. LEA. Yes; there have been substantial amounts appropriated, and they are being appropriated to-day. Schools are maintained in some cases. I do not ignore the fact that the Department has done good work in many respects in California. My point is that it is not anything like adequate, and nobody who is out there in touch with the conditions will say that it is. The chief failure has been the failure to deal adequately with a problem whose proportions is apparent to all who can see. Give the relief that has that degree of adequacy we seek and then we can have a real economy—a real economy that will show results in proportion to expenditures.

Mr. BRIGHAM (interposing). I would like to insert in the record at this point this table of appropriations for the California Indians from 1852 to the present time, showing gratuity appropriations for Indians in California.

Mr. LETTS. Prepared in what way?

Mr. COLLETT. The figures were furnished by the Indian Office.

Mr. BRIGHAM. I understand these are specific appropriations, and that there are other appropriations taken out of the general fund. Is that true?

Mr. COLLETT. No; that included all of the gratuities from appropriations, and the amounts taken from the general appropriations from 1910, and all of the specific appropriations prior to that date; but it does not include the appropriations from the general bill prior to 1910.

Mr. BRIGHAM. But from 1910 on it includes everything?

Mr. COLLETT. Yes.

(The statement referred to is as follows:)

Account between the Federal Government and the Indians of California

AMOUNT DUE CALIFORNIA INDIANS	
7,500,000 acres of land, at \$2.50 per acre	\$18,750,000
Sundry goods	1,800,000
Total	20,550,000

AMOUNTS EXPENDED BY THE FEDERAL GOVERNMENT			
1852	\$99,951.70	1868	\$40,000.00
1853	250,000.00	1867	5,000.00
1854	200,000.00	1867	5,000.00
1855	125,000.00	1869	57,322.19
1855	150,000.00	1870	75,000.00
1856	91,650.00	1871	75,000.00
1857	162,000.00	1872	85,000.00
1858	162,000.00	1873	79,771.89
1860	50,000.00	1873	10,000.00
1861	25,000.00	1874	69,367.21
1862	40,000.00	1874	11,444.01
1863	50,000.00	1875	54,238.40
1864	55,000.00	1876	29,372.01
1865	55,000.00	1877	24,784.63
1866	55,000.00	1878	31,639.15
1867	55,000.00	1879	35,000.00

1880	\$31,711.77	1902	\$100,000.00
1881	31,088.99	1902	12,119.19
1882	31,830.35	1903	1,014.51
1883	25,574.08	1903	12,808.12
1884	28,845.80	1904	10,519.08
1885	25,493.50	1904	4,806.69
1886	23,345.92	1905	4,184.75
1887	24,127.96	1905	10,818.68
1888	25,673.56	1905	10,690.65
1889	26,624.13	1906	4,378.56
1890	26,508.24	1906	104.70
1891	27,394.14	1906	100,000.00
1892	5,000.00	1907	10,790.27
1892	4,963.93	1907	3,867.28
1892	22,315.29	1907	10,000.00
1893	6,912.65	1908	12,924.05
1893	10,000.00	1908	20,000.00
1893	22,542.42	1908	50,000.00
1894	8,600.00	1908	10,744.49
1894	9,735.92	1908	9,998.43
1894	19,176.00	1908	19,419.59
1895	8,866.87	1909	19,419.59
1895	16,538.17	1909	10,263.23
1896	6,495.37	1909	311,745.31
1896	18,742.95	1910	387,574.96
1897	1,086.16	1911	508,789.45
1897	15,793.83	1912	487,645.47
1898	8,932.11	1913	551,806.31
1898	2,909.89	1915	611,613.36
1898	14,393.70	1916	547,785.99
1899	1,441.67	1917	564,111.09
1899	3,000.00	1918	515,101.25
1899	14,652.12	1919	576,776.07
1899	450.00	1920	749,567.96
1900	1,567.60	1921	649,487.96
1900	1,500.00	1922	606,939.98
1900	12,512.11	1923	632,465.52
1901	1,648.02	1924	691,458.44
1901	876.66	1925	720,924.06
1901	11,485.77		
1902	1,500.00	Total	12,458,454.61

INDIAN RESERVATIONS IN CALIFORNIA

	Acres
Bishop	3,219
Campo	635
Digger	140
Fort Bidwell	5,250
Fort Yuma	8,620
Greenville	7,150
Hoop Valley	2,760
Mission:	
Pala	7,387
Soboba	15,145
Round Valley	5,388
Tule River	266
Total	55,960
55,960 acres at \$2.50 per acre	\$139,900.00
Grand total	\$12,598,354.61

NOTE—The offsets herein tabulated are amounts which the Indian Office claims but do not include amounts expended from the general appropriation bills for the benefit of Indians of California between February 2, 1848, the date California became a possession of the United States, and 1910, a period of 62 years.

Mr. LETTS. Will you state for the record your name and whom you represent?

Mr. COLLETT. F. G. Collett; the Indian Board of California.

Mr. LEA. Mr. Collett is familiar with the way these Indians live. He has visited many of the homes of the Indians in California and has been familiar with this work for years.

Mr. LETTS. We will give Mr. Collett an opportunity to be heard.

Mr. LEA. Turning to section 5 of the bill (H. R. 8036), it provides:

The amount of any judgment rendered, other than that provided for in section 4 hereof [section 4 is about the attorney's fee] shall be placed in the Treasury of the United States to the credit of the claimants entitled thereto and shall draw interest at the rate of 4 per cent per annum until such time as the Congress shall otherwise direct.

I think there should be a further limitation in that section. The Indians of California are variously provided for; some of them in satisfactory conditions, and others in deplorable conditions.

I am afraid if this bill should become a law in that form, and the judgment should be rendered, there would be danger of every Indian coming in and claiming his pro rata, regardless of his condition and needs. That, I think, would be unfortunate, because our primary interest is really to take care of their poverty, according to their respective needs.

So I suggest this amendment, on page 4, section 5, line 14, after the word "until," omit "such time as Congress shall otherwise direct," and insert in lieu thereof the word "expended." Also, add a new sentence to read as follows:

Said amount of any such judgment shall be expended for the benefit of said California Indians and for such purposes as the Congress shall hereafter direct.

Now, at the present time, assuming that this bill becomes a law, we do not know what amount would be allowed to these Indians. That will have to be determined. It might be a comparatively meager sum; it might be a substantial sum. The way that money should be expended depends on how much there is of it and how much can be accomplished. I would say that the most pressing need of these California Indians to-day is for homes. Buy them some land, where they can have a garden and water and wood and a reasonably comfortable house where they can have a warm place to sleep.

Now, the Government went out there years ago and bought lands, much of it worthless, inaccessible to work, in places where they could not raise any garden for themselves. They could not build houses, and had to build wigwams—improvised shacks. It did not provide any real home for them.

Suppose we went into court and a large sum was awarded to these Indians, I would not be in favor of turning it over to them on a prorata basis, or turning it over to them in any way that would lead to the dissipation of the fund. I would be in favor of Congress knowing how much money was available, and providing the money to take care of their real needs. If their real needs can be met and there is a surplus, retain that, so that Congress can expend it for the benefit of the Indians, instead of turning it over to them and thus permitting the dissipation of the fund.

And so I have suggested in this amendment what I believe is for the benefit of the Indians themselves, to prevent any reckless use of this money, and in order that it may be spent for those who need it most.

Mr. EVANS. Will you give me again your amendment to section 5.

Mr. LEA. Strike out all after the word "until" in line 14 and insert the word "expended." Then add a new sentence reading:

Said amount of any such judgment shall be expended for the benefit of said California Indians and for such purposes as the Congress shall hereafter direct.

In other words, I am willing, and I think it is to the interest of these Indians, to leave it up to Congress to say what shall be done with this money and how much shall be expended, and if there is any surplus beyond their real needs, let it remain here and apply it to their needs in the future, rather than dump it out to the Indians with the danger of dissipation.

There are in sections 3 and 4 provisions for the payment of attorneys, under contract with the approval of the Secretary of the Interior, and with a maximum fee of 10 per cent, subject to approval by the court.

Mr. EVANS. Returning to this amendment, I would like to ask this question: What would you say of this: Strike out all after the word "until," and say, "shall, until expended by direction of Congress"?

Mr. LEA. Here is the only trouble. I may be overcautious in this. I am afraid if a judgment was rendered in favor of these claimants, and the bill contains a provision for a roll of them, it is barely possible that it might be held that each individual Indian had a pro rata interest in the money, and if he did, that would defeat, in a way, our purpose. The idea is not to "dish" out to these Indians so much money apiece, but it is to take care of their problem.

Mr. EVANS. I understand.

Mr. LEA. And I want to make it clear beyond all question that Congress retains absolute power to distribute the money according to the needs of the Indians.

Mr. EVANS. Well, it could be so provided that it could not go out until Congress so directed.

Mr. LEA. If the individual Indian had a vested right in the disposal of a part of the fund, then I would say that Congress would be hampered in a wise disposal of that fund.

Mr. EVANS. Yes; that is true.

Mr. LEA. It is as a matter of precaution that I suggested that.

Now, I have taken a great deal more time than I intended. But I do want to refer briefly to the adverse report of the Interior Department.

This committee is confronted with this situation: In 1920 the department came before this committee as an advocate of this sort of legislation, which it had prepared. In 1922 there was an adverse report. In 1925 the department appeared here for it again. And now the cycle goes on, and they are back here again against it.

Mr. LETTS. Will you explain those circumstances? I am not familiar with them.

Mr. LEA. Well, it was Secretary Lane who, in 1920, made a favorable report on this matter. Then came Secretary Fall, in 1922. His theory was that if Congress would provide adequate appropriations, that would be better than this claims bill. Therefore, he was opposed to the claims bill, yet recognizing in substance the right of the Indians to relief.

Then, in 1925, the present Secretary of the Interior signed a positive favorable report. This committee reported favorably on it. The Senate committee did the same. It passed both Houses and was lost on a pocket veto by the President after the adjournment of Congress. The bill had also passed the Senate in 1920.

And here, as we view it, is the difficulty: These men in the department who know the problem of the Indian doubtless would pursue a consistent policy if left to their own knowledge and judgment. But the cold-blooded fact is that these men are not permitted to exercise their own independent judgment on these questions. They have to bring in a report that reflects the Budget Bureau. While they are the men in the department who are most intelligently advised, they must submit to the Budget Bureau. Questions like this are decided by men in a back room who do not know what they are deciding about and whose interest is not primarily taking care of real problems but, in general, abstract policies. The recommendation of a department that can not represent or express its free judgment is less than valueless.

Mr. BRIGHAM. I assume that the treaties referred to in Mrs. Kahn's bill and the treaties referred to in the Raker bill are the same, are they not?

Mrs. KAHN. Yes.

Mr. BRIGHAM. Now, according to the report of the Secretary of the Interior, the terms of Mrs. Kahn's bill require the payment of 50 cents an acre.

Mr. LEA. Yes; \$49,000,000.

Mr. BRIGHAM (continuing). For all the lands of the total area of California, less 450,000 acres?

Mrs. KAHN. Yes.

Mr. BRIGHAM. And the Raker bill then must provide for payment on some of the same lands.

Mr. LEA. Yes; 7,500,000 acres.

Mrs. KAHN. The 7,500,000 acres was the land, the one-tenth, that they reserved under the treaty.

Mr. BRIGHAM. Can you explain why you claim double payment on some of these lands?

Mr. LEA. We do not. These bills are different. They are two different ways of seeking to accomplish the same purpose.

Mr. BRIGHAM. Then both should not pass.

Mr. LEA. No, there are different policies involved. Now, if we could come here to Congress and get an adequate appropriation to really deal with these Indians and save them from the misery and abject poverty that some of them are in, I would be for doing that. But nobody that stands in the way of this claims bill, on the theory that you can do it by appropriation, is asking for the appropriations or recommending them. The department says relief could be given by appropriations, but it gives no promise of appropriations.

So that is only a foot movement. It does not offer any real solution of the problem. I do not suppose they would recommend \$1,000,000 as a prompt appropriation to take care of this problem. So what is the use of saying that you ought to do it by direct appropriations, when they themselves stand against the remedy they propose.

Mr. BRIGHAM. If I understand you correctly, you think these Indians should have had possession of their lands under the treaty of the United States with Mexico when California was ceded to the United States?

Mr. LEA. Yes; they had a legal right to their lands. They were deprived of their lands by means that can be defended neither in law or in good conscience.

Mr. BRIGHAM. But they did offer to make a settlement with the Government of the United States under these treaties.

Mr. LEA. Yes, they agreed to the settlement.

Mr. BRIGHAM. Now, if that settlement had been made, and these treaties had been ratified by the Senate of the United States, do you think that would have been in lieu of all obligations of the United States toward these Indians?

Mr. LEA. It would have been in lieu of everything that they could possibly claim under this bill. But my own judgment is that it would not entirely terminate the duty that the United States owed to the Indians as a guardian of an ignorant and dependent people.

Mr. BRIGHAM. There is a point that disturbs me a great deal. The Government of the United States is paying these Indians annually 4 per cent interest on \$18,000,000, as a direct gratuity payment. Now, if these Indians had been settled with under the terms of these treaties, and they had received their due, what would have been the obligation of the people of the United States to continue gratuity appropriations?

Mr. LEA. Well, I think it would have been almost nil. If the Indians of California had those 7,500,000 acres to-day, they would not need to turn a hand. They could have servants in every home, and they could ride around in Packard cars, and have money to loan us.

Mr. BRIGHAM. Under the terms of this settlement?

Mr. LEA. Under the terms of the settlement by the treaties giving them the lands instead of the small values we ask in this bill. You understand I do not entertain the idea that it would be helping these Indians to provide them a luxurious life. I think it is the best solution that they should still have to work for a living. What I want is to see their essential needs taken care of. I do not want them to live without working. I want them to work and to improve themselves and to assume responsibilities. If there is any surplus of this money after the essential needs of these Indians are taken care of, I say let that be in the power of Congress to say how it shall be expended for them.

Of course, I appreciate your suggestion when you say what, if any, obligation do we owe to the Indian even after we settle the claim? I say that he is the ignorant and dependent person the Supreme Court described. We can not pursue a policy that ignores that fact. He is the white man's burden, but he is the white man's victim, also.

But the way I would meet it is to take care of his essential needs, and deprive him of the chance to dissipate what belongs to him, and let Congress spend it for his benefit and to the relief of the public Treasury.

Mr. BRIGHAM. The thing that troubles me is this: If we treat the Indian as we would treat the white man and settle with him on the same basis, should we not expect the same conduct on the part of the Indian that we would expect of the white man—that is, that he would take care of himself afterwards, without any obligation on the part of the Government to take care of him? Now, we are spending the interest on \$18,000,000 in gratuity appropriations for these Indians; and as I gather from you, if we settle on what you would call an equitable basis, it would not relieve the Government of making these payments?

Mr. LEA. It would relieve the Government in this way: So far as you take care of his essential needs, you would eliminate the Government from the picture. There is no reason in the world why the Government should be contributing money when his essential needs are taken care of.

And if we can give the Indian a home and see that his medical and educational needs are taken care of, conforming to ordinary standards of white people, then, I do not see any use of the Government spending a cent, unless for administrative purposes. Do not understand that I believe that the Government should come along here and duplicate expenses. This money, if it is awarded to the Indian, should take care of the Indian and exclude future Government appropriations, so far as it will go. And I do not believe in luxuries, only in essentials for these Indians.

Mr. BRIGHAM. Would you advise the expenditure of this sum under the Raker bill for capital expenditures, in giving farms to the Indians, so that they could take care of themselves?

Mr. LEA. If I had the expenditure of the money for them, I wouldn't buy farms. I would buy homes where these Indians would be accessible to work and to employment, and would have a place where they could have a garden, and I would provide for medical treatment to try to arrest tuberculosis and trachoma, from which a large proportion of these Indians are suffering.

And when I did that, the frugal would buy farms as a result of their own labor. I would not go out and buy lands to put them in possession of farms. The first step is to get the Indians to accumulate property. Until they do that they can not manage property to advantage. When they learn to do that they will earn their own farms and other property.

Mr. LETTS. Mr. Lea, the Raker bill, as I understand your explanation, would establish the equitable claim?

Mr. LEA. That is my understanding; yes.

Mr. LETTS (continuing). To the point that the Court of Claims would have to accept that as an established condition and fact.

Mr. LEA. Yes.

Mr. LETTS. The bill would further set aside any statute of limitations that would affect the matter?

Mr. LEA. Yes.

Mr. LETTS. Then, your proposal is to grant the relief as the court may find it, not to exceed \$2.50 per acre, for the 7,500,000 acres?

Mr. LEA. Yes. Of course, that suggestion about the \$2.50 would be on the assumption of the elimination of interest.

Mr. LETTS. I beg your pardon.

Mr. LEA. The suggestion of \$2.50 would be on the assumption that the interest provision is eliminated.

Mr. LETTS. Yes; I understand. Otherwise, it would be not to exceed \$1.25, and 4 per cent interest.

Mr. LEA. Yes.

Mr. LETTS. Then, the only function the Court of Claims would have under this procedure would be to determine what the 7,500,000 acres of land were worth.

Mr. LEA. Yes.

Mr. LETTS. And limited in their determination of that to the value at the time these treaties were made.

Mr. LEA. Yes. It would be for the court to determine the value of that land at that time, not exceeding \$2.50 an acre.

Mr. LETTS. Now, is not that purely a matter of estimate in any circumstance?

Mr. LEA. Well, of course, it is a question whether the land is worth 50 cents, \$1.25, or \$2.50 an acre, because there is a difference in the value of the lands. Some of the land would be practically worthless, while other land would be very valuable, much in excess of \$2.50 an acre; but it would not be a uniform price that would be placed on the lands; it would have to be on the basis of what the lands were worth. So that, as a matter of fact, if the bill should provide \$2.50 an acre, you would never make up the aggregate amount at \$2.50 an acre as estimated, that is only the maximum amount. As a matter of fact, the court would not find it was worth \$2.50 an acre for the whole amount.

Mr. LETTS. Would there be any advantage in having Congress, instead of adopting the method proposed in the Raker bill, estimate the amount and include it in the bill, in the manner in which Mrs. Kahn's bill (H. R. 9497) has dealt with the situation?

Mr. LEA. Yes, it would be an easier proposition for us if we could come in and say, "Give \$3,000,000" or "Give \$5,000,000, or \$10,000,000" to these Indians. That would simplify it, of course. But here we rely upon this claim as a justification for the Government giving adequate attention to the essential needs of the Indians.

Mr. LETTS. Well, the point I have in mind is this: We are submitting the matter under this bill to the Court of Claims, and then we are, by legislation, saying "all of these essential facts that a court ordinarily would be required to find are established by law; and all you have got to do now is to say how much is to be paid"?

Mr. LEA. Well, they would determine how much per acre was to be paid. They would determine the value of those goods promised the Indians. They would determine the amount of offsets in favor of the Government, and then reach their aggregate decision. But they would have to take testimony to determine how much the land was worth; they would not be in a position, unless they held an investigation, to decide how much the lands were worth.

Mr. LETTS. No; that would require an investigation.

Mr. LEA. Yes.

Mr. LETTS. And my inquiry was just what advantage there would be in having that found there rather than in an investigation through this committee, perhaps.

Mr. LEA. I think, as a practical proposition, that Congress would be very loath to act upon a bill that would in itself determine the value of those lands without any more appraisal than we could get, unless we had some special commission to make it. Congress would not like to vote several million dollars for the California Indians for lands on a committee recommendation. As a method of practical procedure, I would not think that we could get that through. I wish we could.

Mr. LETTS. Well, the whole inquiry relates back so far that you could find no witnesses living that could testify of personal knowledge.

Mr. LEA. That is true; but there are a great many records. The lands are definitely located, for one thing; and they are open to physical inspection to-day, which gives a pretty good idea of what they were. And there are records about the comparable values of that period.

Mr. LETTS. Yes.

Mr. LEA. But doubtless in places worthless mountain lands would be included in these reservations that would not have any particular value; and in other places there might be rich valley lands or rich timberlands which could carry the full value of \$2.50 an acre; and as I say, there might be other land that would have almost no value.

Mr. LETTS. Well, the offsets, if any, that should be allowed are easily determined, are they not?

Mr. LEA. I think in the main that is true. There might be some question about some, but in the main it would not be difficult because the department itself has records of all those appropriations. The suit should not be expensive or of great difficulty.

Mr. LETTS. If those appropriations were gratuitous, they are not legal offsets of legal claims.

Mr. LEA. But we make them so by the bill.

Mr. LETTS. Does the bill make them so?

Mr. LEA. Yes. On page 2, line 24, it says:

Any payment which may have been made by the United States upon any claim or claims made under the provisions of this act shall not be pleaded as an estoppel, but may be pleaded by way of set-off, and any sums paid to or expended by the United States for the benefit of the claimants shall be credited to the United States as of the dates the court finds such payments or expenditures to have been made.

Mr. LETTS. Congressman Brigham suggests a vital point: You are recognizing there that the Government ought to be permitted to plead this set-off for anything which has been paid as a gratuity up to the time of judgment, but the bill does not provide for any such set-off as against this fund or judgment of anything that is required in the way of gratuities in the future.

Mr. LEA. No; but we place this money in the hands of Congress to be used for the Indians, and that will eliminate the appropriation, so far as it is available; so that, in substance, is a set-off against future liability for such purposes to which Congress would apply the funds.

Mr. LETTS. Your thought is that the Government in administering the fund will use it for the benefit of the Indians?

Mr. LEA. Yes.

Mr. LETTS. And in that way be relieved of granting gratuities?

Mr. LEA. Yes; because, so far as these Indians have funds available, the funds will be used, instead of money from the Treasury, to take care of them. And you will recall also that our desire is that if there is a surplus above essential needs, that should be kept in the Treasury.

Mr. LETTS. I see your thought.

Mr. BRIGHAM. On that basis I do not see how the Indian is a gainer or the United States is the loser.

Mr. LEA. Oh, yes; very substantially. Because here we have hundreds of Indians without any homes out there, and without any place to sleep. Some of them have been starving to death in recent years—sleeping in places that you would not let your dog sleep in. If this bill passes, we will have relief for those Indians; we will give them some lands and some place they can sleep in and have a fire and protect them against disease. Essential adequate relief will be better economy in the end than the half-hearted, insufficient system under which we are now working.

Mr. BRIGHAM. Then it would be placed in the Treasury of the United States and the other income to be used to offset these appropriations that are made?

Mr. LEA. No. My thought is that Congress shall use these funds to take care of their essential needs first, and then any surplus be held and used for their future benefit.

Mr. BRIGHAM. Well, on the question that Mr. Letts just brought up, you apply these gratuity appropriations made by the Government up to the date of the passage of this act?

Mr. LEA. Yes.

Mr. BRIGHAM. But you say that these appropriations must continue in the future, but do not give any credit to the United States on this claim for any future appropriations that may be made?

Mr. LEA. Well, I do not know that I made myself plain. But I did not want you to understand that I am advocating that, notwithstanding the Indians have got money of their own to provide for their essential wants, the Public Treasury should provide them. That is not my position at all.

My position is this: Suppose they get a judgment here for a small sum, but one that is of material aid; suppose it is \$1,000,000. Now, simply because we take this \$1,000,000 and spend that for the Indians, that does not relieve us from all future obligations. We have an obligation outside of any such definite moral obligation as arose out of the treaties. If we had a determination of the court that was adverse to the Indians, that would not relieve us from discharging our general obligation to them as wards. But I do say that, so far as their own funds are available, it should relieve the United States Treasury of that charge. Do I make myself plain on that?

Mr. BRIGHAM. Yes; but the justice of it is not quite clear to me yet.

Mr. LEA. Well, you agree with me.

Mr. LETTS (interposing). I think Mr. Brigham understands your point very well; but he hardly follows you as to the advisability of it.

Mr. LEA. You do agree on this—that if the Indians had a fund that is available to take care of their essential needs, the Public Treasury should not be used for that purpose. You will agree on that, will you not?

Mr. BRIGHAM. Yes.

Mr. LEA. Now, suppose they have no funds left after this money is spent toward their essential needs—would you have the fact that some judgment had been made in their favor, that did not take care of their essential needs, relieve the Government from all future responsibility?

Mr. BRIGHAM. Well, the thing that troubles me is this: Under your claim as presented I can see that the Indians have a claim against the Government of the United States. If the satisfaction of that claim by the Government of the United States would relieve the Government of the United States from any further obligation to the Indian, I should say that it should be paid. But it does not. In that particular the Indian is placed on an entirely different plane than the white man. The white man would have to take care of himself subsequent to the settlement of his claim against the Government. But the Indian is not required to do so. He is the ward, as you say of the Government, and the Government must continue to pay these sums toward his support. Now, is it fair to say that the Government shall satisfy these claims of the Indians, and still say that the Government shall continue to take care of the Indians?

Mr. LEA. Well, I take it that we are to-day doing that very thing as a general practice as to all Indians. We pay them, not only in recognition of any legal obligation to them, but through our recognition of our guardianship we are paying the Indians these sums that are being paid regularly.

Now, that is a recognition of our obligation, regardless of the fact that an Indian may never have had any valuable property.

Mr. LETTS. Well, what created this relation of guardian and ward, would you say? Was the thing that gave the inception to these 18 treaties the fact that we took away from them their land—are those the conditions that produced the guardianship and ward relation that we have?

Mr. LEA. No; I would not say so. Had we left him alone, in possession of his own, we would not owe the obligation. He would not need the aid. I think our obligation to the California Indian, under that general obligation, is no different than it is to other Indians generally in the country, where we took possession of their country. They are part of the make-up of this country. They are ignorant and dependent, and we have to protect them—

Mr. LETTS (interposing). Well, we have other ignorant and dependent people in this country; but is it not true that we have recognized our duty of guardianship because of the fact that we have driven them out of their lands?

Mr. LEA. Well, I think generally that is true; but that feature of it is not peculiar to California.

Mr. LETTS. No.

Mr. LEA. That is a general condition that causes us to have an Indian Bureau—and we have had it for 75 years, and more.

Mr. LETTS. The reason I made that inquiry is that, as I understand the Congressman's position, it is this: That we have this duty

of guardianship imposed upon us by reason of these conditions; and then we make a settlement of the matter in the manner indicated in this bill; and still we have the guardianship and the duties of guardianship; and I rather gathered from his remarks that he thought that, since we had the duties of guardianship anyhow, we ought to perform those duties year by year as occasion demands.

Mr. LEA. Well, I would be glad if we did treat the subject in that way; but, unfortunately, we do not.

Let us assume that we have this general guardianship of California Indians, as of the others. The guardian takes the ward's property. We discharge the obligation poorly; we let these Indians die. In 75 years 90 per cent of them disappear from the earth. A large proportion of those that remain are affected with trachoma, some of them are blind, and a large percentage of them have tuberculosis.

Are we discharging our duty as a guardian? If there was an adequate discharge of our duty as a guardian, then we would have little cause to be here. I am not here seeking full rectification of the wrong. Take care of the essential needs of the Indians only; that is all I ask you to do.

This claim on the promises of the 18 treaties gives a justification for adequate treatment of the California Indians. I do not ask for the 90 per cent more taken. If there is any surplus left, let Congress hold that and expend it for the Indians and save the Treasury proportionately.

I do not ask in the relief we seek here anything in excess of the definite general obligation of the United States to these Indians. But I think we have a specific, additional concrete reason here that justifies an assertion of that right for the Indians.

Mr. LETTS. If I understood your position correctly, Mr. Brigham, it is this: That if we have a condition of guardianship and of the duties that go with guardianship which are continued and will not end with this settlement but will go on in the future, we ought to be privileged to exercise the duties of guardianship as the needs develop, and as we feel that they ought to be exercised.

Mr. BRIGHAM. That this is no discharge of the obligation?

Mr. LEA. Well, I would not say that it was; but it greatly minimizes the obligation, assuming that they get anything that is worth while. Suppose they get nothing. Would you say that would relieve the Indians of any claim against the United States? I do not believe we disagree about this thing—you and I. I do not see how we could disagree about that.

Mr. BRIGHAM. No; I do not say that it relieves the United States of any obligation.

Mr. LETTS. Your idea is like that of a farmer trying to start his boy out and help him; instead of paying him a little to live on each year, he sets him up in a home, and thinks that he will not have to help him so much in the future on account of that.

Mr. LEA. That is a good illustration of what I mean.

Mr. LETTS. And is it your idea then to provide by this bill for the administering of this fund in such a way?

Mr. LEA. No.

Mr. LETTS. Or is that left for the future?

Mr. LEA. I want Congress to do that after the amount is determined. And what should be done will depend very largely on how much is available. But in any event, I would say the first thing is to give them some land with a home on it, and with water and with wood, if possible, and accessible to their work. That is the thing to do. I would not offer them the title to be transferred away, but let the Government retain the title. And I believe in the Indians making their own way. I do not want any luxuries provided for them.

Mr. EVANS. But you do think they are entitled to their day in court?

Mr. LEA. Yes.

Mr. EVANS. And that it is our duty as guardian to allow them to go into court?

Mr. LEA. Yes. I think there is an unquestionable failure to do what the simplest demands of humanity require for these Indians in California. A comparatively small sum will take care of their essential needs; and to the extent that this bill does anything every dollar of it will save the public Treasury that much. I do not ask anything else—not one dollar. Every dollar that is spent will be a relief of the Treasury from a duty that is owed to these Indians to-day, regardless of the 18 treaties.

I thank you for your interest and patience.

Mr. LETTS. Thank you very much.

Mr. LEA. I am very glad to have had the opportunity. I submit herewith suggested amendments and the bill as it would read so amended.

MEMORANDUM AS TO H. R. 8036—AMENDMENTS SUGGESTED BY MR. LEA

No. 1: Section 1. Strike out all after the enacting clause and substitute as set forth in copy.

(Comment: This limits the relief to the compensation proposed for the Indians in the 18 treaties. It permits all Indians of California to be parties to the suit.)

No. 2: Section 2. Strike out original section and substitute copy.

(Comment: This omits interest from the claim. It provides a valuation of not exceeding \$2.50 per acre for the land, leaving the actual valuation in the discretion of the court.)

It provides for a set-off of all sums expended by the United States for the benefit of California Indians, regardless of their tribal connections or their connection with the 18 treaties.)

No. 3: Section 5, line 14. Strike out all of the section after the word "until" and substitute the word "expended."

Add a new sentence to read according to copy.

(Comment: This amendment gives Congress a discretion as to the purposes for which any judgment may be expended for the benefit of the Indians. It is suggested as a matter of caution to prevent a contention that the individual Indian may have a vested right in the judgment rendered.)

No. 4: Section 6, line 18. Strike out "those" and insert "all."

Line 19. After the word "lands" insert a comma. After the word "descendants" strike out the period, insert a comma, and add the language in the copy.

(Comment: This amendment would make certain beyond question that all Indians residing in California at the time of the treaties, and their descendants, are beneficiaries under the bill, whether or not their representatives signed the treaties.)

[H. R. 8036, Sixty-ninth Congress, first session]

A BILL Authorizing any tribe or band of Indians of California to submit claims to the Court of Claims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States to hear and determine any claim which may exist against the United States by reason of the failure or refusal of the United States to provide compensation for Indians of California as proposed in those certain 18 treaties ratified by the chiefs and headmen of the several tribes and bands of said Indians signatory thereto, and which were submitted to the Senate of the United States for ratification by President Fillmore on the 1st day of June, 1852, in consideration for the lands surrendered to the United States by the Indians of California.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, notwithstanding lapse of time or statutes of limitation, or the fact that said claims may not have been presented to any other tribunal, including the commission created by the act of March 3, 1851 (9 Stat. L. p. 631): *Provided*, That any judgment for the claimants shall be for an amount that will afford just compensation for that which would have been due said California Indians had said treaties been ratified at the time they were so submitted to the Senate: *Provided further*, That the lands described in said treaties shall not be valued in excess of \$2.50 per acre. Any payments which may have been made by the United States to the California Indians shall not be pleaded as an estoppel, but may be pleaded by way of set-off, and any sum paid to or expended by the United States for their benefit shall be credited to the United States as of the date the court finds the expenditure to have been made.

SEC. 3. The claims of those entitled to sue under the provisions of this act shall be presented jointly by petition, which shall be filed within two years after the passage of this act. Said petition shall be subject to amendment. Any tribe or band of Indians or claimants the court may deem necessary to a final and just determination of a claim that has been filed under the provisions of this act may be joined as a party plaintiff notwithstanding the fact that the said tribe or band or claimants have not filed a claim within two years after the passage of this act. The petition shall be signed and verified by the attorney or attorneys employed by the claimants under contract approved by the Secretary of the Interior. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give the said attorney or attorneys access to such papers, correspondence, or records as may be necessary in the premises.

SEC. 4. Any court rendering a judgment under the provisions of this act shall decree such fees as it shall find to be reasonable, not exceeding 10 per cent of the amount of the recovery, to be paid the attorney or attorneys employed by the claimants as compensation for their services in such action. In addition to the amounts above provided for in said judgment the court shall decree an amount to cover all necessary and proper expenses incurred in the preparation and prosecution of the claims herein authorized.

SEC. 5. The amount of any judgment rendered, other than that provided for in section 4 hereof, shall be placed in the Treasury of the United States to the credit of the claimants entitled thereto and shall draw interest at the rate of 4 per cent per annum until expended. Said amount of any such judgment shall be expended for the benefit of said California Indians and for such purposes as the Congress shall hereafter direct.

SEC. 6. For the purpose of this act the tribes or bands of Indians of California shall be construed to mean all Indians residing in California at the time of the alleged deprivation of the lands, and their descendants, all of whom may be beneficiaries hereunder.

SEC. 7. Within 18 months after the passage of this act the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of the persons entitled to claim thereunder. Said roll shall be a public record and made accessible to claimants, their agents and attorneys at reasonable times. Any person claiming to be entitled to share under the provisions of this act may within two years after its approval present or cause to be presented to said Secretary an application in writing for his

enrollment as a claimant hereunder. At any time within two and one-half years after the approval of this act the said Secretary shall have the right to alter and revise said roll, at the end of which time said roll shall be final and conclusive as to the rights of the persons entitled to share under this act.

Mr. LETTS. How much time will you want, Mr. Collett?

Mr. COLLETT. Not very much. Mrs. Gertrude Bonnin, who has traveled quite extensively in California, is here. She is of Indian descent. Dr. C. Hart Merriam, who has been going over the California treaties, is also present and would like to be heard. What I would like to say can probably be reduced to 5 or 10 minutes.

Mr. LETTS. John Collier is also here, and wants to be heard for 10 or 15 minutes.

Mr. COLLIER. Yes.

Mr. LETTS. At this point I will have it inserted in the record a letter from Mrs. Kate Trenholm Abrams, vice chairman, General Federation of Women's Clubs, Washington, D. C., addressed to Mr. Leavitt, the chairman of the Committee on Indian Affairs, House of Representatives.

Also two telegrams addressed to Mrs. Abrams; the first one from Mrs. Stella M. Atwood, Riverside, Calif.; and the second one from Mrs. Louis J. Gillespie, of Long Beach, Calif., asking her to support the Kahn bill.

(The letter and telegrams referred to are as follows:)

GENERAL FEDERATION OF WOMEN'S CLUBS,
1634 Eye Street, Washington, D. C., May 5, 1926.

HON. SCOTT LEAVITT,
Chairman Indian Affairs Committee,
Washington, D. C.

MY DEAR MR. LEAVITT: I have been asked by Mrs. Stella M. Atwood, chairman of the Indian welfare department of the General Federation of Women's Clubs, and by Mrs. Louis Gillespie, State chairman of Indian Affairs of California, to represent them at the hearing before the Subcommittee on Indian Affairs in support of the Kahn bill, H. R. 9497.

As it will not be possible for me to be present on account of the short notice that I have received in regard to this matter, I am writing to ask if you would be kind enough to place in the record the following statement:

The General Federation of Women's Clubs most heartily indorses the measure, H. R. 9497, and they further urge that careful consideration be given to this measure and that it be reported favorably.

Very truly yours,

KATE TRENHOLM ABRAMS,
Vice Chairman.

P. S.—Copies of telegrams attached.

[Copies of telegrams]

RIVERSIDE, CALIF., May 4, 1926.

MRS. KATE TRENHOLM ABRAMS,
Washington, D. C.

Please represent me on hearing on Kahn bill.

STELLA M. ATWOOD.

LONG BEACH, CALIF.

MRS. KATE TRENHOLM ABRAMS,
Transportation Building, Washington, D. C.

Will you give all support possible to the Kahn bill that we are backing for the interest of the California Indians?

MRS. LOUIS J. GILLESPIE,
State Chairman Indian Affairs,
California Federation of Women's Clubs.

Mr. LETTS (continuing). We will now hear Mr. Collier.

STATEMENT OF JOHN COLLIER, INDIAN DEFENSE ASSOCIATION

Mr. COLLIER. My name is John Collier. I am speaking for the Indian Defense Association, of central and northern California, of Santa Barbara, and of southern California.

We are advocating the solution of this problem contained in the Kahn bill. The essential distinction between the two measures, of course, is that one proceeds through litigation, and the other is a gratuity appropriation. In other words, the Kahn bill proposes a settlement by Congress direct. As we understand it, the other measure proposes a settlement through the Court of Claims.

Now, the background of the situation has been admirably given by Representative Lea.

I want to say this: That the terrible destruction of Indian life in California took place during the first years after American occupation, when the people from all over this country rushed into California. Very terrible things were done, and not only did the Indians starve and were driven out into hopeless areas; but they were massacred, and poisoned, and enslaved. And it was done by the American people, and not just by people of California, because they were all newcomers in California. Nevertheless, it was done in the American territory under American guardianship.

The number of Indians who suffered these horrors were not these surviving 20,000, but a number estimated at 150,000 as a minimum, and probably 200,000.

Now, let me point out that even if the entire sum asked in the Kahn bill were granted—which we do not assume will be the case—and the offset of \$10,000,000 were deducted, leaving \$39,000,000 net, that would represent a payment of \$260 per capita, on the basis of a population of 150,000; or a payment of \$1,950 per capita for the 20,000 now living. The figure looks large in bulk, but when reduced to the number of Indians it is not large.

If \$10,000,000 were arrived at as the final net award, by whatever method that would represent only a \$500 payment if it were distributed on a per capita basis which, of course, we are not advocating.

Now, why are we favoring the Kahn bill rather than the Raker bill?

May I say that the bills are not necessarily mutually exclusive. It would be possible to adopt the Kahn bill and place in it a proviso that, if the Raker bill is passed and an award is secured under it, said award shall be deducted from the amount authorized to be appropriated under the Kahn bill. The two bills are not necessarily conflicting, except that their methods are different.

Now, my only object really in coming is to explain why we think the method of the Kahn bill is better than the method of the Raker bill.

The essential facts were given by Congressman Lea. The Raker bill rests on the 18 unratified treaties. These unratified treaties are for legal purposes as if they had never existed. They never became a law.

Now, the Raker bill states that the court shall take into account the area of the unratified treaties and shall take into account the legal and equitable claims under those treaties.

What would be an equitable claim? There is a radical distinction between "moral" and "equitable" in law. An equitable claim is a property right, and we are unable to see how the court, acting as a court, could construe that a property right had accrued under the unratified treaties.

Ultimately, that would have to go to the Supreme Court for determination. Would the Supreme Court hold that the Indians had obtained an equitable right under the lost treaties? Perhaps it would. Our attorneys are disposed to think it would not; and if not, all of the elaborate process of litigation would have been in vain; we would be just where we are now, considerable costs meanwhile having been piled up against the Government, and presumably against the Indians.

Now, to go back of that: It is admitted universally that, at a certain date in the early fifty's, the Indians possessed both a legal and equitable right to the land which they occupied. That is, under the treaty of Guadalupe Hidalgo, the right of occupancy had been guaranteed.

Now, the course of events was the most unfortunate one; and the course of legal decision has been unfortunate; but it is a reality that we have to deal with.

Congress created the Court of Private Land Claims. That court sat in California during the fifties. To that court the Indians did not present their claims for validation; and the guardian, the United States Government, failed to present their claims to that court for validation. Let us admit that the Indians could not effectively do it. Let us admit that it was not even their duty to do it. None the less, a series of subsequent decisions by the courts, up to the United States Supreme Court, have held that the failure of the Indians to present their claims for validation to the Court of Private Land Claims has outlawed their claims.

Now, it is our belief that the Supreme Court was unwise and uninformed in rendering these opinions; yet they are the opinions of the Supreme Court, and they have been reiterated by the courts, with the effect, so far as the situation is at this moment, of effacing any Indian legal or equitable claim.

And that is what makes any procedure through the Court of Claims method an unprofitable one, as we see it, merely postponing the day of an inevitable settlement based on moral grounds rather than on legal grounds, meanwhile costing the Government money and keeping the Indians in a state of deluded expectancy and landing us 4 or 5 or 10 years from now where we are to-day.

On the other hand, there is absolute unanimity as to the moral nature of the Indian claims. All historians, and even the Supreme Court, in its various obiter dicta on this California question—they all admit that practically the Indians could not have presented their claims to the Court of Private Land Claims. Physically, they could not get there. Actually, they were not notified of its existence; and they could rightly have assumed that its functions did not deal with their claims at all. That is universally admitted.

It is universally admitted that treaties were negotiated with the Indians by agents of the Government; that the Indians signed them; that the Indians were not informed of the failure of Congress to ratify them; and that years went by, while the Indians in good faith believed, and acted on the belief, that the treaties had been ratified, whereas, as a matter of fact, the treaties were nonexistent. All of those facts are admitted by all. It is admitted by all that the Indians during those terrible years in California from 1850 to 1880 suffered probably the most heart-breaking wrongs that have ever been inflicted on any American Indians. In other words, the existence of a moral obligation is universally acknowledged; and it has seemed to us that the way of hope for the California Indian was not through litigation, due in advance to failure, but through an appeal to Congress and to the American people, on moral grounds, which are indisputable and which are great and terrible.

And it is on that theory that the Kahn bill has been drafted.

Now, why did the Kahn bill deal with the area of California, rather than with the area of the lost treaties? Because, by universal acknowledgment, when the American occupation began, the Indians were in possession of the State of California. The area of the lost treaties is a purely phantasmal set of boundaries, never validated by Congress and never occupied by the Indians.

The occupation of the State by the Indians is universally acknowledged, and there was a brief time after the treaty of Guadalupe Hidalgo, when the Indians had the legal and equitable rights, which subsequently were outlawed through failure to appear before the Court of Claims.

At this point may I say that Congress could reestablish the Indians' legal and equitable rights? Congress could do that by an enactment which would declare that the failure of the Indians to appear before the Court of Private Land Claims in California in the fifties should not be construed as affecting their claim, equitable or legal.

Congress could, in other words, recreate the legal and equitable claim of the Indians, and could authorize a suit on the basis of such a recreated right.

Now, we do not assume that Congress is going to do any such anomalous a thing as that. There is no precedent for any such action by Congress.

There are a thousand precedents for action by Congress based on the Indians' moral claim.

Now, may I say a word about the mechanism of the Kahn bill? The Kahn bill conforms in general to the picture drawn by Mr. Lea. It provides that a sum—whatever net sum be arrived at—shall be held by Congress, shall be authorized to be appropriated, and shall be expended under the direction of Congress; but it provides a commission to administer the expenditure—a commission jointly composed by the President, the Secretary of the Interior and the Governor of California, the conception being that the money would thereafter be expended to put the California Indians on their feet, whether through land purchase, or through the capitalizing of agriculture, or industrial enterprises, or through medical treatment, or anything else, that being left to develop experimentally through the years as the expenditure goes on.

Undoubtedly the mere giving of a sum of \$300 or \$500 or \$700 in cash to the Indians would be at one and the same time unfair to some of the Indians who had got nothing, in comparison with others in California who had gotten something, and would be to some extent futile—the money would not be wholly wasted, but obviously \$500 would not put the California Indian on his feet, with a farm, for example, the way that agricultural and irrigation costs go in California to-day.

On the point which one of the members of the committee raised, of whether a grant, if made, could be in the nature of a relinquishment of all other moral claims against the United States Government, I would point out simply this:

That all over the United States the Government has awarded cash and lands to tribes of Indians, from coast to coast, while at the same time continuing its guardianship over those Indians. The Government continued its guardianship—

Mr. EVANS (interposing). Not the appropriations for their support?

Mr. COLLIER. Yes. You see there are very few reservation areas where there is not a gratuity expenditure. In fact, there are not a dozen in the United States. There are other tribes—as we know, two-thirds of the reservation area of the United States is not treaty reservation area at all, but merely Executive order reservation area; and both in the treaty and the Executive-order areas, the gratuity expenditures are continued.

The reasons for that are two-fold. They were moral. There was an obligation. But they were also practical.

For instance, look at California. Suppose the California Indian, then 150,000 in number, had been placed on treaty reservations of 7,500,000 acres in 1852 or 1855. Suppose that had been done. Suppose we had actually given them that land, and kept the whites off of that land, could the United States have avoided continuing its guardianship?

Absolutely not, because the concentration of that number of Indians on one-tenth of the area which they had been occupying would have resulted in an enormous famine—in a famine comparable to the famine that actually did destroy them when they were scattered all over the State in a homeless way. The Government would have had to go in and assist those Indians with education and with the development of agricultural production. Otherwise, they would have perished horribly.

And the Government would have gone in. The Government could not have left those 150,000 Indians congregated on these areas, and subject to the white man's diseases—a great pesthouse, giving back their diseases to the white man. In self defense, the Government would have had to do one of two things: Either develop its guardianship, as it did, or turn the Indians over to the State of California, and the State would have had to develop a comparable guardianship. It would have been unavoidable as a matter of self-protection by the white population.

The development of the Indian Bureau, under our system of guardianship, has not been from moral motives. It has been an economizing and defensive device for the white population. We all know that.

Now, we can look forward to the ultimate liquidation of the guardianship of the United States. I imagine the bulk of Members of Congress are looking forward to that. The Secretary of the Interior has repeatedly announced that that time is coming nearer when the Indians will pass over into the citizenship of the States, and the range of Federal guardianship will be diminished—will be narrowed down to mere property control, and ultimately that also will pass away.

But it will be a gradual process; and in California, as elsewhere, the guardianship must continue for a while, regardless of any settlement—as a matter of expediency and necessity.

I should say this much about the expenditures of money in making California Indians self-supporting:

The Congress has appropriated more than one-third of a million dollars to buy land for homeless California Indians. We have the official reports of that expenditure, and we know that the bulk of it is worthless, whether for farming or for grazing—rock piles, mountain tops, of nonirrigible desert areas. And we feel strongly that if new money is appropriated it should be placed in the hands of some agency which will use scientific methods in land purchase and will not simply waste the money.

Now, we do not want to be understood as objecting to the Raker bill. I wish to make that very clear, that the Indian defense bodies are not opposing the Raker bill; they are advocating the Kahn bill.

If Congress thought there was any use, or any hope of settlement through Court of Claims litigation, and passed a bill authorizing such litigation, they could still pass the Kahn bill, with the proviso that any awards obtained through litigation should be deducted from the amounts authorized to be appropriated by the gratuity bill.

There is no necessary conflict. On the other hand, I think it is our duty to put ourselves on record to this extent: That after years of studying the situation, we are not able to see that the method of litigating in the Court of Claims holds out any real prospect of settlement or of gain to the Indians; because of the peculiar history of the unratified treaties, coupled with the Supreme Court opinion to the effect that the Indians have even lost the right to assert an occupancy claim—not that the Raker bill rests on a claim of occupancy, or on the treaty of Guadalupe Hidalgo; but even if the bill were broadened to allow them to litigate for the whole State of California, the probability is that the court would hold also that they had no equitable or legal right there.

Now, we wish it were not so. It is conceivable that, if the case were re-argued—not before the Court of Claims or the Supreme Court of the District of Columbia, but before the United States Supreme Court some new opinion might be obtained which would constitute the basis for some legal or equitable claim by the Indians.

But under the existing decisions and condition of the law, we are unable to see where hope lies. We know that most of the claims bills already reported by this committee are doomed to failure in the present Congress, because of the multiplicity of claims bills, and the alleged clogging of the machinery of the Department of Justice.

We think it will be lamentable to simply tell the California Indian to continue hoping through years in the future, as they have been hoping since 1920, for a settlement of their problem by the method of litigation.

We believe, on the other hand, that a presentation of the case on moral grounds, if forces can be concentrated behind it, will prevail in Congress.

It is our intention, Mr. Chairman, to come into the next Congress with a real, concentrated endeavor to interest Congress in the Kahn bill.

We do not anticipate action in this session. So little do we anticipate action this session that we would not have solicited a hearing. We know the situation. But behind the Kahn bill there will be thrown in the next session very large influences, both within and outside of California.

Congressman Kahn referred to a thing that Congress is in the process of doing right now—where a purely moral contention is being admitted by Congress, the one having to do with the right of the Indians to revenue from their Executive order reservations and to ownership of them. It is admitted that Congress has the power to deprive them of that revenue. The sum involved is possibly hundreds of millions of dollars. The States have been clamoring for 37½ per cent of that revenue, and yet in the Senate yesterday, with a practically unanimous vote, the Indian Affairs Committee, acting expressly on moral considerations, confirmed to the Indians, as far as that committee had power to do so, the royalties from oil and, by inference, all of the other products from these vast Executive order areas.

Congress will respond to the moral appeal, and particularly in a case like that in California, where the expenditures, as Congressman Lea has urged—the expenditures asked for in the Kahn bill, if wisely used, would ultimately make it possible for the United States Government correspondingly to economize in its annual gratuity appropriations.

It is perfectly true that the California Indians, if they were self-supporting, would not be in the kind of need that they are now in. They would not be in their present pathetic condition of undernourishment, of various endemic diseases, and of hopelessness, and the Federal appropriation could be reduced.

Furthermore, California under the arrangement proposed in the Kahn bill, would be brought into action for its own Indians. The State as a corporate entity would become a party with the Federal Government in taking care of the Indians. And in the long run an adequate gratuity appropriation, expended by the methods proposed in the Kahn bill, would not prove to be a charitable gift, but an economic investment for Congress.

And we believe that that fact, joined with the overwhelming moral appeal, will persuade Congress to do what Congressman Lea feels Congress is not likely to do, namely, to provide in an adequate way—to provide the money and the machinery for expending it, to discharge our moral obligation which, except for certain historical accidents, would also be a legal obligation to these Indians.

And I shall not now consume any more of your time, beyond stating that the Kahn bill was the product of deliberations by the Commonwealth of California, in consultation with the attorneys of the several Indian defense bodies, and it represents a pretty exhaustive research into history and law, and was further drafted in

consultation with the man who admittedly is the authority on California's Indians, Dr. C. Hart Merriam, of the Smithsonian Institution.

Mr. LETTS. Thank you very much.

(Thereupon, at 12.30 o'clock p. m. the subcommittee took a recess until 2.30 o'clock p. m.)

AFTEA RECESS

The subcommittee reconvened, pursuant to recess, at 2.30 o'clock p. m., Hon. F. D. Letts presiding.

Mr. LETTS. You may proceed, Mr. Collett.

STATEMENT OF FREDERICK G. COLLETT, INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.)

Mr. COLLETT. May I make this inquiry, as to whether it would be desirable to put a limit on each of those who are to make a presentation so that we can dispose of this matter within a reasonable length of time?

Mr. LETTS. We want to hear from you as fully as you think you should be heard.

Mr. COLLETT. Some of the data that I had prepared to present to this committee are similar to that presented by Mr. Lea this morning, so I will omit that and simply submit for the record, I submit it for the record in that it does differ in that it is additional information and it goes to show that the Indians of California were recognized by all of the discovering powers to have rights in California.

LEGISLATIVE HISTORY OF H. R. 8036 AND SENATE 3051, SIXTY-NINTH CONGRESS, FIRST SESSION, FOR THE RELIEF OF THE CALIFORNIA INDIANS

By the treaty of Guadalupe-Hidalgo (9 Stat. 62), which was ratified by the act of February 2, 1848, there was ceded to the United States by the Republic of Mexico the territory now comprising the State of California.

Within this territory there were resident approximately 201,000 Indians. (Annual Report of the Department of the Interior for 1901, p. 346.)

The Indians were former citizens of Mexico. (Treaty of Cordova, 1821; acts of the Congress of Mexico, 1822, 1923; Hoyt v. U. S., 38 Ct. Cls. 455.)

Their property rights were guaranteed by the treaty of Guadalupe-Hidalgo, and under the law of the United States they possessed a title to the right of occupancy in the land inhabited by them which was a property right. (Johnson v. McIntosh, 8 Wheat. 343; Mitchell v. United States, 9 Pet. 711; Delassus v. United States, 9 Pet. 117; Spaulding v. Chandler, 160 U. S. 403; Botiller v. Dominguez, 130 U. S. 238; Barker v. Harvey, 181 U. S. 481.)

These Indians were organized in 18 different tribes which, under the law of the United States, were dependent domestic communities that could only be dealt with by treaty. (Cherokee Nation v. State of Georgia, 5 Pet. 1; Worcester v. State of Georgia, 6 Pet. 575; United States v. Kagama, 118 U. S. 375; Elk v. Wilkins, 112 U. S. 94; act of June 30, 1834, 4 Stat. 729.)

In the Territories act of September 9, 1850 (9 Stat. 447), Congress recognized the legal rights of these tribes, the said act providing that nothing therein should be construed "to impair the rights of persons or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians * * *." (See also acts New Mexico, Sept. 9, 1850; c. 49, sec. 2, 9 Stat. 447; Utah, Sept. 9, 1850; c. 51, sec. 1, 9 Stat. 453.)

Under the law of the United States land to which the Indian title attached was no part of the public domain, but was deemed to be Indian country, and

settlements in Indian country were prohibited by statute. (R. S. 2118, 2257-2289; Ex. p. Crow Dog, 109 U. S. 556; U. S. v. LeBris, 121 U. S. 278.)

With a view to inducing the California tribes to concentrate in order to render available as public domain land deemed surplus to their needs, Congress made provision in the Indian appropriation acts of September 28 and September 30, 1850 (9 Stat. 519, 532) for the negotiation of treaties with them, and by the act of February 27, 1851 (9 Stat. 574), required all treaties with the Indian tribes to be negotiated by officers and agents of the Indian department.

Pursuant to the said acts the President, through the Secretary of the Interior, appointed treaty commissioners who proceeded to California, and between May 13, 1851, and January 5, 1852, negotiated 18 several treaties with the 18 tribes of California.

In each of these treaties the tribe concerned agreed to relinquish all claim to its immemorial domain in consideration of a specified tract being reserved to it. Inasmuch, however, as these promised reservations were barren tracts and far removed from the present habitats of the tribes, they were also promised beef cattle, brood animals, flour, cotton, metals, implements, and services of various kinds, of a quantity and character designed to enable the tribes to change their habitats and reestablish themselves in the new homes promised them. (Treaties printed in hearings before a subcommittee of the Committee on Indian Affairs, H. R. 66th Cong., 2d sess., Mar. 23, 1920, at p. 13, et seq.)

The treaties were indorsed by the Secretary of the Interior, May 22, 1852; approved and transmitted to the Senate by the President, and on June 7, 1852, were ordered to be printed in confidence for the use of the Senate. (Ibid. p. 55.)

On June 8, 1852, the following action was taken by the Senate:

"Resolved. That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1851, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit:"

All 18 tribes were then named, and a similar order was made in the case of each treaty, the same being recorded at pages 417, 418, and 419 of the printed journal of executive proceedings of the United States for July 8, 1852.

The treaties were accordingly pigeonholed and have never been ratified. The reason for their nonratification fully appears in the hearings cited. The political influence of the gold seekers would not permit favorable action upon them.

Pending final action on them, however, the officials of the United States had induced the tribes to remove from their original habitats to the specified reservations. On reaching the latter they were driven off by homesteaders and others, the land which they had abandoned having also been preempted. In the course of a few years the land originally occupied by them to which their title had never been extinguished, as well as the promised reservations, were disposed of contrary to law as public domain. Thus, the California tribes, with a membership of from 210,000 to 700,000, according to reliable ethnologists, became homeless vagrants and were quickly reduced by eviction, starvation, murder, and disease to about their present numbers—approximately 17,000. (Handbook of American Indians, Bureau of American Ethnology, Pt. I.)

SIXTY-SIXTH CONGRESS

Serious effort has been made by the Indian Board of Cooperation of California (Inc.) for the past 16 years to secure the advantages of present laws and to have enacted remedial measures of relief for the Indians of California. As a result of its interest in them the late Mr. Raker, of California, introduced a bill in the Sixty-sixth Congress (H. R. 12788) designed to give the Court of Claims jurisdiction of their claims against the United States. (See printed hearings, Vol. I, p. 3.)

Inasmuch as the United States was fully protected by the bill it received the unqualified approval of the Acting Secretary of the Interior, as evidenced by the following:

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1920.

MY DEAR MR. SNYDER: I am in receipt of your letter of February 28, 1920, referring for report a copy of H. R. 12788, authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians as shown by the bill is for compensation from the Government for lands formerly occupied and claimed by them in California, which lands are alleged to have been taken from them without payment and disposed of as public domain.

As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

Cordially yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

(Vol. I, p. 4.)

This bill received the unqualified approval of the Indian Office also. The legislative representative of that office who appeared before the House Committee on Indian Affairs with reference to the California jurisdictional bill, said:

"We believe the California Indians have not received a square deal from the Government. The representatives of the Government entered into 18 treaties or agreements with the California Indians, and those treaties were submitted to the Senate in good faith by the President, but for reasons best known at the time they were not ratified by the United States Senate." (Vol. I, p. 66.)

He then went on to say:

"We are glad to cooperate in the preparation of this legislation, so that they might go to the Court of Claims and have their claims against the Government adjudicated. We are not at all in sympathy with the treatment the California Indians have received in the past, in the remote past. (Vol. I, p. 69.)

On February 9, 1920, Franklin K. Lane, Secretary of the Interior, wrote the Committee on Indian Affairs of the Senate as follows:

"As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration." (Hearings before a subcommittee of the Committee on Indian Affairs, H. R. 67th Cong., 2d sess., Apr. 28 and 29, 1922, p. 154.)

The Senate and House committees of the Sixty-sixth Congress unanimously approved H. R. 12788.

"The Committee on Indian Affairs has had under consideration and after such consideration reports favorably on H. R. 12788, authorizing any tribes or bands of Indians of California to submit claims against the United States to the Court of Claims for adjudication, and recommends that it pass with certain amendments.

"These Indians have long been pleading for an adjustment of their claims, and for reimbursement for the lands which were formerly occupied by them. Your committee therefore believes that they should have their cause fully and judicially heard by the Court of Claims.

"We therefore believe that H. R. 12788 gets at the California Indian problem in a very fundamental and practicable manner, and that it also gives the best assurance possible for a satisfactory and final and early settlement of the California Indian question. Further, this proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights." (Report No. 840.)

The Senate passed the bill on its Unanimous Consent Calendar, but because of congestion on the House Calendar the bill did not reach consideration by the House, and therefore failed of passage. (Vol. II, p. 154.)

SIXTY-SEVENTH CONGRESS

In the Sixty-seventh Congress Mr. Raker introduced H. R. 4383, which was in all material respects like H. R. 12788, Sixty-sixth Congress.

Meantime, the Department of the Interior had undergone a change of attitude. Now, instead of approving a special jurisdictional bill under which the California tribes might litigate their claims against the United States, an appropriation by Congress for the benefit of the California Indians was recommended by the Acting Secretary. (Vol. II, pp. 142 and 143.)

Neither the California delegation in Congress nor the California Indians approved of this plan, which was designed to afford the tribes relief not as a matter of legal right but as a matter of congressional grace. The California congressional delegation, in a joint letter to the Secretary of the Interior under date of February 2, 1922, said in part:

"A proper investigation and determination of these claims involves a detail of work that will necessarily extend beyond the life of any one Congress. We believe the Court of Claims to be the only established Government agency qualified to reach such a determination. We feel that any just disposal of the matter is impossible without the aid of the United States Court of Claims. It is but reasonable and just that the California Indians should be given the opportunity to fully present their claims to that court. The precedent of the Court of Claims procedure is a long-established one." (Vol. II, pp. 153 and 154.)

Accordingly, on February 25, 1922, the Indian delegates addressed the following letter to the Secretary of the Interior:

INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.),
Washington, D. C., February 25, 1922.

The Hon. ALBERT B. FALL,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In accordance with our conference with you yesterday, we have taken under advisement your proposal that the California Court of Claims bill be substituted by a measure authorizing your department to determine the needs of the California Indians and to render such relief as might, in your judgment, be found necessary.

After careful consideration of your proposal, we beg to advise you that we are not so much interested in the limited relief that might be obtained through gratuitous appropriations as we are in a just and final disposal of the California Indian problem. We believe that this can be done best under the provisions of the California Court of Claims bill. Therefore, we have agreed to press our case for the enactment of that bill.

We have reached this decision after carefully reviewing the scanty relief heretofore granted to the California Indians in the form of gratuitous appropriations by the Congress, the great stress that is now being placed on economy, and the further fact that it is not reasonable that this Congress could, in its short life, conclude the work, and that it would have to be resumed by another Congress, which might adopt an entirely different policy.

We sincerely hope that your sense of justice and interest in humanitarian questions will be assurance to us that you will use your good office to assist in every way possible to reach an early and satisfactory settlement of the California Indian Problem.

Sincerely yours,

Albert Wilder (Humboldt County), Frank Isles (Del Norte County), Albert James (Humboldt County), Thomas W. Billings (Siskiyou County), A. J. Hogan (Madera County), Alfred Gillis (Shasta County), Stephen Knight (Mendocino County), William Fuller (Tuolumne County), Harrison Diaz (Inyo County), Indian delegates.

Neither committee of Congress acting upon H. R. 4383, it, like its predecessor, failed of passage.

SIXTY-EIGHTH CONGRESS

In the Sixty-eighth Congress Mr. Raker introduced H. R. 12123, which was in substance but a repetition of H. R. 4383, Sixty-seventh Congress.

This bill received the following unqualified indorsement of the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1925.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Further reference is made to your letter of February 4, 1925, transmitting for a report thereon a copy of H. R. 12123, to allow the Indians of California to have their claims against the Government adjudicated by the Court of Claims.

As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States, as well as of the Indians, recommendation is made that it receive your favorable consideration.

Bills were introduced in previous sessions of Congress for a similar purpose, and extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives. These hearings, which have been printed under the title of "Indian tribes of California," are dated March 23, 1920, and April 28 and 29, 1922, and contain a very full and complete history of the entire matter.

Very truly yours,

HUBERT WORK.

Both committees in Congress in their reports used identically the same language, which was in part:

"Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allows any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill."

Very shortly thereafter the bill was unanimously passed by both the House and Senate, but was not signed by the President. The measure failed to become a law only because the President failed to sign it after Congress adjourned.

SIXTY-NINTH CONGRESS

In *The Kansas Indians* (5 Wall. 755) the Supreme Court held that if the Indians had outlived many things they had not outlived the protection of the Constitution, the laws, and treaties of the United States.

Under the fifth amendment to the Constitution the California Indians are entitled to just compensation for all the land which the Government admits has been taken from them for public use, and just compensation includes interest. The expense incident to making just compensation to its citizens for property illegally taken from them by it is not one to which the United States can reasonably object.

However, in the Sixty-ninth, or the present Congress, on January 20, 1926, Mr. Raker introduced the pending bill (H. R. 8036) in which, in order to meet one reported objection of the President to the preceding bill, the compensation recoverable by the tribes is clearly limited to an amount not to exceed \$1.25 per acre for the acreage of the promised reservations, and under this bill no compensation could possibly be recovered for the land actually surrendered by the tribes to the Government pursuant to the treaties.

Nevertheless, the Secretary of the Interior, notwithstanding his unqualified approval of the more general preceding bill, in a letter to the chairman of the House Committee on Indian Affairs, under date of April 13, 1926, disapproved the pending bill in the following language:

THE SECRETARY OF THE INTERIOR,
Washington, April 13, 1926.

HON. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 8, 1926, inclosing for a report a copy of H. R. 8036, a bill authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians as indicated in the bill are for compensation from the Government for lands formerly occupied and claimed

by them in California, which lands are alleged to have been taken away from them without payment and disposed of as public domain.

The claims are based upon 18 treaties made with the different tribes of Indians of California in 1851 and 1852, and submitted to the Senate for ratification on June 1, 1852. These treaties were signed on the part of the Government by the United States agent and on the part of the Indians by certain chiefs and headmen. When these treaties were submitted to the Senate for ratification that body unanimously voted to reject them as shown by the Executive Journal of the Senate for June 28, 1852, on page 417. With reference to the submission to these treaties after they were severally read the second time and considered in the committee as a whole, no amendments were made thereto, and they were severally reported to the Senate.

These Indians have, for a number of years, been asserting that they were entitled to compensation for the lands that were set apart for them by the 18 treaties in question to the extent of approximately 7,500,000 acres.

A bill, H. R. 12788, similar to this was introduced in the Sixty-sixth Congress during the second session. Extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives, and a full and complete history of the matter was incorporated in said hearings, which are dated March 23, 1920. The bill did not become a law.

There would seem to be little necessity for action by the Court of Claims and the expense and delay incident to a suit to recover the value of these lands should an appropriation be made in settlement of their claims. The bill provides for payment of \$1.25 per acre for the lands, and it would be easy to compute the amount that would be due, as there is very little question as to the acreage involved.

It is recommended that H. R. 8036 do not receive your favorable consideration. The Director of the Bureau of the Budget has advised that this adverse report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

Such is the present situation.

The shifting varying policy of the Department of the Interior would seem to justify the comment which James Bryce makes in the revised edition of the American Commonwealth, 1924, at page 88:

"He (the Secretary of the Interior) is chiefly occupied in the management of the public lands * * * and with the conduct of the Indian affairs, a troublesome and unsatisfactory department, which has always been a reproach to the United States, and will apparently continue so till the Indians themselves disappear or become civilized."

As usual, the Indians are much confused, and to their case the remarks of the late Franklin K. Lane, Secretary of the Interior, are peculiarly applicable. Said Mr. Lane in the reports of the Department of the Interior for the fiscal year ending June 30, 1914 (1915), Volume I, page 4:

"That the Indian is confused in mind as to his status and very much at sea as to our ultimate purpose toward him is not surprising. For a hundred years he has been spun around like a blindfolded child in a game of blind man's buff. Treated as an enemy at first, overcome, driven from his lands, negotiated with most formally as an independent nation, given by treaty a distinct boundary which was never to be changed 'while water runs and grass grows,' he later found himself pushed beyond that boundary line, negotiated with again, and then set down upon a reservation, half captive, half protégé."

"What could an Indian, simple thinking and direct of mind, make of all this? To us it might give rise to a deprecatory smile. To him it must have seemed the systemized malevolence of a cynical civilization. * * * Manifestly the Indian has been confused in his thought because we have been confused in ours."

The attitude of the California Indians toward a congressional appropriation for their relief remains unchanged. They do not desire a national gratuity. All that they desire is a jurisdictional bill that will make it possible for them to recover an amount representing a small part of the value of the property taken by the Government from them for public use.

Moreover, experience shows that on certain occasions where the Department of the Interior urges upon Congress the appropriation of a specific amount which the Indians have agreed at its instance to accept in lieu of a jurisdictional bill, Congress does not recognize any obligation to make such an appropriation. For instance, but recently the Clallam Indians of the State

of Washington were induced by the department to agree to accept \$1,000,000 in full satisfaction of their claims. Senate bill 1707, providing for the appropriation of \$1,000,000, was so amended that the Indians will either have to accept \$400,000 or receive nothing at all, and at the same time waive their rights to all legal remedies. The California Indians feel that good faith on the part of the Government requires that compensation be made them in accordance with legal principles, and not that they should be called upon to compromise their legal rights by accepting an amount that may or may not be due them at law.

The Indians are also confused by the reference of the Secretary of the Interior to the fiscal policy of the President as administered by the Bureau of the Budget. They have examined the law carefully, but find no provision giving the executive department control over remedial legislative acts. They find, however, that it has become the policy of the Department of the Interior to seek the approval of the Bureau of the Budget of remedial legislation before it gives its own approval. It is apparent, therefore, that in governing itself by the recommendations of the Secretary of the Interior, Congress, in effect, subjects itself to the control of the Bureau of the Budget. So, too, under such a system, in the last analysis, the remedies open to the Indian citizens would seem to depend not upon their constitutional rights but upon the fiscal policy of the executive department. Of this situation Congress might well take notice since the present practice of the Secretary of the Interior with respect to Indian legislation is a clear invasion by the executive department of the constitutional prerogative and function of the legislative department.

The Spanish and Mexican Governments regarded the rights of the Indians; they recognized them and protected them in those rights. Now, we come to the time when we negotiated a treaty between the United States and the Mexican Government in which we solemnly agreed to protect the rights of the Indians.

I want to deal more particularly with just two or three points. I wish to call attention to the fact that the Indians were recognized to have a right in California. That right was recognized by the Spanish and Mexican Governments, and by the Congress of the United States and by President Fillmore. It was recognized by the United States in this way. The Congress of the United States passed a bill authorizing negotiation of treaties with the Indians of California and appropriated \$25,000 with which to meet the expenses of that commission. Pursuant thereto a commission went to California and made 18 treaties with the Indians. The treaties are found in volume 1 of the hearings which are part of your record. The treaties were the outgrowth of our recognition of the Indians' rights in California. The treaties represent the only bargain that has ever been made with the California Indians. They represent the only agreement that is tangible to which we might base a calculation at this time for settlement. That is why the Raker bill has referred in each instance to the 18 treaties, because they form the basis for any settlement that might be made. In the sixty-sixth Congress, Congressman Raker introduced a bill very similar to the one you have before you. The acting Secretary of the Interior, Mr. Vogelsang, said in part:

As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well I recommend that it receive your favorable consideration.

The Indian department, representing the Department of the Interior, came before this committee and heartily recommended the passage of the bill and recorded itself as having helped to prepare this particular legislation.

Mr. LETTS. Who appeared for the Indian Bureau?

Mr. COLLETT. Mr. Meritt. The late Secretary, Franklin K. Lane, in his report on this legislation to the Senate said:

As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

The committees of the House and Senate on Indian Affairs unanimously recommended the passage of that bill. It passed the Senate on the unanimous-consent calendar, but was not reached in the House because of congestion of its calendar during the last days of Congress. The committee in its report to the House, Report No. 840, went on record as saying in part:

This proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights.

In 1922 we had a new Secretary of the Interior, Albert B. Fall, who had adopted an entirely different policy. He held that the Indians should not be allowed to go to the Court of Claims. In one explanation he said that they might recover more by the process of the Court of Claims than the administration at that time would be willing to pay. He, however, suggested more generous appropriations, and recognized very clearly the need of the Indians of the State of California, who had nine delegates of the better-educated Indians here. They had more than a two hours' conference with Secretary Fall, and after considerable study of Secretary Fall's statements, they pledged themselves to wait until such time as they could get favorable action on the Court of Claims bill.

Their study and the study of every one else connected with this proposition shows that no considerable amount can be secured through an appropriation. In 1906 an appropriation of \$100,000 was made for the purchase of land for homeless Indians in California. The following year, or two years later, \$50,000 more was appropriated. At that particular time it was written into the statute that the \$50,000 added to the \$100,000, was ample, and that no more money would be needed to settle with the Indians of California. In spite of this, we find that Congress has gone on appropriating, and that nearly \$400,000 has been appropriated for the purchase of land for homeless Indians in California. Much of the land is worthless and without water. There are still many without even a meager plot of land for a home. I mention this to show that we have at no time formulated a fair and just opinion as to what should be done for the California Indians. Our policies toward them have been ever changing and inconsistent.

The Members of Congress from California in 1922 joined in a letter to Secretary Fall, in which they strongly advocated a Court of Claims bill and held that no one Congress would reach a satisfactory conclusion of this case in its life and that the next Congress would, perhaps, adopt another policy, and that we were continually going around a vicious circle and never really determining on a policy that could be carried out to a successful conclusion.

In 1925, the Sixty-eighth Congress, Secretary Work had not followed Secretary Fall. He had reversed the policy and adopted a

policy of allowing the Indians to go into the Court of Claims. In his report on February 10, 1925, he said in part:

As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States as well as of the Indians, recommendation is made that it receive your favorable consideration.

This committee when it came to consider the bill last February, about the middle or toward the last of February, said to Congress:

Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allows any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill.

The bill passed the Senate on the unanimous consent calendar and it also passed the House on the unanimous consent calendar. It reached the President on the 2d day of March. Congress was to adjourn on the 4th day of March. The President at that time was entertaining personally the gentleman whom he expected to be a member of his Cabinet and the prospective Attorney General. He was preparing an address to be broadcasted, probably the first to be broadcasted, and his first inaugural address. He had no time to give this measure consideration, and at that particular moment, the question was raised as to whether or not this bill did not give the Indians too large a claim, and whether or not the Government would not be put to too much expense to defend its interests.

So, upon my arrival in Washington in January, under the direction of Congressman Raker, I went to the Office of Indian Affairs, to the Secretary of the Interior, and to the Budget Bureau, and I found that there was no serious objection to the passage of the bill other than it had seemed to involve the Government in too large an expense and would, perhaps, allow the Indians to recover a larger sum than might be justly due them. It was the belief that the bill should be restricted to the provisions of the 18 treaties.

So the bill was very carefully drawn and presented to Congress in its more restricted form. In due time it went to the Secretary of the Interior. Assistant Secretary of the Interior, Mr. Edwards, assured me that the policy of that office was to grant favorable reports on jurisdictional bills, that in no instance had they or did they intend to give any adverse report unless the bill did not properly protect the interests of the Indians and the Government; or because the case had already been presented to the United States court and there did not seem to be sufficient merit to warrant the re-presentation of the case to the court again.

At the time of my conversation with Assistant Secretary of the Interior Edwards, I was informed that the report would be in the hands of the Secretary within a few days, and which I understand was sent to the Budget Bureau.

When it came back, although I can not give you the exact details of the history, I am confident that this report was sent back to the Secretary of the Interior with instructions that it be rewritten, because it was not, in the opinion of the Budget Bureau, an opportune time to allow this measure to be passed.

I want to speak with reference to the proposed outright appropriations in lieu of jurisdictional bills. In 1922 Secretary Fall suggested that he would ask for a million dollars appropriation provided we would abandon the Court of Claims bill, but we did not believe that that was a wise course; nor would we believe that the mere asking for an appropriation was anything to justify the abandonment of the Court of Claims bill.

For example, the Clallam Indians of the State of Washington had a Court of Claims bill and were anxious for its passage. A proposal was made to them that they receive an appropriation of \$1,000,000 cash in lieu of the bill. The substitute bill was prepared by Senator Jones, and was sent to the Department of the Interior with the understanding that the \$1,000,000 was in keeping with the tacit agreement between the Office of Indian Affairs and the Indians themselves. A substitute bill was sent back with a favorable report, but in that substitute bill the amount of the appropriation was left blank for the Senate to fill in. The Senate, instead of putting in \$1,000,000, put in \$600,000, and it was cut to \$400,000 by the House. I mention this to show the uncertainty of any adequate appropriation, even though we might start out on the course that was suggested in the Kahn bill.

Unless we have first of all set down and determined that these Indians have certain rights and that there are certain things that we ought to do, we are not apt to do them. So we are asking that the Indians of California under a jurisdictional bill that will amply protect the Government as well as the Indians, be given the right to go into court, present their claims, have them determined, and be settled once and for all. I believe you will find in the case of the California Indians, if their case is properly determined now, that you will have relieved yourselves of a moral obligation, and the Indians will have been given fair compensation. This will put them in a condition that will make it unnecessary for any considerable supervision by the Federal Government, and will tend to make them independent rather than a dependent people. Perhaps, the California Indians are in a better position to shift for themselves than most any other Indians because they have been shifting for themselves, and they have had some very hard knocks. They have learned how to take care of themselves and if they are given a fair chance, they will make good.

I found that in 1910 there were scarcely any Indian children attending our public schools. It has been my work from that time to this to help gain public schools and other advantages for the Indians of that State. To this end the Office of Indian Affairs, through tuition contracts with public-school officials of California, has rendered an exceptional service. We now have more than 3,000 attending the public schools, and more than 200 attending our high schools. Those in the high schools have homes in which they are working for their board and room and are getting from \$5 to \$20 a month. Some have gone into college and are working their way through college.

Those people are under a fearful handicap. In view of shameful history of our dealings with the California Indians, which should be forgotten as quickly as possible, we ask that these people

be given their day in court. In view of the unanimous action by Congress last year and by this committee and the Secretary of the Interior, it would seem fair for us to expect that a similar action be taken by this Congress.

It has been estimated that about \$20,000,000 might be recovered under this bill, that the offsets which the Indian Office claims are twelve or more million dollars; which do not include the amounts that have been expended from the general appropriation bill prior to 1910. So it might be that the appropriations that would be pleaded as an offset would range from twelve to fifteen million dollars. I say pleaded as an offset. It is probable that the court would find some of these amounts not legitimate charges.

When the settlement was finally effected, if the Indians were to recover something like five to eight million dollars due them, it would be but a very small amount compared with what we are getting from the lands that we took from them. There are in California in excess of 99,000,000 acres of land. We have sold a little over 15,000,000 acres. We still have in our reserves in excess of 42,000,000 acres, 19,000,000 of which are in the national forests and have valuable timber. The United States Treasury has received from the sale of public lands in California, between 1849 and June 30, 1925, the sum of \$25,759,320.08. For grazing purposes in the national forest the Treasury has received \$2,727,561.93. From royalties, oil, gas, gasoline, and other minerals, we have received \$24,654,171. From various concessions in our national parks in California, the United States Treasury has received a total of \$950,380.90.

The timber cut under Government scale from the national forests in California from 1905 to 1925, was 2,096,439,000 feet. At the average price that the Government is now receiving for the sale of timber in California, \$4 per thousand, this means \$8,385,756.

In other words, the actual amounts that are recorded as received by the United States Treasury from lands that we took from California Indians are in excess of \$62,000,000.

We have in California at this time public lands in the amount of 42,474,261 acres, which if sold at \$2.50 an acre, the amount that we have suggested for our bill, the Government would receive \$106,145,652.50.

The Forestry Department estimates that there is standing timber in the national forests in California, in the amount of 100,599,250,000 feet, which if sold at the present average of \$4 per thousand, would net \$402,397,000.

By this we see that the Government has received from lands that it retained, from rentals, and lands that it sold, in excess of \$62,000,000. Add to that the lands that are now in its possession and the timber, to say nothing about the other resources, there are in excess of \$500,000,000.

In order that you may get some idea as to the national forests in California, I will call your attention to a Government map, which shows in green and blue the national resources.

This map is self-explanatory. I have here a map of California, which shows in green the lands that were to have been reserved for the Indians of California under the 18 treaties. The red spots indicate lands that have been bought or reservations that have been

set aside by Executive orders. This map gives you some idea of the very small portion of California that was to have been reserved for the Indians. It also gives you a conception as to the very small amount of lands that are now in the possession of the Indians, or, rather that the Indians are allowed to live on.

Mr. LETTS. How many pieces were the 7,500,000?

Mr. COLLETT. The 18 different plots indicated in green.

I believe there is nothing further that I wish to call your attention to at this time unless it be to emphasizing the fact of the unanimously favorable history of the jurisdictional bill last year, and the further fact that the present jurisdictional bill, H. R. 8036, is more restricted and protects the interests of the Government far better than the preceding bill.

We are not in favor of the bill proposed by Mrs. Kahn. The Indians of California know nothing of it and would not be favorable to it, perhaps, chiefly because it does not have any just basis for settlement. Secondly, because a direct appropriation, judging from the history of such appropriations, is not reasonable at this time, especially if it is difficult to get a jurisdictional bill through which will give the Indians a fair day in court. It surely would be harder at this time to get favorable consideration of an appropriation of any considerable amount, so we are asking that you first of all determine what our rights are, what is reasonable in the case, and then that appropriations be based on it, and that the expenditures be made as Congress shall hereafter direct.

Mr. LETTS. Have you any questions.

Mr. EVANS. I have no questions.

Mr. LETTS. We thank you very much for your statement, Mr. Collett.

STATEMENT OF C. HART MERRIAM, WASHINGTON, D. C.

Mr. LETTS. State your interest in the matter and whom you represent.

Mr. MERRIAM. I do not represent anyone. I am a research associate in the Smithsonian Institution. For 25 years I was chief of the Government Biological Survey. This put me in contact with many tribes of Indians in California, Oregon, Washington, Montana, Idaho, Wyoming, Nevada, Utah, and Arizona.

The statement by Mr. Lea this morning is so full and so competent that I shall not attempt to go over the same ground but merely concur in practically everything he said in regard to the early treatment of Indians in California. There are only two points in which I differ. One, that he accepted, apparently the statement from the Interior Department that the Indians of California did not own the eastern part of the State, I think he said the eastern third.

Mr. LETTS. He said undetermined area.

Mr. MERRIAM. An area amounting to hundreds of thousands of acres. He accepted the statement that it did not belong to the Indians. That is incorrect. The eastern border of California on both sides of the line—covering a distance of approximately 850 miles—was completely occupied by the Northern Piute, Washoo, Panamint, Southern Piute, Mohave, Chemeweve, and Yuma Tribes;

and by running a line 50 miles west of the boundary and parallel to it, additional territory belonging to the following tribes will be included: Modok, Hawesidoo, Hammahwe, Astakewiche, Atwumwe, Apwooroka, Notokoiyo, Kummowin, Mewuk, and Monache.

For about 38 years I have been platting the distribution of California tribes on large scale maps and years ago found that there is not an acre of land in the State of California that did not belong to Indian tribes. Many people imagine that the California Indians are nomadic, like the Plains Indians, that they wander from place to place. That is not the case, as every ethnologist knows. In California the various tribes have definite tracts of land, the boundaries of which are as fixed as the boundaries of our States and counties. An Indian of one tribe would not dare enter the territory of another tribe unless under circumstances of mutual agreement except in pursuit of a wounded animal, which he was allowed to follow for a certain distance. He would not pick manzanita berries or gather a basket of acorns, or shoot any deer or rabbit or quail in the territory of another tribe, nor catch a fish in any of their waters. The tribal boundaries were definite and thoroughly understood—in former years by every member of the tribe, men, women, and children; but nowadays the young people do not always know the boundaries.

The other point in which I differ with Mr. Lea is in regard to the intelligence of Indians. I understood him to say that the Indians are ignorant. Now, ignorance, of course, is a relative term; one would hesitate to call a person "ignorant" because his field of knowledge differed from that of the speaker. Every ethnologist, very early in his career, is deeply impressed by the intelligence and learning of Indians. Even those we hear spoken of as lowest in the scale of human intelligence possess a fund of practical knowledge and imaginative belief wholly lacking in our education. When we come to know them we are astonished at their knowledge of the food values of animals and plants, their skill in the preparation and use of plants for textile, medicinal, and decorative purposes (including the making of permanent dyes), and their cleverness and mechanical ingenuity in the construction of articles of every-day use. And we are likely to be still more astonished to learn that among a number of tribes, the proper time for gathering certain plants for medicinal, ceremonial, or other purposes is predetermined by the position of certain stars. An Indian will show you the control star and tell you that you can not pick its plant until the star is in a certain place, which he will point out. This is remarkable, and so is their religion and their mythology.

Mr. LETTS. That is experience and observation.

Mr. MERRIAM. Their mythology is as interesting as that of the Greeks and Romans, the Egyptians, the Chaldeans, or the Lithuanians. Not long ago, at a dinner in New Haven, I was asked to recite some myths of California Indians, and President Angell remarked that he was never more surprised; he was familiar with the mythologies of ancient foreign peoples, but they were not more interesting or beautiful than these of our Indians, and he had not known that there was anything of the sort among American Indians. This simply shows that scholarly men of more than ordinary intelligence,

men familiar with mythologies of the old world, may be wholly unaware of the wealth of our own aboriginal mythologies.

I have never found any Indian of any tribe who did not amaze me by the extent of his knowledge. But their knowledge differs from our knowledge. In contrasting their education and experience and philosophy with ours one may use the illustration afforded by the wheels of a wagon, which, though continually revolving in nearby circles, never meet. So with knowledge: That of the Indian revolves in one sphere; that of the white man in a different sphere, and neither is able to comprehend the other. To us, many Indians seem ignorant because we do not understand them, and to them we seem ignorant and bad because they do not understand us. Unfortunately, few of them are in contact with the best of our people. Many Indians have asked me how people who can do such wonderful things can be so wicked—so unjust—and how it is that white people lie and steal and do the mean things we do.

Mr. Lea made no mention of the brutal treatment of Indians in California by the early whites, the wholesale massacres by both Spaniards and Americans, where Indians were butchered in cold blood with little or no provocation. Nor did he mention the Indian drives where, even after our Government had taken possession and laid out the original reservations, bands of Indians were gathered and herded and driven like hogs to distant reservations—the two worst ones in midwinter, one through the mud and rain of southern San Joaquin Valley to the Fresno country; the other, across the northern Sacramento Valley, where the Indians of several tribes were rounded up and driven by men on horseback over the mountains and down into Round Valley on the west slope, where many were hunted and killed by the whites (as recorded in the report of a committee of the California Legislature in 1860). In both drives, the aged and infirm, the sick, and women with babies and little children who could not keep up, were put out of the way—some shot with pistols, some clubbed over the head, and some beaten until they fell and never got up. In Tulare Valley at least one white man, living in a cabin with his Indian wife, was shot down standing in his doorway because he refused to allow his wife to be taken and abused. Those terrible things Mr. Lea did not mention, and I did not mean to mention them. But they are a part of the history of the treatment of California Indians by the whites.

The essence of what I have to say can be stated in a very few minutes. It is a comparison of the Raker and Kahn bills—the bills now before your committee. Previous to the existence of the Kahn bill I favored the Raker bill, and once spoke for it before the House Committee on Indian Affairs. It then seemed the only chance we had to do something for California Indians, although it would not help more than half the tribes. The Kahn bill was prepared by the Commonwealth Club of California, assisted by attorneys of the women's associations and the Indian Defense Association.

The principal fault with the Raker bill, as I look at it, is that it aims to recompense only the survivors of the 18 treaty tribes, leaving the remaining Indians of California unprovided for. That seems a curious and unjust discrimination. If we are going to help California Indians out of their condition of pitiful poverty, let us help them all.

Mr. LETTS. What proportion of the Indian population would that be?

Mr. MERRIAM. I have not figured that out. I should think in the neighborhood of half. There are many difficulties in ascertaining the exact number. These difficulties are partly in the interpretation of the word "tribe" (for anthropologists are not agreed as to the definition of tribe), but mainly in distinguishing tribes from villages. Many of the so-called tribes enumerated in the 18 treaties were not tribes at all; they were simply rancherias or villages. But these were not all of the same rank. In some cases there was a head or ruling village with several subordinate villages, and a definite tract of land that belonged to it; a number of such rancherias constitute a tribe. In those days the names of most of the tribes and most of the villages were unknown.

Mr. LETTS. Is it possible now to determine who would be the recipients of this bounty?

Mr. MERRIAM. The Indians of the whole State are entitled to compensation, but under the Raker bill only those of the 18 treaty tribes would benefit.

Mr. LETTS. The way it is written, would it be possible to pick out the Indian that is to benefit?

Mr. MERRIAM. Under the 18 treaties?

Mr. LETTS. Yes.

Mr. MERRIAM. Yes; we know the locations of most of the places; most of them are villages, but besides these, a number of real tribal names are given.

Mr. LETTS. There would be no difficulty in administering this measure if it went through as it is drawn?

Mr. MERRIAM. Except the difficulty of proving in each case that the Indian in question had descended from a particular village mentioned in the treaty.

Mr. LETTS. How difficult would that be?

Mr. MERRIAM. It would vary according to the rancheria. It would be easy in some cases, very difficult in others.

Mr. LETTS. Under this bill, who can sue?

Mr. MERRIAM. Only members of the tribes and rancherias who signed the 18 treaties.

Mr. LETTS. As individuals?

Mr. COLLETT. There is an error there and I would like to correct it now. The bill very expressly says that all claims of whatsoever nature that any tribe or band of Indians of California may have against the United States by reason of so-and-so may be presented to the United States Supreme Court.

Mr. MERRIAM. Not by reason "of so-and-so," but "by reason of those certain 18 treaties."

Mr. COLLETT. Yes.

Mr. MERRIAM. That seems to tie the hoped-for benefits to the 18-treaty tribes; recovery is limited to the tribes signing the 18 treaties.

Mr. LETTS. No; every Indian or band of Indians could have a claim within the purview of this act.

Mr. COLLETT. Any band or tribe of Indians in California could?

Mr. LETTS. If they had a claim; but they could not have a claim under this act, because this act is limited to the 18 treaties.

Mr. MERRIAM. I did not suppose that open to question.

Mr. LETTS. I do not think that can be doubted.

Mr. COLLETT. At the time this bill was drawn, expert lawyers examined that particular feature; Judge Raker, Mr. Lea, and outside men were asked as to that one feature.

Mr. LETTS. The situation would be this: An Indian or a band of Indians, or tribe, would come in and sue, and they would have to prove that they had some rights growing out of those 18 treaties, and necessarily all others would be excluded from any participation in the fund that would be set up.

Mr. MERRIAM. I did not suppose there could be any other interpretation.

Mr. LETTS. Do you understand it otherwise?

Mr. LEA. I think that the right must come out of the 18 treaties. This is sufficiently broad to bring in all who have any concern under those treaties.

Mr. LETTS. That would mean that only approximately one-half of the Indians of California would benefit by this procedure.

Mr. MERRIAM. At that time (1851-52) considerable less than half the tribes in California were known. No white man knew them all. The early agents of the Indian Office knew only a part of them.

Mr. LETTS. I understand those treaties were signed by about 400 chiefs and head men.

Mr. MERRIAM. They were signed by that many Indians.

Mr. LETTS. How many tribes did they represent?

Mr. MERRIAM. I have not looked that up. I can do that and get the number very closely.

Mr. LETTS. I think that would be valuable for us to know.

Mr. LEA. There is a statement in the record that it represents 150 tribes.

Mr. MERRIAM. That statement is incorrect. The number of so-called "tribes" mentioned in the treaties is not 150, but 126, and more than half of these are not tribes, but villages.

Mr. LETTS. Does this include half the California Indians?

Mr. MERRIAM. The treaties mention less than half the tribes of the State—only those that white men had come in contact with. And no one knows to-day what names in those 18 treaties are tribes and what are rancherias.

Mr. LETTS. Let me suggest that you prepare a little extension of your remarks that can be handled to us for the printed record.

Mr. MERRIAM. I will be glad to do that.

The number of so-called tribes mentioned in the 18 treaties is 126. More than half of these are villages, leaving about 56 as actual tribes. The total number of tribes in California is approximately 225. The number of tribes not given in the treaties and not known to the Indian Commissioners of 1851-1852 is about 175.

As I understand the two bills, the Raker bill permits the descendants of the 18 treaty groups—but not any other Indians in the State—to enter suit in the Court of Claims; and if the suit is won, proof of descent from one of the treaty tribes is required before any Indian can benefit.

Mr. LETTS. From your experience how much of a burden will that put on them individually?

Mr. MERRIAM. It will be difficult to prove descent, owing to the non-existence of the old people who knew the facts. A number of Indians whose names appear in the treaties are not known to the oldest men of the tribes to-day.

Mr. LETTS. Do the Indians there keep any records?

Mr. MERRIAM. None whatever. This is what the old men tell me in regard to those names (for I have been over the names signed to those treaties with a considerable number of the tribes to see whom they recognized; they recognized very few). The old men tell me that in certain cases the names in the treaties are not names of head men or chiefs. The Indians were suspicious, they had been so often deceived, especially during the early mining days when by false pretenses they were trapped and butchered—invited to a peace meeting for a friendly talk and a "big feed" and then treacherously massacred. That has happened again and again. There had been massacres of Indians on Clear Lake, on Sacramento, McCloud, Trinity, and Klamath Rivers, in Hay Fork Valley and in other parts of the State. The Indians had become suspicious and would not send their chiefs and head men but sent ordinary men, so if they were killed, it would not make so much difference to the tribe. This explains the circumstance that so large a proportion of the signers of the 18 treaties are unknown to even the old men of the tribes. The old men say, "We did not know and our neighbors did not know any such men; they must have been common ordinary men, although there were some chiefs, some important men, among them."

Mr. LEA. I will call your attention to the fact that the word, "bands," is used here.

Mr. MERRIAM. The term band usually means the people of a village.

Mr. LEA. A different term than tribe?

Mr. MERRIAM. Yes; it is a similar term but indicates a smaller unit. Thus a village or rancheria is usually the home of a stated band, while a tribe usually consists of a number of bands.

Mr. LEA. In section 6, it reads:

For the purpose of this act the tribes or bands of Indians of California shall be construed to mean those Indians residing in California at the time of their alleged deprivation of their lands and their descendants.

What does that mean?

Mr. MERRIAM. It means that the Indians referred to in the bill must have been residents of California "at the time of the alleged deprivation of their lands."

Mr. LEA. Does that restrict, other than suggested a few moments ago, Indians coming in from outside the borders?

Mr. MERRIAM. Not to any extent, because the number of Indians from outside the State is small—almost negligible. There are many more cases where Indians of one tribe have married into other tribes within the State. In a number of California tribes so few Indians are left that it is impossible for a man to marry a woman of his own tribe, and when he marries, the practice in most tribes is that he goes with the woman wherever she lives, for as a rule mother right prevails. Often a man and wife can not speak the same language; we find cases of that sort all over California to-day, plenty of them.

Mr. LEA. For an Indian to establish his right under this act it might be very difficult for him to show from just what band or tribe he originated.

Mr. MERRIAM. They always know, and, as a rule, the mother's line is the determining factor. There is no question as to one's mother, but often a question as to the father.

Mr. LEA. Would the mother's line determine the band or tribe?

Mr. MERRIAM. Yes.

Mr. LEA. Not the father?

Mr. MERRIAM. Sometimes; but in most tribes the mother.

Mr. LEA. By custom?

Mr. MERRIAM. By the law and practice of most primitive peoples. In California a surprisingly large number of men do not know their father's language, but all know the mother's language because they have been brought up by the mother. They all speak the mother's language.

Mr. LEA. How many different languages do you have an idea were spoken among the tribes that were represented by the signatures to those 18 treaties?

Mr. MERRIAM. That can be figured up. There were in California at least 25 stock languages that differ from one another as much as English from Spanish; and there are to-day in California, approximately, 150 dialects differing from one another about as much, we may say, as English from German. If you know a language, you may understand many words of a neighboring dialect, but the majority you will not know.

As a rule, Indians exaggerate the differences in their dialects, but in some cases they minimize them. Sometimes an Indian has lived so long on the border land between two tribes that he uses both languages freely; he may tell you they are essentially the same when they are totally different. This has happened to me several times—the last time only a few months ago. Then there are borrowed words. An Indian hears a strange word that pleases his ear. He finds out what it means and adopts it. Then others pick it up, and it is soon incorporated in the language. In a few years the people forget that it is a borrowed word. The same is true in our language.

Mr. LETTS. How many of these languages do you understand?

Mr. MERRIAM. I do not understand any of them well, and only a few at all. I used to learn enough nouns or names of objects to speak about 250 words, but never knew the verbs, which are very difficult and irregular. The Indians would be amazed, thinking I could speak their language. I never could really speak any Indian language, for I never knew the verbs, but by using Indian nouns with English verbs the Indians were completely deceived and thought I knew vastly more than I ever did know. At one time I did know enough to make myself understood in about ten of the languages. Many of the dialects are much alike, others are very different.

Among the 12 tribes of Pit River Indians, ten speak essentially the same dialect, while two speak entirely different dialects of a remotely related language.

Mr. LEA. Your judgment would be that if the relief granted by this bill should be confined to the 18 treaties, the beneficiaries of it should be all the Indians of California at that time, or the descendants of all the Indians at that time?

Mr. MERRIAM. I would ignore the 18 treaties. We are morally responsible for the great wrong done the Indians of California. In the case of the plains Indians, the Blackfeet, Sioux, and other tribes who resisted our encroachment, our Government made war upon them and conquered them; nevertheless our Government conceded indebtedness and paid them in one way or another, sometimes millions of dollars; but in California we went in and confiscated the Indian's country and murdered multitudes of them; we did not make actual war against them because they were unwarlike Indians and did not know how to fight, and yet we have paid them nothing for the lands we took and from which our people have profited by hundreds of millions of dollars.

Mr. LEA. Omitting the matter of the past, notwithstanding whether we go any further than the 18 treaties, as to the extent of the relief, whether we do or not, is it your judgment that the descendants of all Indians in California should be included?

Mr. MERRIAM. Yes, obviously all should be included. Under the 18 treaties many would be left out, but in simple justice all should be included because the lands of all were taken from them.

Mr. LEA. Should we not go further and say for the benefit of all Indians now in the State, because we have the same obligation toward one Indian as another?

Mr. MERRIAM. If an Indian was not a native of California, he would not have suffered from the confiscation of California lands. There are many Indians who drift about, largely for the reason I have mentioned, that a man might not be able to find a woman of his own tribe, and would go to another tribe, marry, and live with that tribe. This is one of the causes of mistakes in published records for the reason that white people usually assume that all Indians found at a particular village belong there and speak its language. But the person interviewed may belong to a foreign tribe and may not know the language of the tribe with which he is living. If, however, he will give you even 10 words of his language, you will have the key. I encounter cases of that kind every year.

Mr. LEA. The migration or movement of the Indians has been mostly in the last 30 years—within State lines?

Mr. MERRIAM. I do not think the State line amounts to anything. There were, in my judgment, many more movements of Indians, both as individuals and as rancheria bands, during the Spanish possession and the first dozen years of the American occupancy than during the past 50 or even 75 years. These movements were the result of atrocities perpetrated, first, by the Spaniards, and later, by the Americans, in the course of which many hundreds of Indians—sometimes whole rancherias—were destroyed or forced to flee for their lives. During the Spanish occupancy thousands of Indians were needed to build and work in the Missions and to attend the ever-increasing herds, while in the early days of the American occupancy many of the gold seekers went to the rancherias for women and, if resisted, killed the men, burned the houses, and carried off the objects of their visit.

One of the more sensational of the numerous butcheries of Indians by the Spaniards in mission days took place on the lower part of Stanislaus River, and was thus described by one of the perpetrators, José Maria Amador, second lieutenant of the expedition:

We took the hostile Indians, who numbered 200, including the Gentile and Christian fugitives, by pretending that our Indian aides would buy all their arrows, even though it left them without a shirt. The purchase was concluded. We invited the Gentile and Christian Indians to come and eat pinole and dried meat. They all come over to our side of the river. Then when they were on our shore we surrounded them by the troops, citizens, and Indian aides, and took them all prisoners. * * * We separated 100 Christians from the prisoners, and at each half mile or mile these were forced on their knees in prayer and were made to understand they were going to die.

Each one of them received four arrows, two in front and two in each shoulder. Those who were not killed by this process were killed with lances. The lieutenant did not want to make these executions, because he had no courage, but I answered that if I were to put it up to my father he would do the same. On the way the 100 Christians were killed in the manner already explained. We reached the camp where we were going to stop with the 100 Gentile prisoners. * * * The lieutenant told me to decide what was best to do. I answered him that this would be to shoot the prisoners, first Christianizing them—letting them know they were going to be shot and asking them if they wanted to become Christians. I ordered Nazario Galindo to take one bottle of water and I took another. He began an one end of the line and I at the other. We baptized all the Indians and then we shot them through the shoulder. Seventy of them fell at one shot. I doubled the charge for the 30 that remained, and they all fell.

Another case is that of the burning alive of about 70 Indians—men, women, and children—accused of horse stealing. They had been driven into one of their temescals (sweathouses), which was set on fire. According to the officer in charge, Lieut. José Francisco Palomares:

At once there was a great blaze of fire illuminating the whole country. By the light we could see what happened inside. Men, women, and children were all in confusion, viewing with terrified eyes the progress that the devouring element made. At each moment the opening made by the flames broadened, and new and affecting scenes were presented to our sight. From moment to moment the most terrible cries and shrieks of pain were heard. We believed that the Indians, forced by the fire, would come out finally. But we were mistaken, for soon we saw the temescal burning on all sides. * * * Finally the roof fell in with a great noise. * * * We returned to the pueblo without having fired a single shot or taking our guns from their places, and full of admiration for the gentiles [unconverted Indians] who preferred death by fire rather than to surrender to their enemies.

At another time the same officer, Palomares, set out to punish Indians who had robbed his poultry yard. He and his soldiers surprised them, six in number, at breakfast and killed four, taking the other two as prisoners. Of these he remarks:

I commanded my companions to tie them hand and foot and stretch them out face up. They did so.

Of one of his victims he continues:

I dug out his eyes with the point of my dagger and then ordered that he be set free in that desolate mountain.

What he did to the other is too revolting to describe.

The foregoing illustrations reveal the attitude of the Spaniards during the balmy mission days. But let us not deceive ourselves as to the happenings under the American rule that followed, for some of the many atrocities and massacres subsequent to the Ameri-

can possession were hardly less frightful. In May, 1850, a United States Army officer, Capt. N. Lyon, marched his troops to Clear Lake, where they drove the Indians to an island and butchered "no less than 60," and believed they had killed a much larger number. Whetted by this exploit, he crossed the Miyakma Mountains to Russian River, where "on an island formed by a slough from Russian River" his men surrounded a rancheria of unarmed Yokiah Indians who came out to look at the strange white men. When at close range, the captain ordered his men to fire. In his official report to the War Department he remarks of the Indians:

As they could not escape, the island soon became a perfect slaughter pen. * * * The number killed I confidently report at not less than 75, and I have little doubt it extended to nearly double that number.

The Indians tell me that 126 were killed.

There were many other massacres by the Americans but it would be going too far to mention the horrors of those perpetrated on Indian Island in Humboldt Bay, on Trinity, Klamath, McCloud, and Sacramento Rivers, on Tule Lake, and in Scott Valley, or the persistent hunting of Indians in and adjacent to Round Valley in 1859 as recorded in a report of a committee of the California Legislature published in 1860.

On April 16, 1859, a California newspaper (the Marysville Weekly Express) mentions that men were hired to hunt Indians, being paid "so much for each scalp or some other satisfactory evidence that they had been killed. The money has been made up by subscription."

The Commissioner of Indian Affairs in his report for the year 1862 states:

The condition of the Indians of California is one of peculiar hardship, and I know of no people who have more righteous claims upon the justice and liberality of the American people. Owing to the discovery of its mines, the fertility of its soil, and the salubrity of its climate, that State within a few years past became the recipient of a tide of emigration almost unexampled in history. Down to the time of the commencement of this emigration nature supplied all the wants of the Indians in profusion. They lived in the midst of the greatest abundance, and were free, contented, and happy. The emigration began, and every part of the State was overrun, as it were, in a day. All, or nearly all, of the fertile valleys were seized; the mountain gulches and ravines were filled with miners; and without the slightest recognition of the Indians' rights, they were dispossessed of their homes, their hunting grounds, their fisheries, and, to a great extent, of the productions of the earth.

A comparison of the two bills before your committee shows: First, that the Raker bill provides only for the 18 treaty Indians, and requires proof of descent from the 18 treaty tribes; it postpones possible benefits for an indefinite number of years pending the settlement of a suit in the Court of Claims; it is silent as to how the Indians are to benefit in case of the winning of the suit; and it fails to provide for the administration of the fund, requiring supplemental legislation.

The Kahn bill starts out by admitting the great wrong done the Indians; it proposes to settle now, once for all; it is constructive and provides immediate relief of present pitiful conditions by placing the Indians in sanitary, livable conditions in decent homes, and on a stable self-supporting basis in agriculture or other occupation where they may have a chance to become actual citizens.

These appear to me to be the salient features of the two bills. One looks to the future; the other affords immediate relief. Both admit the grievous wrongs done the Indians. The Kahn bill provides for the creation of a commission to finally settle the whole matter. The Raker bill leaves the future in abeyance.

Mr. LETTS. Do you prefer one bill to the other?

Mr. MERRIAM. I prefer the Kahn bill, believing it to be by far the better of the two. Before the Kahn bill was drawn I supported the Raker bill, on the ground that it was the best available—the only one then available—the only hope of relief for any of the California Indians. But I could never understand why a relief measure should be limited to the signers of the 18 treaties, instead of providing for all the tribes of the State.

Mr. LETTS. Does Mrs. Kahn limit her bill in that way?

Mr. MERRIAM. No, the Kahn bill has no limitations at all. It provides for the relief of all the Indians of the State of California.

Mr. COLLETT. How does it establish the Indians of the State as to who would be entitled to share?

Mr. MERRIAM. It aims to help every Indian of the State. It aims to place a fund in the hands of an unsalaried commission, holding appointment from the Government and the State of California, to provide homes and agricultural lands for Indians. You know the dreadful hovels, shacks, and wickiups many Indians live in at present, and you know how rapidly they are dying off. Whole tribes have gone since I began work in the State. I have a number of photographs of the kind of homes they are forced to live in now, and also of a number of Indians suffering from trachoma. In northeastern California, the Indian Office superintendent in charge of Fort Bidwell, Mr. Gray, told me when I commented on the great number of trachoma cases, that 50 per cent of his Indians have trachoma. I said I thought the Indian Office had a competent oculist there to treat trachoma. He replied that one is sent there every two years for a period of two months. Between times there is no treatment at all. The disease is contagious and the school children acquire it. While at Fort Bidwell I took a photograph of a group of Piute Indians gathered at my car, without any thought of selecting trachoma cases, but six out of eight had trachoma, and two of these were stone blind.

Mr. EVANS. The Kahn bill carries prospectively an appropriation of approximately \$50,000,000.

Mr. MERRIAM. Yes; that is before any deductions are made for offset charges.

Mr. EVANS. It seems to be that such a bill will instantly stagger the Congress. I speak only individually. I see no prospect of passing any bill carrying any such appropriation. If that could not be done, then what would you suggest, if you can not put through the Kahn bill?

Mr. MERRIAM. I would suggest, and have already suggested, that the bill be so amended that the words "the same is hereby appropriated" (p. 5, line 7) be changed to read "the same is hereby authorized to be appropriated," and that the appropriation be spread over a number of years, 10 years or more, at the discretion

of Congress, and that enough of an appropriation be authorized to make a start, giving the remaining Indians a chance to live under decent conditions.

Mr. EVANS. I am doubtful if the authorization of appropriations would help you any. Congress has the power to do it as well as to make authorization.

Mr. MERRIAM. If the money were to be made available in small amounts each year I thought there would be less objection. The amount in the bill was arrived at by simply multiplying the number of acres by the assumed value of 50 cents an acre. If the sum is too large Congress could, of course, reduce the valuation per acre to 25 or even 10 cents. We put it at 50 cents, a very low estimate. I tried to arrive at a demonstrable valuation for the year 1852 from historical evidence and records of sales of land, but there were few sales in remote parts of the State, and sales of \$5 per acre up were limited to the neighborhood of San Francisco Bay and Los Angeles, where, even at that time, the land was very valuable. There are statements in the histories to the effect that on the announcement of the American occupation land values doubled.

Mr. LETTS. Whereabouts do the California Indians live?

Mr. MERRIAM. They live scattered over many parts of the State: the so-called Mission tribes in the western part of southern California; the Yuma, Mohave, and Chemeweve along the Colorado River; the Monache in Owens Valley; the Panamints in the Death Valley region; the Northern Piute and Washoo along the eastern edge of the State; the Pit River tribes and Modocs in northeastern California; the Midoo, Mewuk, and Yokut tribes along the west flank of the Sierra; the Wintoon tribes in and west of Sacramento Valley; the Athapaskan, Poliklan, Karok, Shastan, Soolaheluk, and Chimareko tribes in northern and northwestern California; the Pomoan and Yukean tribes farther south (reaching from northern Mendocino County nearly to San Francisco Bay); the Olhonean, Ennesen, Esselen, and Chumash tribes between San Francisco Bay and Santa Barbara. Most of the tribes hunted and gathered acorns and berries in the mountains and had their settlements in the lower country.

In the coast ranges there were many tribes and hundreds of rancherias. On Klamath River there lived three tribes speaking widely different languages and having a surprising number of villages. Some years ago one of my daughters and I rode on horseback through the rugged canyons of Klamath River and located the old village sites, and later verified their names and locations by the old Indians. To sum up: The Shaste Tribe had 137 villages (75 on Klamath River, 28 in Shasta and Yreka Valleys, 34 in Scott Valley); the Konomeho and Kahootineruk 24; the Karok 93; the Polikla 55—in all, 309 villages.

As an illustration of the memory of Indians you may be interested to know that many years ago I asked an old Shaste chief, known as Shaste or Moffit Creek Jake, to tell me the names and locations of the villages of his tribe. This he did, and I wrote them down on a large scale map of the region. There were 134. Several years later I visited another old chief, locally known as Bogus Tom

Smith, at his home in Klamath Canyon near Shovel Creek, and asked him the same question. He promptly sat down and gave me the names and positions of 135 villages. On returning to my California home and comparing the lists and maps I found that each had given me two villages overlooked by the other and that 134 were the same in both. An exactly similar experience was had with the Karok Indians, who in 1918 gave me the names and sites of their 93 villages in Klamath Canyon. Comparing these with a map on which I had platted the villages as given me by another member of the tribe, I found that they agreed exactly. The principal food of these tribes consisted of acorn mush, fresh and dried salmon and eels, quails, rabbits, and deer, supplemented according to season by native berries, nuts, roots, and greens.

The number of village sites now known for the whole State amounts to several thousand, indicating that the population was very much larger than ordinarily supposed.

Mr. LETTS. Have you any other suggestions with respect to these bills?

Mr. MERRIAM. No; not more than already stated, except to add that, in my judgment, the Kahn bill, with certain modifications that may be made hereafter, should prove helpful to all the Indians of the State, and would go a long way toward assuring the Indians that the Government accepts the moral obligation to try to atone, so far as practicable at this time, for the wrong done them in the past.

Mr. LETTS. We appreciate your statement very much. Without objection Doctor Merriam's analysis of the tribal and band names in the 18 treaties of 1851 and 1852 will be incorporated in the record at this point.

WASHINGTON, D. C., May 13, 1926.

HON. F. DICKINSON LETTS,
Chairman Subcommittee on Indian Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. LETTS: In compliance with your request I have made a rather careful examination of the so-called tribal names enumerated in the 18 California treaties of 1851 and 1852, published by the Senate in January, 1905. (32d Cong., 1st sess.)

The total number of the alleged tribes listed in the 18 treaties appears to be 126. Half a dozen of these are unidentifiable. Of the others, some are duplicated under different spellings, in some cases with different initial letters (resulting probably from illegible handwriting).

And a surprisingly large number are not tribal names at all but names of rancherias or villages. Thus, in the treaty of Camp Colus, September 9, 1851, the following are enumerated as tribes: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de. Of these 8 names 6 are villages (Co-ha-na, Tat-nah, Cha, Doc-duc, Toc-de, and Cham-net-co), leaving only 2 as tribes.

Another example is the treaty of October 6, 1851, with the Upper Klamath, Shasta, and Scott River Indians, of which six tribes or bands are mentioned, as follows: O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wet-sa-he-wa, and E-eh. One of these, I-da-kar-i-waka-ha, was a small band named for a local chief, while two I-ka-ruck at Hamburg, and Ko-se-tah at Yreka, were named for the locality—and so on. Not one has any tribal significance, all being Shaste.

It appears, therefore, that the great majority of so-called tribes enumerated in the 18 treaties are nothing more than local bands or villages—not more than 56 of the 126 being tribes.

On the other hand, in checking the treaty names against the names of the known California tribes it appears that more than 175 tribes are not included in the 18 treaties.

In other words, it is obvious that the treaty commissioners, in attempting to list the tribes of California, not only included a large number of villages, but—and this is far more important—mentioned less than a third of the actual tribes of the State. This, as I stated before your committee, is what would be expected, for not one in three of the California tribes were known to the Americans or Spanish-Mexicans in 1851.

The Raker bill, therefore, specifically limits its benefits to one-third of the tribes of the State, leaving two-thirds unprovided for.

And in the event of a decision in favor of the Indians, each and every individual must prove descent from one of the 18 treaty tribes—in many cases an extremely difficult procedure.

And finally, the Raker bill is silent as to how any Indians are to benefit if the suit is won, the bill failing to provide for administration of the fund.

The Kahn bill, on the other hand, irrespective of the amount finally appropriated, provides for immediate relief from present pitiful conditions. Moreover, the Kahn bill is constructive, outlining a definite policy under an unsalaried commission (to be appointed by the Federal Government and the Governor of California) with authority to begin at once by (when necessary) purchasing land, providing convenient water supplies—one of the most fundamental requirements of civilization—and in other ways assisting Indians in building sanitary homes and in establishing themselves on a stable self-supporting basis in agriculture or other industry so that they may become actual and self-respecting citizens.

Very truly yours,

C. HART MERRIAM.

STATEMENT BY FREDERICK G. COLLETT

The question raised by Dr. C. Hart Merriam as to whether or not Indian tribes of California who may not have been parties to the negotiation of the 18 treaties made in 1851 and 1852 could share as beneficiaries in any amount that might be recovered under the present provisions of H. R. 8036, is not a legitimate argument against that bill in favor of a counterproposal. It was the intention of those who wrote a like bill for the Sixty-sixth Congress and in rewriting it for each subsequent Congress that all California Indian tribes were beneficiaries thereunder. If amendments proposed by Congressman Lea are accepted, there can be no doubt but that the language employed provides that all tribes of Indians of California may be parties to the suit and may also be beneficiaries in any amount that may be won.

It should be noted that the question raised by Doctor Merriam as to how many tribes could share as beneficiaries does not in any substantial way apply as to the number of beneficiaries—merely as to the tribes represented in the 18 treaties, and those that may have been overlooked by the commission that negotiated the treaties.

Congress made provision in the Indian appropriation act of September 28 and 30, 1850 (9th Stat. 519, 532) for the negotiation of treaties with the Indians of California. It is evident that it was the intention of Congress to negotiate treaties with all tribes and bands of Indians of California. From the minutes and correspondence of the members of that commission, it is evident that it was their belief that they had in the 18 treaties included all tribes of Indians of California. If there were any tribes overlooked by the commission it was because those tribes were small and inaccessible and therefore not known to the commissioners.

In view of the destitute condition of the Indians of California, the justice of their claims and the unusually favorable administrative and congressional action with reference to their bill, we expect your committee, with such amendments as may be necessary, to safeguard the interest of all parties concerned, to report favorably upon H. R. 8036. For your ready reference as to the favorable history of this bill, we submit the following excerpts:

First. That the late Secretary of the Interior, Franklin K. Lane, under date of February 9, 1920, reported to the Senate on a similar jurisdictional bill, in part as follows:

"As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration."

That the Acting Secretary of the Interior, Alexander T. Vogelsang, a few days later, under date of March 9, 1920, in the report to the chairman of the House Committee on Indian Affairs, said in part:

"As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration."

Second. That the Senate and House Committee on Indians Affairs, following Secretary Lane's recommendation, unanimously reported to the Congress in part as follows:

"These Indians have long been pleading for an adjustment of their claims, and for reimbursement for the lands which were formerly occupied by them. Your committee therefore believes that they should have their cause fully and judiciously heard by the Court of Claims."

"We therefore believe that H. R. 12788 gets at the California Indian problem in a very fundamental and practical manner, and that it also gives the best assurance possible for a satisfactory and final and early settlement of the California Indian question. Further, this proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights." (Rept. No. 840.)

Third. That the present Secretary of the Interior, the Hon. Hubert Work, under date of February 10, 1925, said in part:

"As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States as well as of the Indians, recommendation is made that it receive your favorable consideration. Bills were introduced in previous sessions of Congress for a similar purpose, and extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives. These hearings, which have been printed under the title of 'Indian Tribes of California,' are dated March 23, 1920, and April 28 and 29, and contain a very full and complete history of the entire matter."

Fourth. That both congressional Committees on Indian Affairs, pursuant to the Secretary's report, reported to the Congress under date of February 12, 1925, in part as follows:

"Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allow any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill."

Fifth. That the bill passed both Houses of Congress on its Unanimous Consent Calendar.

Sixth. That there has never been, nor is there in the report of the Secretary of the Interior, under date of April 13, 1926, any denial that the claims of the Indians of California possess merit. On the contrary, their claims are regarded meritorious.

In his suggestion that these claims be not submitted to the Court of Claims, the Secretary says: "It would be easy to compute the amount that would be due, as there is little question as to the acreage involved." By this you will see that the Secretary of the Interior takes the California Indian claims out of the class of those of which it has been complained involved expensive and difficult litigation. There should be no delay nor unnecessary expense by giving the Court of Claims jurisdiction. Furthermore, it is a well-recognized fact that the Court of Claims is not a constitutional court, but a court especially created by the Congress and is just as much an agent of the Congress as any of its committees.

It has been shown that the United States Treasury has received from California on account of grazing in national forests, royalties from naval reserves and public lands; fees from the National Park Service from the sale of public lands and merchantable timber, \$62,477,180.50.

It has also been shown that these receipts are only a part of the amount actually received by the United States Treasury, and that at the Government's price for land and the amount that it is now receiving for the sale of timber, it has in its possession salable lands and timber, \$508,542,652.50.

It has further been shown that all of the lands of California, nearly 100,000,000 acres were once the proud possession of the California Indians, for which they have never received any compensation, and that the gratuitous appropriations of the Congress have been very meager compared with the value of the lands the Federal Government has taken. Indian tribes of other States have received in lands, goods, and money hundreds of millions of dollars for lands less valuable than those of California.

A nation that could afford to give \$25,000,000 to Russia for charitable purposes, that could, during the World War, appropriate \$100,000,000 for relief in Europe; that could out of the generosity of its heart lose to California on account of one foreign settlement (Belgium debt settlement, see p. 8088, Cong. Rec., Apr. 26) \$24,534,000; that could lose to the American people hundreds of millions of dollars in its debt settlement to the several countries of the world, is too rich, just, and self-respecting to allow a stain of the character that exists on account of the 18 unratified treaties with the Indians of California, to remain upon its escutcheon.

The Indians of California are asking but for a fair day in court in which to have their claims settled by the courts of their guardian, in accordance with legal and equitable principles and not that they should be called upon to compromise their rights by accepting an amount that may or may not be due them.

A just settlement of the claims of the California Indians by the Federal courts should be in lieu of any future gratuitous appropriations. We believe that such settlement will provide sufficient money to give these Indians the help they need. As to any judgment that may be found due the Indians of California, the bill provides that the Congress shall hereafter determine as to its expenditure. All amounts that may have been received or expended by the Federal Government for the benefit of the claimants under H. R. 8036 may at the date judgment is rendered, be charged as offsets against any amount that may be found due them.

Such a disposal of those claims by the Federal courts will place California Indians on a par with other citizens of that State. It will also make the State government unquestionably responsible for any additional relief for the care of indigent Indian persons, orphans, half-orphans, and abandoned children and the education of Indian children who reside in California.

It was the property of the California Indians taken by force and without compensation that saved the credit of the United States in the Civil War. California's mines helped to support the Union's credit. Had the gold and silver mined during the years from 1861 to 1864 been turned into the treasury of the Confederacy, as it might have been but for the loyalty of its people, the whole result of the war might have been different. The total value of precious metals shipped out of the coast State during the years 1861 to 1864 was \$186,012,460 which enabled the Union to pay the interest on its bonds according to agreement, thus restraining and limiting their depreciation. (P. 213, Eldredge's History of California.)

The total production of gold in California from 1848 to June 30, 1925, is \$1,790,796,003.

In cases testing the rights of California Indians to the recovery of lands and for compensation therefor the Supreme Court of the United States has repeatedly held—

First: That the Indians are wards of the Federal Government.
Second. That their rights to litigate have been lost because their guardian failed to present their claims to the proper tribunal before the statute of limitations had run, and that remedy, therefore, does not lie in the Federal courts without special legislation therefor.

"It is undoubtedly true that this Government has always recognized the fact that the Indians were its wards, and entitled to be protected as such, and this court has uniformly construed all legislation in the light of this recognized obligation. But the obligation is one which rests upon the political department of the Government, and this court has never assumed, in the absence of congressional action to determine what would have been appropriate legislation, or to decide the claims of the Indians as though such legislation had been had.

"It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race." (Lone Wolf v. U. S., 187 U. S. 553, 565.)

The congressional and administrative records show beyond all doubt that great injury has been done the Indians of California by the wholesale confiscation of their homes and lands, the failure of the United States Senate to ratify the 18 treaties, and the failure of Congress to provide for a judicial settlement of their claims. Therefore the only remedy for a satisfactory settlement and disposal of the claims of these Indians depends upon Congress giving the Federal courts jurisdiction to hear and determine the legal and equitable claims of these people.

STATEMENT OF JOHN COLLIER—Resumed

Mr. COLLIER. Analyzing the bill, I passed over a point which seems essential. The bill in the first section, first line, says (H. R. 8036):

That all claims of whatsoever nature that any tribe or band of Indians of California may have against the United States by reason of those certain 18 treaties ratified, etc.

It provides that they then may go into court and prosecute any claims they have by reason of those treaties.

Mr. LETTS. In section 2?

Mr. COLLETT. There is more in connection with that.

Mr. COLLIER (reading): By reason of those certain 18 treaties ratified by the chiefs and headmen of the several tribes and bands of Indians of California, which said treaties were submitted to the Senate of the United States by President Fillmore for ratification on the 1st day of June, 1852, or by deprivation of the lands and goods referred to in said treaties, or in the failure or refusal of the United States to compensate said tribes or bands of Indians for lands occupied and claimed by them, as referred to in said treaties, etc.

Line 7, page 2, attempts to introduce an interpretation of the word equitable. They are still confined to those treaties.

In section 2 there was a saving clause put in there, which if there were a different wording from section 1 would be a saving clause.

In lines 14 to 16, they have spoken about statutes of limitation:

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, notwithstanding lapse of time or statutes of limitation, or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the act of March 3, 1851.

That is the court of private land claims of which I spoke this morning.

Now, if section 1 read that the Indians could present any legal or equitable claim, making no reference to the lost treaties, and stating simply the occupancy under the treaty of Guadalupe Hidalgo, and then you kept the saving clause about any other tribunal, including the court of private land claims, then you might create a foundation for suit for damages against the United States which would not be debarred, not depending on the invalid 18 treaties, not disallowed by the failure to present claim to the court of private land claims. You might thus have a foundation for an effective suit for damages. So the bill as at one time drawn would permit suit for more than the 18 treaties.

Mr. COLLETT. It now permits suit only by the Indians of California.

Mr. COLLIER. For more areas.

Mr. COLLETT. It is more limited this year because the President objected to the fact that the Indians might lay claim to about 90

per cent of the acreage in California, and that the Government might be required to go to very considerable expense to defend its interest. The bill was more definitely drawn, limiting the Indians to the recovery prescribed by the 18 treaties.

Mr. COLLIER. By thus limiting it to the 18 treaties, how do you get the value of the saving clause in section 2 concerning the court of private land claims? Because that had nothing to do with the 18 treaties made simultaneously or afterwards?

Mr. COLLETT. The reason for that is that the Supreme Court has twice recently held, after fairly considering the case of the Indians, that they should have presented their case to the claims court.

Mr. COLLIER. Not in respect to the treaties; in respect to the prior occupancy of the Spanish grants. What I am trying to get at is that to obtain effective litigation means getting a bill making lawsuits possible, and the only way to do is to litigate under the treaty of Guadalupe Hidalgo and prior occupancy; if you limit it to the 18 treaties, you are nowhere.

Mr. LEA. On the point of who are the beneficiaries under this bill, it was my understanding that the original 18 reservations were for the benefit of all the Indians of California, and as we understood it, the President objected to relief going further than those 18 treaties, and section 1 is a concession to that attitude, but it was not my intention to deprive the Indians of equal right to participate in the benefits of it, and so it would be perfectly agreeable, with the consent of the committee, I will submit an amendment to have the bill construed in that way.

Mr. LETTS. In the light of what we have heard here to-day in the discussion, you may take your own time about preparing that or such other amendments as you think the committee ought to consider in connection with this, and we will be very glad to hear you at any time again.

Mr. LEA. Thank you very much.

Mr. LETTS. My conception of the bill is that that ought to be corrected if the bill is to be seriously considered, because we have a wardship with respect to all the Indians. We have to take care of them, and there is going to be considerable difficulty in administering this law, as I see it. We ought to think about that, because some of these claimants are going to have considerable difficulty in showing their rights, and that is one thing they will have to establish. As I see it, the only two things they have to establish to get a directed verdict would be that they were in line of descent from the tribes that participated in those 18 treaties, and the value of the land, and then the court would have to direct a verdict.

Mr. LEA. Section 7 permits the Secretary of the Interior to make a rule. It gives administrative authority to make determination of who are beneficiaries, but I think that your suggestion there is perfectly proper because this remedy was intended for the descendants of all of them, and it would not do to provide for some and let others go.

Mr. EVANS. And the 18 treaties proposition only affects the merits of the claim of the Indians.

Mr. LEA. Yes, and we yielded to the idea of letting that define or limit the relief, but that was not intended to limit beneficiaries.

Mr. EVANS. That would limit it to half the Indians of California instead of all the Indians of California.

Mr. LEA. According to Doctor Merriam.

Mr. LETTS. What is your estimate of the amount of money that the Raker bill would involve? Have you estimated that?

Mr. LEA. Only roughly. If it was figured at \$2.50 an acre for 7,500,000 acres, that would amount to about \$18,000,000, and then the other goods at \$1,800,000, would make approximately \$20,000,000. Then there are the department's offsets. I think they have stated or claimed eleven or twelve million dollars. Some of those will be subject to determination whether they are offsets or not.

Mr. LETTS. I had those figures in mind, but I did not know whether you figured the land at \$1.25 or not.

Mr. LEA. \$2.50, say, \$12,000,000, offsets the maximum amount of \$20,000,000, and from that the deductions that would be made of the price of land, because we could not possibly get \$2.50 for all of it, could not even contend that it would bring it down within a maximum of \$8,000,000, probably half that amount.

(Thereupon the subcommittee adjourned to meet again at the call of the chairman.)

COMMITTEE ON INDIAN AFFAIRS
MEMORIAL OF RICHARD CHENERY

STATE OF CALIFORNIA

35TH CONGRESS, }
2d Session. }

HOUSE OF REPRESENTATIVES.

{ REPORT
{ No. 150.

RICHARD CHENERY.

[To accompany Bill H. B. No. 851.]

—————
FEBRUARY 1, 1859.
—————

Mr. LEITER, from the Committee on Indian Affairs, made the following

R E P O R T .

The Committee on Indian Affairs, to whom was referred the memorial of Richard Chenery, asking payment for beef furnished the Indian agency in 1852 in the State of California, report :

That they have carefully examined into the subject matter of this claim, and find it to be correct, and that there is due to the claimant the sum he claims. The Commissioner of Indian Affairs, in his report, recommends the payment of the claim, and your committee concur in his recommendation.

The memorialist claims interest, which your committee think should not be allowed, and therefore report a bill for the amount of \$8,000, being the sum certified as correct by R. McKee, United States Indian agent, and also disbursing agent for California, the original certificate being on file with the memorial.

Congressional hearings re Indian affairs

1920-26

INDIAN TRIBES OF CALIFORNIA

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MARCH 23, 1920

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES.

HOMER P. SNYDER, New York, *Chairman.*

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ROYAL C. JOHNSON, South Dakota.
JOHN A. ELSTON, California.
FREDERICK W. DALLINGER, Massachusetts.
BENIGNO C. HERNANDEZ, New Mexico.
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JOHN N. TILLMAN, Arkansas.
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ZEBULON WEAVER, North Carolina.
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WASHINGTON
GOVERNMENT PRINTING OFFICE

INDIAN TRIBES OF CALIFORNIA.

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, March 23, 1920.

The committee met at 10.30 o'clock a. m., Hon. Homer P. Snyder (chairman), presiding.

The CHAIRMAN. We will proceed with the hearing, gentlemen, on H. R. 12788. Mr. Raker, the introducer of the bill is here, and we will be glad to hear him, particularly with regard to the nature of the claims that it is desired to present in the bill.

STATEMENT OF HON. JOHN E. RAKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. RAKER. Mr. Chairman, I would like to have the bill inserted in the record—printed as part of the record—and I ask also that the report of the Secretary of the Interior on the bill be inserted. It is short and to the point. It is favorable, and without reading it I ask that it go into the record.

Mr. CHAIRMAN. I prefer to have you read it, and without objection the bill and the report will go into the record.

(The papers referred to follow:)

A BILL Authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims of whatsoever nature which any tribes or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State, which lands are alleged to have been taken from them without compensation; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes or bands, against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claim or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by the aforesaid tribes or bands of Indians of California, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes, subject to approval by the Secretary of the Interior and the Commissioner of Indian Affairs and under contracts negotiated and approved as provided by existing law, and in no case shall the fees decreed by said court be more than 10 per centum of the amount of the judgment recovered by such cause, such fee to be paid from said judgment.

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1920.

MY DEAR MR. SNYDER: I am in receipt of your letter of February 28, 1920, referring for report a copy of H. R. 12788, authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians, as shown by the bill, is for compensation from the Government for lands formerly occupied and claimed by them in California, which lands are alleged to have been taken from them without payment and disposed of as public domain.

As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs, House of Representatives.

Mr. RAKER. Mr. Chairman, the assistant commissioner, Mr. Meritt, is also present, and before we get through with the hearing I would like to have you hear Mr. Meritt and also Dr. Wooster, of the department. I want to say, also, so that the committee may understand the situation fully, that we had the fullest cooperation and assistance—in fact the real preparation of this bill has been by the department, for the purpose of drawing a proper bill, so that it would not take the extra time of the committee in going over its form, as well as to harmonize the general legislation, and, as the report says, to protect the Indians and also the Government, so that the matter, if favorably acted upon by Congress, might be in such position that full, fair, and equitable trial might be had for the adjustment of these alleged rights.

This is rather an extensive question in a way, Mr. Chairman, and I am just a little bit hesitant as to the method—although I have it all arranged in my mind—of presenting it to the committee. To my mind there seems to be but one point in the matter before the committee, and that is to present to them a prima facie case that will justify the passage of the act by the House, and then as to the many ramifications, and the real legal question involved up to the Court of Claims for their determination.

At this juncture I desire to say that some of these Indians have had some little provision, and it might trickle along for many years. It is sort of revolving, rotating, but this bill authorizes the deduction of any benefits they have received, and then authorizes the court, of course, to adjudicate their rights, and deduct any benefits they have received, so that whatever small amount has been authorized may be deducted.

The CHAIRMAN. Mr. Raker, I would like to know something about the magnitude of these bands, as to their numbers and names, and so forth.

Mr. RAKER. I will get to that directly, Mr. Chairman. The Indian population in California to-day is stationary. There are about

20,000 in all, distributed throughout, say, 50 counties of the 58 of the State, and they are found in approximately 300 different bands or groups. I think that is a moderate estimate at that time. These bands are in the order of small villages and range in number from 15 to 600 persons. About 5,000 of these Indians are on small, inadequate, and undesirable reservations. The other 15,000 are known as nonreservation Indians.

The Indians of California up until now have been signally and pitifully overlooked, and left very largely to the mercy of the merciless elements. Now, the white settlers and the gold seekers, speaking with every respect to them, but they were ambitious and strong men, and when they found this wonderful territory up there they proceeded to take possession—not only proceeded to take possession, but kept possession.

While the Indians of other States have received millions of dollars for precisely the same rights in land not nearly so valuable, the only Indians in California who have received any considerable consideration whatsoever are those who have either been literally starving to death or those who have gone on the warpath, such as the Modoc Indians, who were compensated for their hostilities to the Government by removal to Oklahoma, where they were given reservations and educational opportunities. Right there I might interpolate it pays sometimes to fight. These same Indians were later given the privilege of returning to the Klamath Indian Agency in Oregon to share in the benefits of that reservation.

Under the Spanish and Mexican laws, which controlled prior to the cession of the territory to the United States, the Indians' right to occupancy was expressly recognized—that is in the old régime before the United States Government took over those territories. So far as these California Indians are concerned, our guaranty in the Treaty of Guadalupe Hidalgo which reserved for them their rights, in the land, and so forth, has proven to be a worthless scrap of paper.

The special agent of the Department of the Interior in his report of March 20, 1906, concerning this matter, said:

The treaty of Guadalupe Hidalgo, ceding California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of transfer. Under the Spanish and Mexican law the Indians had certain rights to the land they occupied and could not be legally evicted from it. The act of Congress (of Mar. 3, 1851) which provided for the settlement of titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement, the duty of first setting apart for Indian use all lands occupied by them. It may, therefore, be assumed that Congress considered that the Indians had substantial rights. It was a duty of the commission to investigate and confirm the Indian's title wherever Indians occupied lands included within the limits of Spanish and Mexican grants. Your special agent has found but two cases out of several hundred grants where this was done, Pauna and Santa Ynez, and in the latter case the terms of settlement were so uncertain that action is now pending in the State courts in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to substantiate the validity of their titles, but were prompt to appeal to the American law to evict the Indians, something they could not legally do under the terms of their grants.

Now, Mr. Chairman, I will insert in the record, and will read that particularly part of it here:

Be it further enacted, that it shall be the duty of the commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians.

I will say right here that while that commission was appointed to ascertain the rights of these Indians to land in California, it was practically all disposed of by the early and eager claimants of grants, as well as the early miners and early settlers that desired the land.

In this connection I am going to ask that there be inserted here 18 treaties that were entered into by the Indians, by these various bands and tribes of Indians, and the commissioner appointed by the Government with full authority to act, and when they came before the Senate they were simply refused approval.

The CHAIRMAN. Now since we have this printed compilation of those treaties, which I hold in my hand here, what is the use of printing them again? Why not refer right here to this document?

Mr. RAKER. I will defer that to the chairman, but will say this, that they are almost as scarce as hen's teeth, and I imagine the only ones to be had are those in the possession of the department. How is that, Mr. Merritt, aren't they very scarce?

Mr. MERITT. Yes; they are very scarce.

Mr. HERNANDEZ. I think we had better have it in the hearing, Mr. Chairman.

The CHAIRMAN. If it is the wish of the committee then, we will put it in.

Mr. RAKER. That is the only reason I make the suggestion.

The CHAIRMAN. I think we should cut out all of this that we can in the interest of economy.

Mr. RAKER. Yes; I agree with you. We have tried to get those copies but they are very scarce.

The CHAIRMAN. It is so ordered then, unless there is objection. (The paper referred to follows:)

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
January 19, 1905.

Ordered, That there be printed for the use of the Senate fifty copies of the following Indian treaties: Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R, Thirty-second Congress, first session.

Attest:

CHARLES G. BENNETT,
Secretary.

By H. M. ROSE,
Chief Clerk.

[32d Congress, 1st session.]

Message from the President of the United States, communicating eighteen treaties made with Indians in California, of the following tribes, viz:

- A. Taches, Cah-wai, &c., May 13, 1851.
- B. Ko-ya-te, Wo-la-si, &c., May 13, 1851.
- C. Chu-nute, Wo-wol, &c., June 3, 1851.
- D. Castake, Texon, &c., June 10, 1851.
- E. Iou-ol-umnes, We-chillas, &c., May 28, 1851.
- F. Das-pia, Ya-ma-do, &c., July 18, 1851.
- G. Mi-chop-da, Eskuin, &c., August 1, 1851.
- H. Noe-ma-noe-ma, &c., August 16, 1851.
- I. Colus-Willeys, Co-ha-na, &c., September 9, 1851.
- J. Cu-lu, Yas-si, &c., September 18, 1851.
- K. San Luis Rey, Kah-wē-as, &c., January 5, 1852.
- L. Dieguinos tribes, January 7, 1852.
- M. Si-yan-te, Pōto-yun-te, &c., March 19, 1851.
- N. How-ech-ees, Chook-chanees, April 29, 1851.
- O. Ca-la-na-po, Ha-bi-na-po, August 20, 1851.
- P. Sai-nell, Yu-ki-as, &c., August 22, 1851.
- Q. Poh-lik, or Lower Klamath, &c., October 6, 1851.
- R. Upper Klamath, Shasta, &c., November 4, 1851.

June 7, 1852: Read, and with the documents and treaties, referred to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.
January 18, 1905: Injunction of secrecy removed.
January 19, 1905: Ordered reprinted.

WASHINGTON, June 1, 1852.

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as described in the accompanying letter of the Secretary of the Interior, dated the 22d ultimo, with a copy of the report of the Superintendent of Indian Affairs for the State of California, and other correspondence in relation thereto.

MILLARD FILLMORE.

DEPARTMENT OF THE INTERIOR,
May 22, 1852.

SIR: I have the honor to transmit herewith, sundry treaties negotiated with various Indians in California, together with a report from the Commissioner of Indian Affairs, accompanied by a mass of documents relating to the subject.

It was my wish to bring these treaties to your notice as early a day as practicable, but most of them, it will be perceived, were not received until after the middle of February; and as they involved important principles and large expenditures of money, and as I learned that there was much opposition to them among the people of California, I did not feel justified in submitting them to you officially, until I could inform myself as to their merits, and be prepared to express myself with some degree of confidence as to the propriety of recommending their ratification or rejection. A slight examination of the treaties and accompanying documents will suffice to show that it is impossible to form such an opinion from the information now in possession of the department.

Hence it seemed to be proper, considering the importance of the subject, and the serious consequences likely to result from mistaken action, that the treaties should be committed to some suitable agent of the government, with instructions to examine them thoroughly, and make full report upon the expediency of ratifying, rejecting, or amending them. This course, I was gratified to believe at the time, met the approval of a portion at least of the delegation in Congress from the State of California. The duty of making the desired examination and report devolved on the Superintendent of Indian Affairs for California; but he has been prevented from attending to this and other important business of his office in the manner contemplated, in consequence of the unexpected delay in passing the deficiency bill, now before the Senate. He has, however, made a report, predicated on his general knowledge of the Indians in California and of the country, in which he expresses himself decidedly in favor of the ratification of the treaties; and inasmuch as the department has no present means of obtaining further or more reliable information, and as one of the senators from the State more immediately interested has complained in his place, that the treaties have been improperly withheld from the Senate, I now submit them for your consideration, and respectfully recommend that they be communicated to the Senate, to be disposed of in such way as that body in its wisdom shall direct.

I am, sir, with much respect, your obedient servant,

ALEX. H. H. STUART,
Secretary.

P. S. The treaties herein referred to are particularly described in the annexed schedule.

To the PRESIDENT OF THE UNITED STATES.

SCHEDULE.

A. Treaty at Camp Belt, May 13, 1851, made and concluded by George W. Barbour and the chiefs and headmen of the Ta-ches, Cah-wia, Yo-kol, Ta-lum-ne, wic-chum-ne, hol-cu-ma, To-e-neche, To-huc-mach, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes of California.

B. Treaty at Camp Keyes, May 30, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Ko-ya-tes, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine tribes of Indians in California.

C. Treaty at Camp Burton, June 3, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Chu-nute, Wo-wol, Yo-lum-ne, and Co-ye-tie tribes of Indians in California.

D. Treaty at Camp Persifer F. Smith, June 10, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh tribes of Indians in California.

E. Treaty at Dent's and Vantine's Crossings, May 28, 1851, made and concluded between O. M. Wozencraft and the chiefs and headmen of the Iou-ol-umne, We-chilla, Sucaah, Co-to-plammis, Chap-pah-sims, and Sage-wom-nes tribes of Indians in California.

F. Treaty at Camp Union, July 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the Das-pia, Ya-ma-do, Yol-lamer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-nuck, Nem-shaw, Bem-pi, and Ya-cum-na tribes of Indians.

G. Treaty at Bidwell's Ranch, August 1, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Mi-chop-da, Es-kuin, Ho-lo-lu-pi, To-to, Su-nus, Che-no, Bat-si, Yut-duc, and Sim-sa-wa tribes of Indians in California.

H. Treaty at Reading's Ranch, August 16, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Noe-ma-noe-ma, Y-lac-ca, and Noi-me-noi-me tribes of Indians in California.

I. Treaty at Camp Colus, September 9, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Colus-Willeys, Co-ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, and Toc-de tribes of Indians in California.

J. Treaty at the fork of Cosumnes river, September 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Co-lu, Yas-si, Loc-lum-ne, and Wo-pum-nes tribes of Indians in California.

K. Treaty at the village of Temecula, California, January 5, 1852, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the San Luis Rey, Kah-wé-as nations, and the Co-com-cah-ras tribe of Indians.

L. Treaty at the village of Santa Isabel, California, January 7, 1852, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Diequinos nation of Indians.

M. Treaty at Camp Frémont, March 19, 1851, made and concluded between Redick McKee, George W. Barbour, and O. M. Wozencraft, and the chiefs, captains and headmen of the Si-yan-te, Pō-to-yun-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-ache tribes of Indians in California.

N. Treaty at Camp Barbour, April 29, 1851, made and concluded between Redick McKee, G. W. Barbour, and O. M. Wozencraft, and the chiefs, captains, and headmen of the How-ech-ees, Chook-chances, Chow-chil-lies, Po-ho-nu-chus and Nook-choos, which five tribes acknowledge Nai-yak-qua as their principal chief; also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees, and Pos-kesas, which five tribes acknowledge Tom-quit as their principal chief; also the Wa-cha-et, Itachees, Cho-e-mem-nees, Cho-ki-men-as, We-mal-ches, and No-to-no-tos, which six tribes acknowledge Pas-qual as their principal chief.

O. Treaty at Camp Lu-pi-yu-ma, August 20, 1851, made and concluded between Redick McKee, and the chiefs, captains and headmen of the Ca-la-na-po, Ha-bi-na-po, Da-no-ha-bo, Mo-al-kai, Che-com, How-ku-ma, Cha-nel-kai, and the Me-dam-a-dec tribes of Indians in California.

P. Treaty at Camp Fernando Feliz, August 22, 1852, made and concluded between Redick McKee and the Sai-nell, Yu-ki-as, Mas-su-ta-ka-ya and Pomo tribes of Indians in California.

Q. Treaty at Camp Klamath, October 6, 1851, made and concluded between Redick McKee and the chiefs, captains and headmen of the Poh-lik, or lower Klamaths, Peh-tsick, or upper Klamath, and Hoo-pah, or Trinity river tribes of Indians in California.

R. Treaty at camp in Scott's Valley, November 4, 1851, made and concluded between Redick McKee, and the chiefs, captains and headmen of the O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wat-sa-he-wa, and E-eh tribes of Indians in California.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
May, 14, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, requiring me to report any information in my possession in relation to the treaties negotiated with the Indians in California, transmitted to you on the 13th ultimo, when they were respectively received here; the causes which induced me to delay their transmission; whether they embraced any new principle; whether, in my judg-

ment, the public interests would be promoted or impaired by their ratification, and any facts within my knowledge tending to elucidate the merits of these treaties.

In reply, I would most respectfully state, that the correspondence already sent to you, and the copies and extracts herewith of communications since received from the agents in California, and the Superintendent of Indian Affairs for that State, contain, it is believed, all the material information in relation to the treaties which has reached this office.

The dates at which the treaties were respectively received here are as follows:

1. Those negotiated by the board of commissioners were received February 18, 1852.
2. Those negotiated by Agent McKee were received on the same day.
3. Those negotiated by Agent Barbour were received February 2, 1852.
4. Those negotiated by Agent Wozencraft were received—one July 9; two September 22; three November 3, 1851, and two on February 18, 1852. The one received July 9 was represented in the letter enclosing it as a "copy," and it was not until recently that it was discovered to be an original.

The treaties were not transmitted to you at an earlier day because it was desirable to consider them all in connexion, and some of them, as above shown, were not received until recently, and because it was believed that further information was necessary to enable the department to judge correctly as to their merits and the action required in regard to their final disposition. It was known that the delegation in Congress from California were opposed to the treaties, and that there was violent opposition to them in the legislature of that State, where they were undergoing investigation. The final action of that body on the subject has not yet been ascertained. Under these circumstances it seemed to be prudent to take full time for inquiry and deliberation, especially as there was, and is, in my judgment, good reason to apprehend that the hasty rejection of the treaties would be followed by a general Indian war in California, disastrous to the interests of that State and the country at large.

Some of the stipulations of these treaties are regarded as new, the most important of which is that providing for an entire relinquishment of title by *some* of the tribes, and their permanent settlement *within the limits of a State on lands not previously owned by them*. This provision, as far as I know, is without precedent; but I am by no means prepared to say it is wrong. On the contrary, I am inclined to consider it both necessary and proper in consequence of the impracticability of removing the Indians beyond the limits of the State, and of the expediency of withdrawing them from their intermixture with the white population. Another peculiarity of these treaties is that they stipulate for no annuities to be paid in perpetuity or for a series of years, according to the common practice heretofore. In view of the probable necessity for future negotiations with these Indians, it is fortunate that a knowledge of the annuity system has not been introduced among them. It is a system fraught with evil, and when once adopted it is impossible to get rid of it.

The treaties also provide that all difficulties between different tribes or members of the same tribe shall be adjusted by the agent of the Government, and that controversies between Indians and whites shall be settled by the civil tribunals of the State. Should these provisions be energetically and faithfully enforced they would doubtless be productive of the most salutary results.

There are some other features of these treaties that might be characterized as novel, but they are not of sufficient importance to require particular notice.

With respect to the question whether the public interest would be promoted or impaired by their ratification I would respectfully refer to the accompanying communication from Superintendent Beale, whose remarks on this point appear to me to be reasonable and just. I entirely concur with him in opinion that a rejection of the treaties without the adoption of precautionary measures guarding against a general outbreak on the part of the Indians would be hazardous and unwise.

The papers heretofore and now communicated contain, I believe, all the facts within my knowledge calculated to elucidate the merits of the treaties. In considering this important and perplexing question it should not be forgotten that our Indian affairs in California, like everything else pertaining to that country, are in an extraordinary and anomalous condition.

Those entrusted with their management have had to contend with manifold embarrassments and difficulties. That they have made mistakes or fallen into errors is by no means a matter of surprise; it would be strange if they had not. Their conduct in some respects has been improper; I allude particularly to their making contracts for fulfilling treaties in advance of their ratification. In this they certainly acted without authority, but it is equally certain that they did not act without precedent. How far precedent and the pressure of the circumstances by which they were surrounded should excuse their unauthorized proceedings it is difficult, without more

perfect information than I possess, to determine; nor is it material to the present inquiry, as the merits of the treaties cannot be affected by the subsequent action of the agents by whom they were negotiated.

Very respectfully, your obedient servant,

Hon. A. H. H. STUART,
Secretary of the Interior.

L. LEA, *Commissioner.*

Report of E. F. Beale, Esq., Superintendent of Indian Affairs for the State of California.

WASHINGTON CITY, D. C., May 11, 1852.

SIR: In compliance with your directions of yesterday to report to you at my earliest convenience my views as to the merits of the treaties recently negotiated with the Indians of California, and particularly as to the expediency of ratifying or rejecting them, I have the honor to submit the following statement:

With reference to my views as to the merits of the treaties I state that I regard the general line of policy pursued by the commissioners and agents in negotiating with the Indians as proper and expedient under the circumstances. My own personal knowledge and experience in Indian affairs, and particularly in reference to the tribes within the State of California, incline me to the opinion that to secure their peace and friendship no other course of policy, however studied or labored it may have been, could have so readily and effectually secured the objects in view. My experience in Indian affairs has also convinced me of the fact that those who best understand the Indian character are exceedingly cautious and deliberate in their negotiations with them, and that precipitate counsels are invariably the results of ignorance, and generally terminate deplorably to both parties. The Indian by nature is suspicious, and although easily governed when his confidence has been obtained, it becomes almost impossible to treat with him after his suspicions have been aroused. A wise reference to these facts and considerations has doubtless influenced the commissioners in their negotiations, and it is proper that they should be duly considered on the present occasion.

The system of reservations as adopted in these treaties, is but the natural result and consequence of the policy pursued throughout, and may be stated to involve two important considerations, viz: whether the Indians are to have any lands set apart for them, and if so, whether those already selected for them may be justly considered as suitable and appropriate. Humanity and justice alike urge acquiescence in the former, while the following considerations suggest themselves to our attention in connection with the subject.

It is evident that if allowed to roam at pleasure, their early extinction is inevitable, and I am slow to believe that the Government, recognizing as it does, their possessory right to all the soil inhabited by them, would deny them the occupancy of a small portion of the vast country from which such extraordinary benefits are in progress of receipt.

The impracticability of removing them east of the mountains, or so far north or south as to avoid the evils which their proximity to the whites may induce, is apparent from the following considerations.

Much has been said of late in relation to an entire removal of the Indians to the eastward of the Sierra Nevada, and this fact is a painful proof of the entire ignorance of those who advocate the practicability of the measure. When we consider that our topographical knowledge of the interior of Africa is quite as extensive and definite as that which we possess of the eastern slope of this range, it is not difficult to imagine how vastly mistaken are those who look only upon the level surface of a map for information. It is vain to expect that they could be forced in this direction, since all the information which we have of that region of country (and theirs is presumed to be more extensive than our own) is directly opposed to the idea of assigning them to a location supposed to be at best a waste and barren desert. Those individuals who have attempted the exploration of this country have but partially succeeded. They report it as abounding with vast deserts, almost unrelieved by verdure of any description, and that any spot boasting any species of vegetation is already occupied by other Indians. The only known river of any size within this section of the country is the Colorado. The valley of this river is reported by the few bold and hardy trappers of the Rocky Mountains, from whom our only information is derived, as abounding with Indians as far as any have had the courage to explore it, and it is this valley, already filled with an Indian population, which has been suggested as a location for the Indians of California.

To move them north would be but to add one hundred thousand Indians to the already overflowing Indian population of the territory of Oregon. To remove them south is but to place them directly in the line of our southern emigration; thus exposing the lives and property of our citizens, for it requires no vivid imagination to picture the results of a meeting between savages, infuriated by a forcible removal from the homes of their fathers, and an emigration wearied by a march of two thousand miles over a trackless wilderness. In addition to this, it may be well to consider that our treaty stipulations of 1848 with Mexico, forbid our colonizing them on her borders, and to move them in this direction would, to some extent at least, impair the obligations thus solemnly imposed. It may also add insurmountable difficulties to those already existing in opposition to the projected railroad to the Pacific in this direction.

With reference to the character or quality of the land reserved by the treaties for the Indians, I can only speak from personal observation with regard to those selected in the southern portion of the State. They are such as only a half-starved and defenceless people would have consented to receive, and, as a general thing, embrace only such lands as are unfit for mining or agricultural purposes. Admitting, however, that some of these reservations contain gold enough to add a few thousands even, to the many millions taken from the soil, I ask, is it not expedient and politic to permit them to take them, especially since the rejection of the treaties will have a tendency to bring discredit upon the Government and render futile all subsequent attempts at negotiation?

The reservations made in the southern portion of the State are undoubtedly composed of the most barren and sterile lands to be found in California, and any change must, of necessity, be of advantage to the Indians. Those persons who complain of the reservations in the south have, in no instance, been able to point out other locations less objectionable or valuable than those already selected, and I am disposed to believe that, in no case of reservations under these treaties, will the lands reserved compare favorably with the agricultural and valuable portions of the State.

The necessity of reservations, and of protection to the Indians thus located, is strikingly set forth in a communication of a recent date, from R. McKee, esq., agent, addressed to yourself, and to which I have had access, in which he refers to the recent massacre of two or three villages by the whites, in which neither age nor sex were spared inhuman butchery. The communication closes with some wholesome advice on the subject of reservations, which I cannot refrain from recommending to your attention.

The stipulations contained in these treaties which appear to me to be objectionable, are those which refer especially to the supply of agricultural implements, and the establishment of schools among them. With regard to the first, I am of the opinion that the tribes and bands treated with are not disposed, nor can they be induced at the present time, to engage in agricultural pursuits; and that if the articles necessary for this purpose were furnished to them as stipulated, they would find their way into the possession of the whites without a consideration of value. I would suggest the expediency, therefore, of delegating authority to the agents in whose charge they may be placed, to deliver such articles of this character at the request only of such individuals of the tribes as manifest a desire to engage in this pursuit.

I am likewise of the opinion that the establishment of schools among them at the present time would not subserve their interests; their present state of civilization and advancement being such as to preclude the possibility of their appreciating the benefits to be derived from such instruction.

I regard the other provisions of the treaties, although they may be considered novel in their character, as both suitable and appropriate to the wants and desires of the Indians. The supply of beef-cattle for their present or temporary subsistence being limited, the comparative consideration given them for the extinguishment of their title to their lands, may be justly considered as trifling in amount, and especially so, if the objectionable features above stated are stricken out. Those provisions of the treaties stipulating brood-stock, have been wisely inserted, with a view, doubtless, to possess them of the means of subsisting and sustaining themselves after the period for the supply of beef-cattle shall have expired.

From the foregoing remarks you will perceive that my views of the merits of the treaties, as well as of the general policy pursued by the commissioners and agents in their negotiations, are favorable.

With reference to the expediency of ratifying or rejecting the treaties, I remark that, in my opinion, it would be unwise and injudicious in the extreme to reject them, even should it be deemed expedient and necessary hereafter, without previously preparing the minds of the Indians for such an event, and the offering, at once, of some suitable and proper substitute. To reject them outright, without an effort to retain their confidence and friendship, as already secured, by inducements of an equally advan-

tageous character with those already held out to them, would undoubtedly involve the State in a long and bloody war—disastrous and ruinous to her mining and commercial interests, and affecting more or less the prosperity of our whole country.

During the Indian war of last spring, whole mining districts were abandoned, and, although unacquainted with the statistics of the State, I will venture the remark that the exports of gold were less by millions during that period than during the months immediately succeeding. If this was the result of a war with a very few tribes, what may be considered as the effects of a war with the entire Indian population of California? Popular feeling prejudicial to the treaties has been assigned as a reason for their rejection, and can not the question be properly and naturally asked, will popular feeling point out a substitute? I venture the prediction in this matter, that an entire change in popular feeling will take place, at least among such as regard the Indians as having a right even to a bare and scanty living.

To those who regard the stipulations of these treaties as novel, I would simply remark that *beef* and *flour* are but substitutes for annuities in *money*, *powder*, *lead*, and *guns*, and that while the treasury is being drawn upon *annually* to fulfil the obligations of other treaties, these supplies are to *cease* after the short term of two or three years.

In conclusion, I would remind the Department that economy may be ill-timed in the present case, and prove but the certain cause of great and extraordinary expenditure; for it is not an easy matter to estimate the cost of an Indian war in California; the late report of the Quartermaster General of the Army, however, affords a faint outline, which economy warns us not to fill.

Very respectfully, your obedient servant,

EDWARD F. BEALE,
Superintendent Indian Affairs for California.

Hon. L. LEA,
Commissioner of Indian Affairs.

(A.) TREATY MADE AND CONCLUDED AT CAMP BELT, ON KING'S RIVER, IN THE STATE OF CALIFORNIA, MAY 13, 1851, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE TACHES, CAH-WAI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Belt, on King's river, in the State of California, on the thirteenth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit: the Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, Tu-huc-mach, In-im-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes.

ART. 2. It is agreed between the contracting parties that for any wrong or injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that a district of country between the Cah-wai river, or the first of the four creeks, and the Chou-chille river, to be laid off as follows, to wit: beginning at the point in the Cah-wai river where the southwestern line of the lands set apart for the Indians at the treaty made and concluded at Camp Barbour on the San Joaquin river, leaves said river for the Chou-chille river; running thence down the middle of the Cah-wai river to the Tulere or Tache lake; thence along the same in the direction of and to the mouth of King's river; thence up said river to a point six miles below where the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquin river as afore-

said, crosses said King's river; thence a line to the Chou-chille river to be run parallel to the aforesaid line crossing the San Joaquin and Fresno rivers, and intersecting the Chou-chille at the distance of six miles from said southwestern line; thence up the Chou-chille to said line and with it to the beginning on the Cah-wai river, shall be set apart and forever held for the sole use and occupancy of said tribes of Indians; in consideration of which, and the further consideration of permitting said tribes to hunt wild game and gather wild fruit, nuts, &c., in the hills and mountains between the Cah-wai and Chou-chille rivers, the said tribes hereby forever quit claim to the government of the United States to any and all lands to which they or either of them may ever have had any claim or title.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them,) with six hundred head of beef-cattle, to average five hundred pounds each, and five hundred sacks of flour, to average one hundred pounds each, for each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge with the following articles, to wit: fifty brood mares and two stallions, sixty cows and five bulls, twenty-four ploughs, twelve sets of harness complete, twenty-four work mules or horses, twenty-four yoke of California oxen, two hundred axes, two hundred hoes, one hundred spades or shovels, one hundred picks, all the necessary seeds for sowing and planting for one year, three thousand pounds of iron and six hundred pounds of steel, two thousand blankets, two flannel shirts and two pair of coarse pants for each man and boy over fifteen years of age, three thousand yards of lindsey cloth and the same quantity of cotton cloth, and the same of coarse calico for clothing for the women and children, fifty pounds of thread, five thousand needles, five hundred thimbles, and twelve dozen pairs of scissors, and one dozen good grindstones.

ART. 6. The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming, one blacksmith, and one skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house, and all other buildings necessary for the persons mentioned in this article to be furnished by the government, and for that purpose the government of the United States hereby retains and reserves to herself in the lands herein set apart for the Indians, not only the right to erect said buildings, but also the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government, and the right of way over any portion of said territory.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this thirteenth day of May, anno Domini eighteen hundred and fifty-one.

G. W. BARBOUR. [SEAL.]

Taches.

QUINTIN, his x mark, chief. [SEAL.]
JOSE ANTONIO, his x mark. [SEAL.]
SU-LIO, his x mark. [SEAL.]
ELARION, his x mark. [SEAL.]
GREGORIOR, his x mark. [SEAL.]

Notontors.

MANUEL, his x mark, chief. [SEAL.]
SANTIAGO, his x mark. [SEAL.]
INOCENTE, his x mark. [SEAL.]
ESTANISLAN, his x mark. [SEAL.]
JOSE QUINTIN, his x mark. [SEAL.]
JUAN, his x mark. [SEAL.]

We-mil-ches.

JULIANO, his x mark, chief.	[SEAL.]
OSE MARTIN, his x mark.	[SEAL.]
PEDRO, his x mark.	[SEAL.]
JOSE ANTONIO NICOLAS, his x mark.	[SEAL.]

Choi-nues.

VALENTINE, his x mark, chief.	[SEAL.]
JOSE, his x mark.	[SEAL.]
EBON, his x mark.	[SEAL.]
FRANCISCO, his x mark.	[SEAL.]
SATRONINE, his x mark.	[SEAL.]

Intimpeaches.

ANTONIO, his x mark, chief.	[SEAL.]
SISTO, his x mark.	[SEAL.]

Tu-huc-maches.

SYLVISTER, his x mark, chief.	[SEAL.]
CERVANTES, his x mark.	[SEAL.]

Tor-neches.

CASTRO, his x mark, chief.	[SEAL.]
JOSE ANTONIO, his x mark.	[SEAL.]

Holcumas.

HAMUCH, his x mark, chief.	[SEAL.]
TOMAS, his x mark.	[SEAL.]

Wic-chum-nes.

EHAL, his x mark.	[SEAL.]
MANUEL, his x mark.	[SEAL.]
IGNACIO, his x mark.	[SEAL.]
CHILO, his x mark.	[SEAL.]

To-lum-nes.

TO-HIL-NA, his x mark.	[SEAL.]
JOAQUIN, his x mark.	[SEAL.]

Cah-wais.

FRANCISCO, his x mark.	[SEAL.]
BAUTISTA, his x mark.	[SEAL.]
RAFAEL, his x mark.	[SEAL.]

Yo-kols.

ECHA, his x mark.	[SEAL.]
JUAN TAMATO, his x mark.	[SEAL.]
JOSE MARIA, his x mark.	[SEAL.]

Signed and sealed in duplicate, after being read and explained, in the presence of—

H. S. BURTON, *Interpreter.*

N. H. McLEAN, *Secretary.*

W. S. KING, *Assistant surgeon, U. S. Army.*

T. MOORE, *Second lieutenant 2d infantry.*

H. G. J. GIBSON, *Second lieutenant 3d artillery.*

(B.) TREATY MADE AND CONCLUDED AT CAMP KEYES, ON THE CAH-WAI RIVER, IN THE STATE OF CALIFORNIA, MAY 30, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE KO-YA-TE, WO-LA-SI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Keyes, on the Cahwai river, in the States of California, on the thirtieth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine, of the second part.

ARTICLE 1. The said tribes of Indians, jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the United States, and undertake, and promise on their part, to live on terms of peace and friendship with the government of the United States, and the citizens thereof, with each other, and with all Indian tribes.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals of either party, to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases, the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectually to suppress crime, and punish guilty offenders, the said Indian tribes, jointly and severally, promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning on the Cahwai river, where the northeastern line of the lands set apart for the Indians, at the treaty concluded at Camp Barbour, on the San Joaquin river, intersects said Cahwai river, thence up the middle of the said river to the two ponds, or small lakes, at the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line aforesaid crosses said river, thence with said line to the beginning. The other tract to commence at the northwestern terminus of Tulare or Tache lake, near the mouth of King's river, thence a straight line to the San Joaquin river, so as to intersect said river at the mouth of the slough that empties into said river on the south side, at or near what is known as the big bend of said river, thence up the middle of said river to where the southwestern line of the lands, set apart for the Indians at the treaty made and concluded at Camp Belt, on King's river, crosses the San Joaquin, thence with said line to King's river, and down said King's river to the lake, and to the beginning, reserving to the government of the United States the right of way, and the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government, in each of said territories.

ART. 4. In consideration of which the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all lands to which they, or either of them now have, or may ever have had any claim or title whatsoever.

ART. 5. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and eighteen hundred and fifty-two, it is agreed by the party of the first part, to furnish said tribes jointly, (to be distributed in proper proportions among them) with two hundred beef-cattle, to average five hundred pounds each, and two hundred sacks of flour, of one hundred pounds each, for each year.

ART. 6. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly, and free of charge, with the following articles of property, to wit: ten brood mares and one stallion, twenty cows and a bull, five large ploughs and five small ones, ten sets of harness complete, ten work mules or horses, ten yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty picks or mattocks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pants and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, the same of cotton, and the same of coarse calico for clothing for the women and children, twenty pounds of thread, two thousand needles, two hundred thimbles, five dozen pairs of scissors, and seven grindstones.

ART. 7. The United States agrees further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers as may be necessary, all to live among, work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers, to be supplied by said tribe, and continued only so long as the President of the United States shall deem advisable; a school-house and other buildings necessary for the persons mentioned in this article to be erected by the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names and affixed their seals, this day and year first written.

G. W. BARBOUR, [SEAL.]

Ko-ya-te.

PEDRO, his x mark. [SEAL.]
JOSE ANTONIO, his x mark. [SEAL.]
JOSE, his x mark. [SEAL.]
SANTIAGO, his x mark. [SEAL.]

Nu-chow-we.

CHULOGIUS, his x mark. [SEAL.]
CARLOS, his x mark. [SEAL.]
PABLO, his x mark. [SEAL.]

Wo-las-si.

IGNACIA, his x mark. [SEAL.]
ALEJO, his x mark. [SEAL.]
MARIANO, his x mark. [SEAL.]

Wack-sa-che.

CHO-O-PO, his x mark. [SEAL.]
JUAN, his x mark. [SEAL.]
JOSE ANTONIO, his x mark. [SEAL.]

Pal-wish-a.

TU-TROP, his x mark. [SEAL.]
GUADELUPE, his x mark. [SEAL.]
JUAN ANTONIO, his x mark. [SEAL.]

Po-kow-welle.

BO-CA, his x mark. [SEAL.]
IGNORIO, his x mark. [SEAL.]
ILARION, his x mark. [SEAL.]

Ya-wil-chi-ne.

ANTONIO, his x mark. [SEAL.]
JOAQUIN, his x mark. [SEAL.]
JOSE, his x mark. [SEAL.]

Signed and sealed in duplicate, after being read and explained, in the presence of—

H. S. BURTON, *Interpreter,*
KIT BARBOUR, *Secretary,*
E. D. KEYES, *Captain third artillery,*
J. C. FREMONT,
J. H. LENDRUM, *Brevet captain, third artillery.*

(C.) TREATY MADE AND CONCLUDED AT CAMP BURTON, ON PAINT CREEK, STATE OF CALIFORNIA, JUNE 3, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CHU-NUTE, WO-WOL, &C., TRIBES OF INDIANS.

A treaty of peace and friendship, formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States, to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-tie, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: To the Chu-nute and Wo-wol tribes, all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the Emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule river and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada, reserving to the government of the United States and to the State of California the right of way over said territories and the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government in each of said territories. In consideration of the foregoing, the said tribes of Indians jointly and severally forever quit claims to the government of the United States to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians, for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them) with two hundred beef cattle to average five hundred pounds each, for each year. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: thirty cows and two bulls, six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, two thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5. The United States agree further to furnish to each of said districts, a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working in wood (wagon maker or rough carpenter); one supervisor and such assistant school-teachers as may be necessary, all to live among, work for, and teach said tribes and such others as they may be required to work for and teach; said farmer,

blacksmith, worker in wood, and teachers, to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house and other buildings necessary for the persons mentioned in this article to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names and affixed their seals, this the day and year first written.

G. W. BARBOUR. [SEAL.]

Chu-nute.

JUAN, his x mark, chief.	[SEAL.]
CALISTRO, his x mark.	[SEAL.]
GASPAR, his x mark.	[SEAL.]
NICOLAS, his x mark.	[SEAL.]

Ya-lum-ne.

JOAQUIN, his x mark, chief.	[SEAL.]
JOSE MARIA, his x mark.	[SEAL.]
JUAN ANTONIO, his x mark.	[SEAL.]

Ka-ye-te.

JOSE ANTONIO, his x mark, chief.	[SEAL.]
JUAN MARIA, his x mark.	[SEAL.]
MANUEL, his x mark.	[SEAL.]

Wo-wol.

ANTONIO, his x mark, chief.	[SEAL.]
BI-TAR, his x mark.	[SEAL.]
ZA-CA-RI-AH, his x mark.	[SEAL.]
CO-MI-TEs, his x mark, chief.	[SEAL.]

Signed and sealed in duplicate, after having been read and fully explained, in presence of—

H. S. BURTON, *Interpreter.*

KIT BARBOUR, *Secretary.*

E. D. KEYES, *Captain third artillery.*

J. C. FREMONT.

W. S. KING, *Assistant surgeon, U. S. Army.*

I. H. LENDRUM, *Brevet captain, U. S. Army.*

J. HAMILTON, *Lieutenant 3d artillery.*

H. G. J. GIBSON, *Second Lieutenant 3d artillery.*

(D.) TREATY MADE AND CONCLUDED AT CAMP PERSIFER F. SMITH, AT THE TEXAN PASS, STATE OF CALIFORNIA, JUNE 10, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE "CASTAKE," "TEXON," &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Persifer F. Smith, at the Texon pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done individuals of either party, to the person or property of those of the other, no per-

sonal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following district of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning at the first forks of Kern river, above the Tar springs, near which the road travelled by the military escort, accompanying said commissioner to this camp crosses said river, thence down the middle of said river to the Carises lake, thence to Buena Vista lake, thence a straight line from the most westerly point of said Buena Vista lake to the nearest point of the Coast range of mountains, thence along the base of said range to the mouth or westerly terminus of the Texon pass or Cañon, and from thence a straight line to the beginning; reserving to the government of the United States and to the State of California, the right of way over said territory, and the right to erect any military post or posts, houses for agents, officers and others in the service or employment of the government of said territory. In consideration of the foregoing, the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all other lands to which they or either of them now have or may ever have had any claim or title whatsoever.

ART. 4. In further consideration of the premises and for the purpose of aiding in the subsistence of said tribes of Indians for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly, (to be distributed in proper proportions among them,) with one hundred and fifty beef cattle, to average five hundred pounds each, for each year. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5. The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working in wood, (wagon maker or rough carpenter;) one superior and such assistant school-teachers as may be necessary; all to live among, work for, and teach said tribes and such others as they may be required to work for and teach. Said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes, and continued only so long as the President of the United States shall deem advisable; a school house and other buildings necessary for the persons mentioned in this article, to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names, and affixed their seals, this the day and year first written.

G. W. BARBOUR. [SEAL.]

Texon.

VINCENTE, his x mark, chief.	[SEAL.]
CHICO, his x mark, chief.	[SEAL.]
PABLO, his x mark.	[SEAL.]
JOSE ANTONIO, his x mark.	[SEAL.]
MARTIN, his x mark.	[SEAL.]
FRANCISCO, his x mark.	[SEAL.]

Castake.

RAFAEL, his x mark, chief.	[SEAL.]
FRANCISCO, his x mark.	[SEAL.]
MANUEL, his x mark.	[SEAL.]

San Imirio.

JOSE MARIA, his x mark, chief. [SEAL.]
FRANCISCO, his x mark. [SEAL.]

Uvas.

ANTONIO, his x mark. [SEAL.]

Carises.

RAYMUNDO, his x mark, chief. [SEAL.]
JUAN, his x mark. [SEAL.]
JUAN DE DIOS, his x mark. [SEAL.]

Buena Vista.

APOLONIO, his x mark, chief. [SEAL.]

Sena-hu-ow.

JOAQUIN, his x mark, chief. [SEAL.]
EMITERIO, his x mark, chief. [SEAL.]
NICOLAS, his x mark. [SEAL.]
BENANCIO, his x mark. [SEAL.]

Holo-cla-me.

URBANO, his x mark, chief. [SEAL.]
OLORICO, his x mark. [SEAL.]

Soho-nuts.

JOSE, his x mark, chief. [SEAL.]
MARIANO, his x mark. [SEAL.]

To-ci-a.

FELIPPE, his x mark, chief. [SEAL.]
PEDRO, his x mark. [SEAL.]
URBANO, his x mark. [SEAL.]

Hol-mi-uh.

FRANCISCO, his x mark, chief. [SEAL.]
TOMAS, his x mark. [SEAL.]

Signed and sealed in duplicate, after having been read and fully explained in the presence of—

H. S. BURTON, *Interpreter.*

KIT BARBOUR, *Secretary.*

W. S. KING, *Assistant Surgeon, United States Army.*

J. H. LENDRUM, *Brevet captain, third artillery.*

J. HAMILTON, *Lieutenant, third artillery.*

H. G. J. GIBSON, *Second lieutenant, third artillery.*

WALTER M. BOOTH.

(E.) TREATY MADE AND CONCLUDED AT DENT & VANTINE'S CROSSINGS, MAY 28, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES COMMISSIONER, AND THE CHIEFS AND HEAD MEN OF IOU-OL-UMNES, WECHILLAS, &C. TRIBES OF INDIANS.

A treaty of peace and friendship, made and concluded at Dent & Vantine's Crossings, on the Stanislaus river, California, between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains and head men of the lou-ol-umne, We-chilla, Su-caah, Co-to-planemis, Chap-pah-sims and Sage-wom-nes tribes, of the other part.

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States.

ART. 3. Lest the peace and friendship hereby established between the United States and the said tribes be interrupted by the misconduct of individuals, it is expressly agreed that for injuries on either side no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate and, if practicable, to adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes, the party charged with the commission of the crime shall be promptly delivered up to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to justice in the same way.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid tribes, to wit: beginning at an acute bend of the river about half a mile distant from and above this place, running thence in a due line to the elbows of Toulumne, opposite the point fixed in the former treaty, and running down in a straight line eight miles on said river, from thence across the Stanislaus river on a line parallel with the first, thence up the middle of said river to place of beginning, to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever; *Provided*, that there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof. It is expressly understood and stipulated, that the right of way heretofore specified does not include the right of ferriage free of toll on the rivers within or bounding said reservation to persons other than those in the service or employ of the United States; the latter, however, shall pass free of toll; the said ferries to be under the control of the agent for the use and benefit of said bands and tribes of Indians.

ART. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the numerous and valuable presents made to them at this council, will furnish them, free of charge, with four hundred head of beef-cattle to average each five hundred pounds, two hundred sacks flour of one hundred pounds each, and two hundred head of goats, within the term of two years from the date of this treaty.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants) during the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl, one thousand yards calico, one thousand yards brown sheetings, ten pounds Scotch thread, two dozen pairs assorted scissors, four dozen thimbles, three thousand needles, one 2½ Pt. M. blanket for each man and woman over fifteen years of age; one thousand pounds iron and two hundred pounds steel; and in like manner for the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood-mares and one stallion, one hundred and fifty milch cows and nine bulls, four yoke of work cattle with yokes and chains, four work mules or horses, ten ploughs assorted sizes, ten sets harness for plough horses, seeds of all proper kinds for planting, thirty-five chopping axes, ten mattocks or picks, thirty-five hatchets, one hundred garden or corn hoes, thirty-five spades, and six grindstones. The stock enumerated above and the product thereof shall be marked or branded with such letters as will at all times designate the same to be the property of said tribe, and no part or portion

thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

ART. 8. The chiefs and captains aforesaid, for themselves and their respective tribes, stipulate to be active and vigilant in preventing the retreating to or passing through the district of country assigned them, of any absconding slaves or fugitives from justice; and further agree to use all necessary exertion to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred.

ADDITIONAL.

ART. 9. For and in consideration of the uniform friendly, honest and meritorious deportment of Captain Cornelius towards the American citizens, it is agreed and stipulated that the tract of land on which he now resides is hereby set apart for the sole use and occupancy of himself and his people, but not as a grant in fee simple, bounded as follows: beginning at a point on the northeast side of the Toulumne river, one quarter of a mile below How's ferry, running thence down said river three miles, thence out and back to the place of beginning, embracing a square of three miles; and in further consideration of his appreciation of our republican form of government, we hereby present him with an American flag, it being the first request made by him to us.

These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, [SEAL.]

For and in behalf of the Iou-ol-umnes.

CORNELIUS, his x mark. [SEAL.]
SALA-DO-NIA, his x mark. [SEAL.]

For and in behalf of the We-Chillas.

WE-CHILLA, his x mark. [SEAL.]
JOSE-TRIN-I-DAD, his x mark. [SEAL.]
LU-TEE-MA, his x mark. [SEAL.]
FRANCISCO, his x mark. [SEAL.]
NEN-TU-IA, his x mark. [SEAL.]
MANUEL, his x mark. [SEAL.]
IRAN-KA-LINO, his x mark. [SEAL.]
MANUEL, his x mark. (Grande.) [SEAL.]

For and in behalf of the Suc-caahs.

SUC-CAAH-KE, his x mark. [SEAL.]
YOU-IT-KA, his x mark. [SEAL.]

For and in behalf of the Co-to-pla-ne-mis.

PA-KI-NO, his x mark. [SEAL.]
FE-RE-SETO, his x mark. [SEAL.]

For and in behalf of the Chap-pah-sims.

FE-LIPPE, his x mark. [SEAL.]
NI-CO-LAS, his x mark. [SEAL.]

For and in behalf of the Sage-wom-nes.

YO-MIL-LO, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of--

E. S. LOWELL, *Secretary.*
A. JOHNSON, *Agent.*
F. BELCHER,
JOHN C. DENT,
S. D. ENT.

(F.) TREATY MADE AND CONCLUDED AT CAMP UNION, NEAR YUBA RIVER, JULY 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE DAS-PIA, YA-MA-DO, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Union, near the Yuba river, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Das-pia, Ya-ma-do, Yol-la-mer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-muck, Nem-shaw, Bem-pi, Ya-cum-na tribes, of the other part.

ARTICLE 1. The several tribes or bands above-mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing on Bear River, at the western line or boundary of Camp Far West; from thence up said stream twelve miles in a due line; from thence on a line due north to the Yuba river; thence down said stream twelve miles on a due line of the river; from thence south to the place of beginning, to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public building school houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds, two hundred (200) sacks of flour, one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient, after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand

yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper, to instruct said tribes in reading, writing, &c., and in the domestic arts, upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwellings, for the accommodation of the school teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of July, anno Domini one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Das-pia.
WEE-MAR, his x mark. [SEAL.]

For and in behalf of the Ya-ma-do.
OI-TA, his x mark. [SEAL.]

Yo-la-mir.
WAL-LE-PIE, his x mark. [SEAL.]

Wai-de-pa-can.
KA-MA-LA, his x mark. [SEAL.]

On-o-po-ma.
MAN-ARCK, his x mark. [SEAL.]

Mon-e-da.
WAL-LEM-HOOK, his x mark. [SEAL.]

Wan-nuck.
YU-ME-AN, his x mark. [SEAL.]

Nem-Shaw.
WAS-HI-MA, his x mark. [SEAL.]

Bem-pi.
TI-CO-LA, his x mark. [SEAL.]

Sa-cum-na.
YO-LO, his x mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—

GEORGE STONEMAN, *Lieutenant first dragoons,*
Commanding escort to Indian Commissioner.

JOHN CAMPBELL, *Assistant Surgeon,*
Escort to Indian Commissioner.

A. T. STIRLING,
E. S. LOWELL, *Secretary, U. S. Indian Agency.*

ADDENDA.—It is understood that the above-named boundary, running north from Bear river, will pass between Rough and Ready and Penn Valley; and in the event that a line due north from said point on said river should fail to do so, it will deviate so far as to include said valley in the reservation, and exclude Rough and Ready.

(G.) TREATY MADE AND CONCLUDED AT BIDWELL'S RANCH, ON CHICO CREEK, AUGUST 1, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE MI-CHOP-DA, ES-KUIN, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded near Bidwell's Ranch, on Chico creek, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Mi-chop-da, Es-kuin, Ho-lo-lu-pi, To-to, Su-nus, Che-no, Batsi, Yut-duc, Sim-sa-wa, tribes, of the other part.

ARTICLE 1. The several tribes or bands above mentioned, do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States. And furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart for the sole use and occupancy of the afore-said tribes of Indians, to wit: commencing at a point on Feather river, two miles above the town of Hamilton, and extending thence northerwestly to the northeast corner of Neal's grant, thence northwesterly along the boundaries of Neal's, Hensley's and Bidwell's grant to the northeast corner of the last named grant, thence north-easterly six miles, thence southeasterly parallel with the line extending from the beginning point to the northeast corner of Bidwell's grant to Feather river, and thence down said river to the place of beginning. *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public building, school houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with two hundred (200) head of beef-cattle, to average in weight five hundred (500) pounds each, seventy-five sacks of flour one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, two thousand yards calico and five hundred yards brown sheeting, twenty pounds Scotch thread and one thousand needles, six dozen thimbles and two dozen pairs scissors, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, one thousand pounds iron, one hundred pounds steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood mares and one stallion, one hundred milch cows and six bulls, four yoke work-cattle with yokes and chains, six work-niules or horses, twelve ploughs assorted sizes, seventy-five garden or corn hoes, twenty-five spades, four grindstones. The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in

reading, writing, &c., and in the domestic arts upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwelling for the accommodation of the school-teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this first day of August, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Mi-chop-da.

LUCK-Y-AN, his x mark. [SEAL.]

For and in behalf of the Es-kuin.

MO-LA-YO, his x mark. [SEAL.]

For and in behalf of the Ho-lo-lu-pi.

WIS-MUCK, his x mark. [SEAL.]

For and in behalf of the To-to.

WE-NO-KE, his x mark. [SEAL.]

For and in behalf of the Su-nus.

WA-TEL-LI, his x mark. [SEAL.]

For and in behalf of the Che-no.

YO-LO-SA, his x mark. [SEAL.]

For and in behalf of the Bat-si.

YON-NI-CHI-NO, his x mark. [SEAL.]

For and in behalf of the Yut-duc.

SO-MIE-LA, his x mark. [SEAL.]

For and in behalf of the Sim-sa-wa.

PO-MA-KO, his x mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—

EDW. H. FITZGERALD, *Brevet major first dragoons.*
GEORGE STONEMAN, *Lieutenant first dragoons.*
THOMAS WRIGHT, *second lieutenant second infantry.*
J. BUDWELL.

(H.) TREATY MADE AND CONCLUDED AT READING'S RANCH, ON COTTON WOOD CREEK, STATE OF CALIFORNIA, AUGUST 16, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE NOE-MA, &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Reading's ranch, on Cotton Wood creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz: Noi-ma, Noe-ma, Y-lac-ca, No-me, Noi-me.

ARTICLE 1. The several bands or tribes above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the territory ceded to them by a treaty of peace, made between them and the Republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility

and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid tribes or bands, to wit: commencing at a point at the mouth of Ash creek, on the Sacramento river, running up the east branch of said river twenty-five miles, thence on a line due north to the Pitt fork of the said river, thence down said river to the place of beginning.

It is further understood and agreed upon by both parties, that the tribes or bands of Indians living upon the Shasta, Nevada, and Coast ranges, shall be included in the said reservation; and should said bands not come in, then the provisions, &c. as set apart in this treaty, to be reduced in a ratio commensurate with the number signing said treaty; *Provided*, that there is reserved to the United States government the right of way over any portion of said territory, and the right to establish any military post or posts, public buildings, schoolhouses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians.

The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred head of beef-cattle to average in weight five hundred pounds, and seventy-five sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one lincsey gown for each woman and girl, two thousand yards calico and five hundred yards brown sheeting, twenty pounds Scotch thread and one thousand needles, six dozen thimbles, two dozen pairs scissors, one 2½-point Mackinaw blanket for each man and woman over fifteen years of age; one thousand pounds iron, one hundred pounds steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: seventy-five brood-mares and four stallions, three hundred milch cows and sixteen bulls, four yoke work-cattle with yokes and chains, ten work-mules or horses, twelve ploughs assorted sizes, seventy-five garden or corn hoes, twenty-five spades and four grindstones.

The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at and near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts upon the manual labor system. All the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President may deem advisable.

The United States will also erect suitable school-houses, shops and dwellings for the accommodation of the school teachers and mechanics above mentioned, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this sixteenth day of August, one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, [SEAL.]
United States Indian agent.

For and in behalf of the Noi-ma.

OIS-NO, his x mark. [SEAL.]

For and in behalf of the Noe-ma.

CHIP-CHIN, his x mark. [SEAL.]

For and in behalf of the Y-lac-ca.

CHA-OO-SA, his x mark. [SEAL.]

For and in behalf of the No-me.

CHIP-CHO-CHI-CAS, his x mark. [SEAL.]

For and in behalf of the Noi-me.

NEM-KO-DE, his x mark. [SEAL.]

For and in behalf of the Oy-lac-ca.

NUM-TE-RA-RE-MAN, his x mark. [SEAL.]

PAN-TE-LAS, his x mark. [SEAL.]

DO-HI-WI-CKA-LA, his x mark. [SEAL.]

NUM-TE-RE-MUCK, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained in the presence of—

J. MCKINSTRY, *Brevet major U. S. army,*

S. B. SHELDEN,

ALEXANDER LOVE.

(I). TREATY MADE AND CONCLUDED AT CAMP COLUS, ON SACRAMENTO RIVER, CALIFORNIA, SEPTEMBER 9, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE COLUS, WILLAYS, &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento river, California, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de.

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression toward the government or citizens thereof, and to live on terms of peace and friendship among themselves, and all other Indians which are now or may come under the protection of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be and is hereby set apart forever, for the use and occupancy of the aforesaid tribes or bands, to-wit: commencing on the east bank of the Sacramento river, at a point where the northern line of Sutter's claim is said to strike said river, running out in said line in an easterly direction three miles; thence in a southeasterly direction fifteen miles to a point within three miles of the Sacramento river; from said point in a line due west to the Sacramento river, and from said point up said river to the point of beginning. It is furthermore understood and agreed upon by both parties that the tribes or bands of Indians living upon the adjacent coast range, on the Sacramento river from the mouth of Stone creek to the junction of Feather and Sacramento rivers, and on Feather river to the mouth of Yuba river, shall be included in the said reservation; and should said bands not come in, then the provisions, &c., as set apart in this treaty, to be reduced in a ratio commensurate with the numbers signing the treaty. *Provided*, That there is reserved to the United States government the right of way over any portion of said territory, and the right to establish and maintain any military post, public building, school-house, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making allotments upon the said reservation, the United States, in addition to the few presents made to them at this council, will furnish them, free of charge, with two hundred and fifty (250) head of beef-cattle to average in weight five hundred (500) pounds, seventy-five (75) sacks flour one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants,) during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl, one thousand yards calico, and two hundred and fifty yards brown sheeting, ten pounds Scotch thread and five hundred needles, three dozen thimbles and one dozen pairs of scissors, one two and a half point Mackinaw blanket for each man and woman over fifteen years of age; five hundred pounds iron and fifty pounds steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: forty brood-mares and three stallions, one hundred and fifty milch cows and eight bulls, two yoke of work cattle with yokes and chains, five work mules or horses, eleven ploughs assorted sizes, forty-five garden or corn hoes, thirteen spades, and two grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also supply and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the schools, teachers and mechanics above mentioned, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this ninth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Colus.

SCI-OAC, his x mark. [SEAL.]

For and in behalf of the Willays.

HO-OAK, his x mark. [SEAL.]

For and in behalf of the Co-he-na.

LOUIS, his x mark. [SEAL.]

For and in behalf of the Tat-nah.

HOO-KA-TA, his x mark. [SEAL.]

For and in behalf of the Cha.

LA-LOOK, his x mark. [SEAL.]

For and in behalf of the Doc-duc.

MI-KA-LA, his x mark. [SEAL.]

For and in behalf of the Cham-net-co.

WI-TE-BUS, his x mark. [SEAL.]

For and in behalf of the Toc-de.

CO-NE, his x mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—

THOMAS WRIGHT, *Second Lieutenant, 2d infantry, Commanding escort.*

C. D. SEMPLE.

(J.) TREATY MADE AND CONCLUDED AT THE FORK OF THE COSUMNES RIVER, SEPTEMBER 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE CU-LU, YAS-SI, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at the fork of Cosumnes river, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Cu-lu, Yas-si, Loc-lum-ne, and Wo-pum-nes.

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian Bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing at a point on the Cosumnes river, on the western line of the county, running south on and by said line to its terminus, running east on said line twenty-five miles, thence north to the middle fork of the Cosumnes river, down said stream to the place of beginning; to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds, two hundred (200) sacks of flour, one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts, upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period five years, and as long thereafter as the President shall deem

advisable. The United States will also erect suitable school-houses, shops and dwellings, for the accommodation of the school teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Cu-lu.
MI-ON-QUISH, his x mark. [SEAL.]

For and in behalf of the Yas-si.
SAN-TEA-GO, his x mark. [SEAL.]

For and in behalf of the Loc-lum-ne.
POL-TUCK, his x mark. [SEAL.]

For and in behalf of the Wo-pum-nes.
HIN-COY-E, his x mark. [SEAL.]
MAT-TAS, his x mark. [SEAL.]
HOL-LOH, his x mark. [SEAL.]
BOY-ER, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—

FLAVEL BELCHER.
J. B. MCKINNIE.
WILLIAM RHOAD.

(K.) TREATY MADE AND CONCLUDED AT THE VILLAGE OF TEMECULA, STATE OF CALIFORNIA, JANUARY 5, 1852, BETWEEN THE UNITED STATES INDIAN AGENT, O. M. WOZENCRAFT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE SAN LOUIS REY, KAH-WE-AS, AND THE CO-COM-CAH-RAS TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at the village of Temecula, California, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the captains and head men of the following nations, viz: The nation of San Louis Rey Indians, the Kah-wé-as, and the tribe of Co-cóm-cah-ras.

ARTICLE 1. The several nations above mentioned do acknowledge the United States to be the sole and absolute sovereigns of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said nations of Indians acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations, it is hereby stipulated and agreed that the following district of country in the State of California shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid nations of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southwest corner of the San Jacinto grant, and running along the southern and eastern line of the same to the San Gorgonio grant; thence running along the southern and eastern line of the same to the northeastern corner thereof; thence due east to the eastern base of the Sierra Nevada mountain; thence on a southerly straight line in the general direction of the base of said mountain to a point due east of the northeastern corner of the grant of San José del Valle; thence due west to said corner; thence along the northeastern line of the same to the northwestern corner; thence on a direct line to the southern corner of the grant of Temecula; thence running around said grant, including it, by west, north and east, to its northeastern corner, and from thence on a straight line to the place of beginning. To have and to hold the said district of country for the sole use and occupancy of said Indian nations forever: *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and school purposes, and such others as they may deem necessary for its uses or the protection of the Indians. The said

nations and their tribes, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said nations of Indians in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, with two thousand five hundred head of beef-cattle to average in weight five hundred pounds, three hundred and fifty sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said nations in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants,) during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl; seven thousand yards calico, seventeen hundred yards of brown sheeting, seventy pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen years of age; seven thousand pounds of iron and six thousand pounds of steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: one hundred and thirty brood-mares and seven stallions, six hundred young cows, thirty-six bulls, twenty yoke of working oxen with yokes and chains, twenty work mules or horses, forty-two ploughs, assorted sizes, three hundred and forty corn hoes, one hundred and forty spades, and twenty grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said nations, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the school-teachers, mechanics, agriculturists and assistants above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fifth day of January, in the year of our Lord one thousand eight hundred and fifty-two.

O. M. WOZENCRAFT, [SEAL.]
United States Indian Agent.

For and in behalf of the San Luis Rey Indians.

PEDRO, (Ka-wa-wish) of the Mission, his x mark.	[SEAL.]
CISTO, (Go-no-nish) of Las Flores, his x mark.	[SEAL.]
BICENTE, (Poo-clow) of Buena Vista, his x mark.	[SEAL.]
PABLINO, (Coo-hac-ish) of Pala, his x mark.	[SEAL.]
FRANCISCO, (Pah-hoo-vole) of Pauma, his x mark.	[SEAL.]
JOSE, (Cah-lac) of El Potrero, his x mark.	[SEAL.]
CALISTRO, (Chah-cwal-ish) of Yah-peet-cha, his x mark.	[SEAL.]
SANTIAGO, (Yu-loke) of La Joya, his x mark.	[SEAL.]
PEDRO, (Pal-e-gish) of La Puerta, his x mark.	[SEAL.]
BRUNO, (Cwah-si-cat) of Puerta Cruz, his x mark.	[SEAL.]
YSIDRO, (To-sho-vwul) of Tovin, his x mark.	[SEAL.]
CERVANTES, (Ca-hal) of Ahuanga, his x mark.	[SEAL.]
LAURIANO, (Cah-par-ah-pish) of Temecula, his x mark.	[SEAL.]
JOSE NOCA, (Chan-gah-lang-ish) of Agua Caliente, his x mark.	[SEAL.]
JOSE YGNACIO, (Tosh-mah-ken-ma-wish) of San Ysidro, his x mark.	[SEAL.]

For and in behalf of the Kah-wé-as nation of Indians.

JUAN ANTONIO, (Coos-woot-na) chief, his x mark.	[SEAL.]
LEONARDO, (Parlewit) of the people of Razon, his x mark.	[SEAL.]

For and in behalf of the people of Too-va.

FRANCISCO JAVIEL, (—) of Tierra Seca, his x mark.	[SEAL.]
JOSE, (Coos-pa-om-nu-it) of Pah-nuc-say, the country of Cabezon, his x mark.	[SEAL.]
JUAN, (Kah-we-a) of Pal-se-wish, his x mark.	[SEAL.]
GINIO, (—) of Wah-ne-pe-ah-pa, his x mark.	[SEAL.]
YLARIO, (Sah-too) of Wah-high-na, his x mark.	[SEAL.]
TEODORO, (Chu-cal) alcalde of Juan Antonio and of Cah-be-nish, or Palma Seca, his x mark.	[SEAL.]
YGNACIO, (Chin-gal) of the people of Toro of Pal-kay-witch-ish, or Agua Corta, his x mark.	[SEAL.]
JUAN BAUTISTA, (Sah-at) of Pow-ky, his x mark.	[SEAL.]
GERONIMO, (—) of Co-ro-vang-ang, his x mark.	[SEAL.]
VICTORIANO, (Kwe-vish) of Sow-wah-wah, his x mark.	[SEAL.]

For and in behalf of the people or tribe of Co-com-cah-ras, alias Serranos.

EMETERIO, (—) of Maronga, his x mark.	[SEAL.]
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Signed, sealed and delivered, after being fully explained, in the presence of—

J. J. WARNER,
G. WILLIAMS,
L. D. VINSONHALER,
R. SACKETT,
J. HAMILTON, *Secretary.*

ADDENDA.—In case the government of the United States and the actual proprietor of the Temecula grant cannot agree upon its purchase, the said government agrees to add some other portion of territory of equal extent to the above described Indian grant.

O. M. WOZENCRAFT,
United States Indian Agent.

J. J. WARNER, L. D. VINSONHALER, G. WILLIAMS, R. SACKETT,	} <i>Witnesses.</i>
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(L.) TREATY MADE AND CONCLUDED AT THE VILLAGE OF SANTA YSABEL, CALIFORNIA, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CAPTAINS AND HEAD MEN OF THE NATION OF DIEGUINO INDIANS, JANUARY 7, 1852.

A treaty of peace and friendship made and concluded at the village of Santa Ysabel, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the nation of Dieguino Indians, of the other part.

ART. 1. The several tribes of the abovementioned nation do acknowledge the United States to be the sole and absolute sovereigns of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said nation of Indians and the several tribes thereof, acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart forever, for the sole use and occupancy of the afore-said nation of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southern line of the State at the eastern base of the Sierra Nevada mountain and on the desert, and running along the base northerly to the southeastern corner of the reservation set apart for the Kah-we-as, San Luis, and Co-con-cah-ra nations of Indians, thence following the southern lines

of the same to the northwestern corner of the grant of the San Jose del Valle, thence following the boundaries thereof by south and east to the southeastern corner of it, thence on a right line to the northwestern corner of the San Felipe grant, thence on the western line of the same to the southwestern corner thereof, thence southerly to the southern line of the State at a point twenty miles from the place of beginning, thence along said southern line to the place of beginning: To have and to hold the said district of country for the sole use and occupancy of the said Indian nation forever; *Provided*, that there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians.

The said nations and tribes and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To the said nation of Indians, in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, one thousand eight hundred head of beef-cattle, to average in weight five hundred pounds, three hundred and fifty sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said nation in acquiring the arts and habits of civilized life, the United States will also furnish them the following articles, to be divided among them by the agent according to their respective numbers and wants in the different tribes, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, five thousand five hundred yards of calico, three thousand yards of brown sheeting, sixty pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one 2½-point Mackinaw blanket for each man and woman over fifteen years of age; six thousand pounds of iron and five thousand five hundred pounds of steel; and in like manner in the first year for the permanent use of said nation, and as the joint property of the several tribes thereof, viz: one hundred and twenty brood-mares and six stallions, five hundred young cows and thirty bulls, fifteen yoke working oxen with yokes and chains, sixteen work-mules or horses, thirty-two ploughs assorted sizes, and sixteen grindstones, and the necessary seeds of various kinds.

The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said nation, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, &c., and in the domestic arts upon the manual-labor system. All the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable.

The United States will also erect suitable school-houses, shops and dwellings for the accommodation of the school teachers, mechanics, agriculturists and assistants above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this seventh day of January, one thousand eight hundred and fifty-two.

O. M. WOZENCRAFT, [SEAL.]
United States Indian agent.

For and in behalf of the Dieguino Indians.

SANTIAGO, of Ha-coom, his x mark.
KWA-PI, of Ta-cah-tay, his x mark.
SOLDADO, of Matiom, his x mark.
NE-CAH, by COO-LIM, of Wah-ti, his x mark.
SURDO, of Sa-quan, his x mark.
AT-CHU-CAL, of Ha-soo-malc, his x mark.
TAH-CA-PAN, of Coquilt, his x mark.
LEANDRO, of San Diego mission, his x mark.
TADEO, of San Dieguito, his x mark.

[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]

LAZARO, of Santa Ysabel, his x mark. [SEAL.]
TOMAS, of Santa Ysabel, his x mark. [SEAL.]
AS-SO-TORE, of How-wee Vallecito, his x mark. [SEAL.]
PANTHO, of San Pascual, his x mark. [SEAL.]
JOSE APAN, of To-co-mac, his x mark. [SEAL.]
JUAN PABLO, of Ca-ma-jal, his x mark. [SEAL.]
MATEO (Co-nu-po-ip) of Tah-wee-his x mark. [SEAL.]
LOENZO (Cho-lo-pe) of Prickaway, his x mark. [SEAL.]
TAMOUROO, of Too-weal, his x mark. [SEAL.]
HEPERERA, of Mel-co-to-nac, San Felipe, his x mark. [SEAL.]
ELOO, of Mat-mak, La Puerta, his x mark. [SEAL.]
OON-AH-OON, of Lu-ah-pi, his x mark. [SEAL.]
FELIPE (Am-coo-si) of Matajuai, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—

DELAVIN DAVIDSON, *Captain 2d infantry.*
E. MURRAY, *Lieutenant 2d infantry.*
J. J. WARNER.

ADDENDA.—From the above district of country, set apart for the Indians, is reserved to the present owner thereof, the Hon. J. J. Warner, one square league at Aqua Caliente, to be selected by him for the purpose of improving the warm springs at said place, in case the said ownership be adjudicated in his (Warner's) favor by the land commissioners for California.

J. HAMILTON,
Secretary of the Indian agency.

(M.) TREATY MADE AND CONCLUDED AT CAMP FREMONT, STATE OF CALIFORNIA, MARCH 19, 1851, BETWEEN REDICK MCKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SI-YAN-TE, ETC., ETC., TRIBES OF INDIANS.

A treaty made and concluded on the nineteenth day of March, in the year eighteen hundred and fifty-one, at Camp Fremont, near the little Mariposa river, in the State of California, between Redick McKee, George W. Barbour, and Oliver M. Wozencraft, commissioners appointed by the President of the United States to treat with the various tribes of Indians in the State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Pó-to-yun-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-a-che tribes of Indians, of the other part.

ARTICLE 1. The said tribes of Indians severally acknowledge themselves to be under the jurisdiction, control and authority of the government of the United States, and as such, that they severally agree and pledge themselves to refrain in future from the commission of any act of hostility or aggression towards the government of the United States, or any of the citizens thereof, and to live on terms of peace and friendship, not only with the citizens of the United States, but with all Indian tribes.

ART. 2. The said tribes hereby severally relinquish, and forever quit claim to the government of the United States, all the right, title, claim, or interest, of whatsoever character, that they, or either of them may have had, or now hold, in and to any lands in the limits of the State of California, or the United States.

ART. 3. It is agreed between the contracting parties, that the district of land lying between the Mercede and Touolumne rivers, to wit: commencing at a point on the Mercede river, opposite the mouth of a small stream emptying into said river, on the south side of said river, about one mile above what was formerly known as Ford's ferry, now known as Stone and Company's ferry; running thence a direct line to the Touolumne river, striking or intersecting said river at the mouth of a gulch emptying into said river at a bend about two miles above Spark's old ferry, being at or near the foot of the first fall or rapids of said river, above said Spark's ferry; thence down the middle of said stream to a point one-half of one mile above Harr's ferry; thence a straight line across, so as to intersect the Mercede river at a point about one-quarter of one mile above the present residence of Dr. Lewis, on said stream; thence up the middle of said Mercede river to place of beginning; the said district, supposed to contain about four full townships of land, is hereby and shall be forever set apart and held for the occupancy of said tribes of Indians; and it is further stipulated, that said tribes shall have free access to all the country between the Mercede and Touolumne rivers, extending above said described district to the Sierra Nevada mountains, for the purpose of hunting and collecting fruits, nuts, &c.; but in no event shall they remove their women and children from the lands hereby set apart for their occupancy. The government of the United States reserving the right to establish a military post, and

to erect the necessary buildings for an agent or other officers, within the limits of said land.

ART. 4. In further consideration of the aforesaid premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to supply said tribes jointly with one hundred head of good beef steers, and one hundred sacks or barrels of flour, each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge by the government of the United States, the following articles of property, to be divided among said Indian tribes, according to their respective numbers, to wit: ten brood mares and one jack or stallion, twenty-five cows and one bull, five large and five small ploughs, ten sets of gear or harness complete, one hundred axes, one hundred hatchets, one hundred hoes, ten mattocks or picks, all necessary seeds for sowing and planting for one year, eight hundred pounds of iron, two hundred pounds of steel, two hundred pairs of two and a half point blankets, two flannel shirts and two pairs of coarse pants for each man and boy, one linsey gown for each woman and girl, two thousand yards of brown sheeting, two thousand yards of calico, twenty-five dollars worth of thread, needles, buttons, scissors, &c.

ART. 6. The United States agree further to furnish a man skilled in the art of farming, to live among and instruct said tribes, and such others as may be placed under his supervision, in the business of farming, one blacksmith, one man skilled in working in wood, (wagon maker or rough carpenter,) one superintendent, and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such other tribes as they may be required to work for and teach; said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes as aforesaid, for the period of five years, and as long thereafter as the President of the United States shall deem advisable; a school-house and other necessary buildings for the accommodation of the persons named in this article to be erected at the cost of the government of the United States.

ART. 7. It is further agreed between the parties, that for any violence done by individuals to the person or property of any citizen of the United States, by an Indian or Indians, of either of said tribes, or if done by a citizen or citizens of the United States, to the person or property of any of said tribes, or any of the members thereof, no personal retaliation shall be attempted, but the party aggrieved shall apply to the civil authorities of the country for a proper redress of their grievances; each party pledging themselves to bring, if possible, all guilty offenders to justice, by delivering them up to the officers of the law when in their power.

ART. 8. These articles of agreement to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the said parties have hereunto signed their names and affixed their seals upon the day and date above written.

REDICK McKEE, [SEAL.]
G. W. BARBOUR, [SEAL.]
O. M. WOZENCRAFT. [SEAL.]

For and in behalf of the Si-yan-te tribe.

TRAI-PAX-E, chief, his x mark. [SEAL.]
HABITO, his x mark. [SEAL.]
CO-TOS, his x mark. [SEAL.]
E-LI-UM, his x mark. [SEAL.]
AN-GOT, his x mark. [SEAL.]
HO-MO-LUCK, his x mark. [SEAL.]
PE-TE-LA, his x mark. [SEAL.]
MA-LA-TIA, his x mark. [SEAL.]
A-WAS-SA, his x mark. [SEAL.]

For and in behalf of the Po-to-yun-te.

BAU-TIS-TA, chief, his x mark. [SEAL.]
IA-WACK-NO, his x mark. [SEAL.]
LE-KEN-A, his x mark. [SEAL.]
US-SA, his x mark. [SEAL.]
FELIZ, his x mark. [SEAL.]
MAN-TU-PA, his x mark. [SEAL.]
WA-LIL, his x mark. [SEAL.]
HE-WO-WEE, his x mark. [SEAL.]
CHUCUS, his x mark. [SEAL.]

For and in behalf of the Co-co-noon.

MEN-O-LO, chief, his x mark. [SEAL.]
MAN-LIN-O, his x mark. [SEAL.]
JO-SE, his x mark. [SEAL.]
WAS-SAL-IS-CO, his x mark. [SEAL.]
JOSE VEN-TU-RA, his x mark. [SEAL.]

For and in behalf of the A-wal-a-che.

CY-PRI-ANO, chief, his x mark. [SEAL.]
WOO-MA-ACK, his x mark. [SEAL.]
AT-CA-NA, his x mark. [SEAL.]
AC-TON, his x mark. [SEAL.]
IO-TO-CO-NO, his x mark. [SEAL.]
HA-MA-CHA, his x mark. [SEAL.]

For and in behalf of the A-pang-as-se, or Appang-assa, tribe.

NU-MAS-E-CA-NO, chief, his x mark. [SEAL.]
CO-NO-TO, his x mark. [SEAL.]
PON-SIL-LO, his x mark. [SEAL.]
LO-PE-AC, his x mark. [SEAL.]

For and in behalf of the Aplache tribe.

HAW-HAW, chief, his x mark. [SEAL.]
OU-TU-PI-TU, his x mark. [SEAL.]
IN-TE-A-TA, his x mark. [SEAL.]
TAS-SE-O, his x mark. [SEAL.]
OU-MA, his x mark. [SEAL.]
WA-PA-TA, his x mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—

JOHN McKEE, *Secretary.*
ADAM JOHNSON, *Agent.*
H. S. BURTON, *Interpreter.*
E. D. KEYES, *Captain third artillery, commanding escort.*
I. H. LENDRUM, *First lieutenant 3d artillery.*
J. HAMILTON, *Lieutenant 3d artillery.*
T. MOORE, *Lieutenant 2d infantry.*
H. G. J. GIBSON, *Second lieutenant 3d artillery.*
N. H. McLEAN, *Second lieutenant 2d infantry.*
JOHN E. DURIVAGE.
THOS. J. ROACH.

(N.) TREATY MADE AND CONCLUDED AT CAMP BARBOUR, ON THE SAN JOAQUIN RIVER, STATE OF CALIFORNIA, APRIL 29, 1851, BETWEEN REDICK McKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE HOW-ECH-EES, &C., &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Barbour, on the San Joaquin river, California, between Redick McKee, George W. Barbour, and O. M. Wozencraft, commissioners thereto specially appointed, on the part of the United States, and the undersigned chiefs, captains and head men of the tribes or bands of Indians now in council at this camp, known as the How-ech-ees, Chook-cha-nees, Chow-chil-lies, Po-ho-nee-chees and Nook-choos, which five tribes or bands acknowledge Nai-yak-qua as their principal chief: also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees and Poskesas; which five tribes or bands acknowledge *Tom-quit* as their principal chief: also the Wa-cha-ets, Itachees, Cho-e-nem-nees, Cho-ki-men-as, We-mal-ches and No-to-no-tos, which six tribes or bands acknowledge *Pas-qual* as their principal chief.

ART. 1. The said tribes or bands acknowledge themselves jointly and severally, under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility, or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship hereby established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by

the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, and forever quit claim to the United States all the right, title, claim or interest of any kind they or either of them have or ever had to lands or soil in California.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby, set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit:—Beginning at a point in the middle of the Chonchille river, near an old Indian *rancheria*, called *Ta-ha-leel*, and immediately at the junction of the two first main forks of said river, in the foothills; running thence a straight line in a southwesterly direction, to the top of the point of the Table mountain, on the San Joaquin river, being the first high hill or mountain above and adjoining the valley in which the camp known as camp Barbour is established, on the south side of the San Joaquin river, continuing thence on the top of said mountain a straight line in the same southwesterly direction to the eastern base of what is known as the *Jone* or *lost mountain*, on the south side of King's river; continuing thence a line in the same direction to the middle of the Cowier river, generally known as the first of the Four creeks; thence down the middle of said stream to a point fifteen miles in a straight line from where the first line strikes it, thence back to the middle of the Chonchille river to a point fifteen miles distant, on a straight line from the starting point, as aforesaid, on said river; the said line from the Cowier river, or first of the Four creeks, to be so run as to cross King's, San Joaquin, and Fresno rivers at the distance of fifteen miles in a straight line from where the first line herein mentioned crosses each one of said rivers, and from where the last mentioned line strikes the Chonchille river, up the middle of said stream to the beginning; To have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever; *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school houses, houses for agents, teachers, and such others as they may deem necessary for their use, or the protection of the Indians; *And provided further*, That said tribes of Indians, or any portion of them, shall at all times have the privilege of the country east of the aforesaid district, and between the waters of the Conchille and Cowier rivers (or first of the Four creeks) to the foot of the Sierra Nevada mountains, to hunt and to gather fruits, acorns, &c.; but in no event are they or any of them to remove or settle their families beyond the limits of the first described district or boundary of land without the permission of the government of the United States through their duly authorized agent; and also that the said tribes shall never sell or dispose of their right or claim to any part thereof, except to the United States; nor shall they ever lease to, or permit white men to settle, work, or trade upon any part thereof, without the written permission of the Indian agent for the district. And it is also expressly understood that the *mona* or *wild portion* of the tribes herein provided for, which are still out in the mountains, shall, when they come in, be incorporated with their respective bands, and receive a fair and equal interest in the land and provisions hereinafter stipulated to be furnished for the whole reservation; and the tribes above named pledge themselves to use their influence and best exertions to bring in and settle the said *monas* at the earliest possible day; and when the Yo-semi-te tribe come in they shall in like manner be associated with the tribes or bands under the authority or control of *Nai-yak-qua*.

ART. 5. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the numerous and valuable presents made to them at this council, will furnish them free of charge, with five hundred head of beef cattle, (to average in weight five hundred pounds) and two hundred and sixty sacks of flour, (one hundred pounds each) during each of the years 1851 and 1852, to be divided among them by the agent, according to their respective numbers.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent,

according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz:

Two pairs strong pantaloons and two red flannel shirts for each man and boy, one linsey gown for each woman and girl; three thousand yards calico, and three thousand yards brown sheetings, thirty pounds Scotch thread, six dozen pairs scissors, assorted, one gross thimbles and five thousand needles, assorted, one two and a half-point Mackinaw blanket for each man and woman over fifteen years of age; three thousand pounds iron, and five hundred pounds steel. And in like manner, in the first year, for the *permanent use* of the said tribes, and as their joint property, viz:

Seventy-five brood mares and three stallions, one hundred and fifty milch cows and three bulls, twelve yoke of work cattle, with yokes, chains, &c.; twelve work mules or horses, thirty ploughs, (ten large and twenty small) thirty set harness for plough horses or mules; *seeds* of all proper kinds, for planting and sowing; one hundred chopping axes, one hundred hatchets, thirty mattocks or picks, three hundred garden or corn hoes, one hundred spades, fifteen grindstones, three United States flags, (one for each principal chief).

The stock enumerated above, and the product thereof, shall be marked or branded with such letters as will at all times designate the same to be the property of the said tribes, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall act as superintendent or director of agricultural operations, to reside at some central point, and to have two assistants, also men of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing plows, &c.; one blacksmith, to reside at some central point; three principal school teachers, and as many assistant teachers as the President may deem proper, to instruct said tribes in reading, writing, &c., and in the domestic arts of sewing, housekeeping, &c., upon the manual-labor system; all the above-named workmen and teachers to be maintained and paid by the United States, for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops, and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

These articles to be binding on the contracting parties, when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-one.

REDICK McKEE. [SEAL.]
G. W. BARBOUR. [SEAL.]
O. M. WOZENCRAFT. [SEAL.]

For and in behalf of the How-ech-ees.

NAI-YAK-QUA, his x mark. [SEAL.]
NO-CHEEL, his x mark. [SEAL.]
CHAL-WAK-CHEE, his x mark. [SEAL.]
PAR-SA, his x mark. [SEAL.]
PO-YAI, his x mark. [SEAL.]

For and in behalf of the Chook chanees.

CO-TUM-SI, his x mark. [SEAL.]
TI-MOH, his x mark. [SEAL.]
SA-WA-LAI, his x mark. [SEAL.]
A-CHAT-A-NA, his x mark. [SEAL.]
MI-E-WAL, his x mark. [SEAL.]

For and in behalf of the Chow-chil-lies.

PO-HO-LEEL, his x mark. [SEAL.]
E-KEENO, his x mark. [SEAL.]
KAY-O-YA, his x mark. [SEAL.]
A-PEM-SHEE, his x mark. [SEAL.]
CHO-NO-HAL-MA, his x mark. [SEAL.]

For and in behalf of the Po-ho-nec-chees.

PO-TOL, his x mark. [SEAL.]
CHEE-KO, his x mark. [SEAL.]
MOOCH-CAT-E, his x mark. [SEAL.]
HO-HAS-SEE, his x mark. [SEAL.]
COW-WAL, his x mark. [SEAL.]

For and in behalf of the Nook-choos.

PAN-WACH-EE, his x mark.	[SEAL.]
KET-TA, his x mark.	[SEAL.]
MUL-LU-CE, his x mark.	[SEAL.]
TAW-WICH, his x mark.	[SEAL.]
WAL-LIN, his x mark.	[SEAL.]

For and in behalf of the Pit-ca-chees.

TOM-QUIT, chief, his x mark.	[SEAL.]
YA-KO-WAL, his x mark.	[SEAL.]
TOO-TRO-MI, his x mark.	[SEAL.]
CHO-LUL, his x mark.	[SEAL.]
NE-SA-PLO, his x mark.	[SEAL.]

For and in behalf of the Cus-sons.

DOMINGO-PEREZ, his x mark.	[SEAL.]
TOM-MAS, his x mark.	[SEAL.]
JOSE-ANTONIO, his x mark.	[SEAL.]

For and in behalf of the Toom-nas.

HAT-CHU-LOO, his x mark.	[SEAL.]
TAP-PA, his x mark.	[SEAL.]
PO-SHA, his x mark.	[SEAL.]

For and in behalf of the Tallinchees.

CHO-KETE, his x mark.	[SEAL.]
PAL-LO-KOOSH, his x mark.	[SEAL.]
HOW-IL-ME-NA, his x mark.	[SEAL.]
SO-KUCH, his x mark.	[SEAL.]

For and in behalf of Pos-ke-sas.

KO-SHISH, his x mark.	[SEAL.]
KO-ITCH, his x mark.	[SEAL.]
COP-PI, his x mark.	[SEAL.]
WO-WAL, his x mark.	[SEAL.]

For and in behalf of the Wacha-ets.

PAS-QUAL, chief, his x mark.	[SEAL.]
WA-KEEN, his x mark.	[SEAL.]
JOSE ANTONIO, his x mark.	[SEAL.]

For and in behalf of the Itachees.

WA-TOO, his x mark.	[SEAL.]
A-POR-TRIA, his x mark.	[SEAL.]
TO-NAI-CHEE, his x mark.	[SEAL.]

For and in behalf of the Cho-e-nem-nees.

WAU-TOE-KI, his x mark.	[SEAL.]
HO-LET-TEE, his x mark.	[SEAL.]
TA-WEEN, his x mark.	[SEAL.]

For and in behalf of the Cho-li-men-as.

KO-HEEL, his x mark.	[SEAL.]
TRA-TRA-IT-SE, his x mark.	[SEAL.]
WOH-TON, his x mark.	[SEAL.]

For and in behalf of the No-to-no-tos.

PAS-QUAL, his x mark.	[SEAL.]
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For and in behalf of the We-mal-ches.

PAS-QUAL, his x mark.	[SEAL.]
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Signed, sealed and delivered, after being fully explained, in presence of—

JOHN MCKEE, *Secretary.*

JOHN HAMILTON, *Interpreter.*

ADAM JOHNSTON, *Agent.*

E. D. KEYES, *Captain third artillery, commanding escort.*

W. S. KING, *Assistant surgeon U. S. Army.*

I. M. LENDRUM, *First lieutenant 3d artillery.*

H. G. J. GIBSON, *Second lieutenant 3d artillery.*

N. H. MCLEAN, *Second lieutenant 2d infantry.*

I. F. A. MARR.

(O.) TREATY MADE AND CONCLUDED AT CAMP LU-PI-YU-MA, AT CLEAR LAKE, STATE OF CALIFORNIA, AUGUST 20, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CA-LA-NA-PO, HA-BI-NA-PO, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Lu-pi-yu-ma, on the south side of Clear Lake, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na-po tribe, represented by the chief, Ju-lio and captains; Ha-bi-na-po tribe, represented by the chief, Pri-e-to and his captains; Da-no-ha-bo tribe, represented by the chief, Ku-kee; Mo-al-kai tribe, represented by the chief, Moh-shan and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains; How-ku-ma tribe, represented by the chief, Chi-hec and his captains; Cha-nel-kai tribe, represented by the chief, Con-chu; and the Me-dam-a-dec tribe, represented by the chief, Co-e-u-e.

ARTICLE 1. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that for injuries received on either side, no private revenge or retaliation shall take place, or be attempted; but instead thereof, complaint shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim, or interest of any kind, which they or either of them have to lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guarantied to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from the valley of the Russian river or elsewhere, and settle thereupon, to wit: commencing at a point on Clear lake, where a spur from Mount McKee (heretofore called the Chemisal mountain) juts into the same; thence along a line running southwardly over said mountain and over the hills behind the same to the summit level of the mountains dividing the Clear lake valley from the waters of the Rio Dolores; thence westwardly along the same and along the summit of those dividing said valley from the waters of Russian river, to where said mountains meet those dividing said valley from the waters of Eel river; thence along said ridge to a point where said last-mentioned mountains meet those dividing said valley from the waters of the Sacramento; thence along the summit of the same to a point due north of the place of beginning; thence south to the said point. Containing all that part of the valley of Clear lake lying westward of said Mount McKee, the habitable part of said tract being by estimation about twelve miles in length by about six miles in width, together with the exclusive right of fishing in that part of said lake included within the foregoing boundaries. It is however expressly understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also, that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. And it is further understood and agreed that, if the tribe or band of Indians known as the Cho-tan-o-man-as, now living near the lower end of Clear lake,

but not directly represented in this council, shall so desire, the said tribe or band may remove to, and settle upon said reservation without further stipulation, and thereby become entitled to a just proportion of the land and other benefits contemplated in this treaty, as fully, according to their numbers, as if they were present and parties to this compact.

ART. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said lands, the United States, in addition to the presents of ten head of beef cattle, three sacks of bread, and sundry clothing, made to them at this council, will also furnish them, free of charge, at or near Vallejo, or elsewhere, as may be most convenient, with one hundred (100) head of beef-cattle, to average in weight five hundred pounds nett, and two hundred (200) sacks of flour of fifty pounds each, in all ten thousand pounds, during the present year (1851), and a like quantity in each of the years 1852 and 1853, to be divided among them by the agent according to their respective numbers.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: four hundred pairs strong pantaloons, four hundred cotton (hickory) shirts, three hundred linsey gowns, assorted, generally small, three thousand yards calico, three thousand yards brown sheeting, thirty pounds Scotch thread, six dozen pairs scissors, assorted, twelve dozen thimbles, five thousand needles, assorted, five hundred pairs two and a half point Mackinaw blankets, one thousand pounds iron, two hundred pounds steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood mares and one stallion, fifty milch cows and two bulls, eight yoke of work-cattle with yokes, chains, &c., two large wagons, eight pair work-mules or horses, (one pair for each tribe) four breaking ploughs, eight small ploughs, eight sets harness for plough horses or mules, seeds of all proper kinds for planting and sowing, one hundred chopping axes, small size, with handles, one hundred axes, half-size, with handles, twelve mattocks, thirty dozen butcher knives, two hundred garden or corn hoes, fifty heavy spades, four grindstones, one United States flag. The stock enumerated above and the product thereof, shall be marked or branded "U. S." and with such other letter or letters as will at all times designate the same to be the property of the said tribes; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with without the assent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their principal town or settlement, one practical farmer, who shall act as superintendent or director of all agricultural operations, to reside among them, with two assistants, all of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing ploughs, wagons, &c.; one blacksmith; one principal school-teacher, with two male and two female assistant teachers to instruct said tribes in reading and writing the English language, &c., upon the manual-labor system, as well as in the domestic arts of housekeeping; all the above-named teachers, farmers and mechanics to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The government of the United States will also erect suitable school-houses, dwellings, and shops for the accommodation of the teachers, farmers, and mechanics above specified, and for the protection of the public property.

ART. 8. These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twentieth day of August, anno Domini eighteen hundred and fifty-one.

REDICK McKEE, [SEAL.]
United States Indian Agent.

For and in behalf of the Ca-la-na-po tribe.

JU-LIO, his x mark, chief. [SEAL.]
CHA-CO-DA-NO, his x mark. [SEAL.]
PE-BOR-QUOR-TO, his x mark. [SEAL.]
MAH-CO-ME-A, his x mark. [SEAL.]
KOY-WY-NOL-YO, his x mark. [SEAL.]
KAI-A-DAN-O, his x mark. [SEAL.]

For and in behalf of the Ha-bi-na-po tribe.

PRI-E-TO, his x mark, chief. [SEAL.]
CHEE-NO, his x mark. [SEAL.]
KAH-LOOSE, his mark. [SEAL.]

For and in behalf of the Da-no-ha-bo tribe.

KU-KEE, his x mark, chief. [SEAL.]

For and in behalf of the Mo-al-kai tribe.

MOH-SHAN, his x mark, chief. [SEAL.]
YAH-TZA, his x mark. [SEAL.]
TEE-BEE, his x mark. [SEAL.]

For and in behalf of the Che-com tribe.

CAL-I-A-HIM, his x mark, chief. [SEAL.]
HAL-LE-TOC, his x mark. [SEAL.]
CO-TO-LO-YAH, his x mark. [SEAL.]
CHU-TE-YAN, his x mark. [SEAL.]

For and in behalf of the How-ku-ma tribe.

CHI-BEC, his x mark, chief. [SEAL.]
SAC-CON, his x mark. [SEAL.]
CHE-KAI, his x mark. [SEAL.]

For and in behalf of the Cha-nel-kai tribe.

CON-CHU, his x mark, chief. [SEAL.]

For and in behalf of the Me-dam-a-dec tribe.

CO-E-U-E, his x mark, chief. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—

JOHN McKEE, *Secretary.*

Witnesses—

GEO. WHITEHOUSE.
GEORGE GIBBS.
E. D. SHIRLAND.
H. W. WESSELS, *Brevet Major U. S. army, commanding escort.*
J. M. ESTILL, *Maj. Gen. 2d div. Cal. militia.*
F. D. KOHLES.
M. H. N. KENDIG.
W. A. CORNWALL.
JAS. M. M. BROWN SMITH.
T. F. W. PRICE.
WALTER McDONALD.

(P.) TREATY MADE AND CONCLUDED AT CAMP FERNANDO FELIZ, ON RUSSIAN RIVER, IN THE STATE OF CALIFORNIA, AUGUST 22, 1851, BETWEEN REDICK McKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SAI-NELL, YU-KI-AS, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Fernando Feliz, on Russian river, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the chief Chas-kan and captains; Yu-ki-as tribe, represented by the chief Ko-yo-to-was-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem.

ARTICLE 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and

hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship hereby established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted, but instead thereof complaint shall be made by the party aggrieved to the other, through the Indian agent of the United States, in their district, whose duty it shall be to investigate, and if practicable adjust the difficulty; or in case of acts of violence being committed upon the property or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime, shall be promptly delivered up, when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their rights, title, claim, or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. It is hereby further agreed by the said Indian tribes or bands, that at the expiration of one year from the execution of this treaty, or at such time previously, or thereafter, as the United States shall require, they will remove with their families and property from the lands they now occupy on Russian river, to the Indian reservation on Clear lake, made and reserved by the treaty concluded at Camp Lu-pi-yu-ma, on the 20th day of August, 1851, and there abide and remain; and it is stipulated and agreed on behalf of the United States, that the said government will defray the necessary expenses of such removal, which shall be conducted under the authority of of the Indian agent, and that the said tribes shall thereupon receive and enjoy all the advantages and rights secured by said treaty to Indians removing thereto; and for the maintenance and support of said tribes, until they shall be in condition to maintain themselves: that is to say, during the present year (1851) the United States will furnish them with one hundred head of beef-cattle, and two hundred sacks of flour, equal to ten thousand pounds, and a like quantity of the same for two years after their said removal and settlement upon said reservation; and for their permanent use besides the provisions, clothing, &c. given them at this camp, such brood stock, farming implements, mechanics, instructors in agriculture and learning, as their numbers may, when ascertained, entitle them to, upon a fair and just equality with the Indians now residing on Clear lake, as stipulated in the aforesaid treaty of Camp Lu-pi-yu-ma; and it is expressly understood and agreed that the said tribes or bands are to observe, fulfil, and be governed by all and singular the requirements, stipulations and articles of the said treaty of Lu-pi-yu-ma, as fully as if the same were incorporated and formally expressed in this treaty.

ART. 5. It is also agreed that until the United States shall have established a military post on said reservation, with a regular physician or surgeon attached thereto, the Indian agent shall be authorized and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially to vaccinate the members of such tribes; and when said military post shall be established, the services of the surgeon thereto attached may be substituted by the agent for those of the physician first employed, allowing him therefor a reasonable compensation.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twenty-second day of August, anno Domini eighteen hundred and fifty-one.

REDICK MCKEE, [SEAL.]
United States Indian Agent.

For and in behalf of the Sai-nell tribe.

CHAS-KAN, his x mark. [SEAL.]
OUS-TIN, his x mark. [SEAL.]
CAL-VI-HA, his x mark. [SEAL.]
KA-WA-LOW, his x mark. [SEAL.]
SA-KEM, his x mark. [SEAL.]
KE-YO-HOM, his x mark. [SEAL.]
KA-E-SU-A, his x mark. [SEAL.]
YO-KI-AM, his x mark. [SEAL.]

For and in behalf of the Yu-ki-as tribe.

KO-YO-TO-WAS-SA, his x mark. [SEAL.]
CAL-NO-YA, his x mark. [SEAL.]
KA-A-TAN, his x mark. [SEAL.]
CHA-O-LA, his x mark. [SEAL.]
LA-WIN, his x mark. [SEAL.]
KA-BA-DIM, his x mark. [SEAL.]

For and in behalf of the Mas-su-ta-ka-ya tribe.

CAL-PEL-LA, his x mark. [SEAL.]
CAL-LEEL-TEM, his x mark. [SEAL.]
POR-DIM, his x mark. [SEAL.]

For and in behalf of the Po-mo tribe.

CHI-BEM, his x mark. [SEAL.]

Signed, sealed and delivered in the presence of the undersigned witnesses; the above-mentioned articles, and the several articles and stipulations of the treaty of Camp Lu-pi-yu-ma, having been first fully explained.

JOHN MCKEE, Secretary.
GEORGE GIBBS,
GEORGE WHITEHORN, } Interpreters.
H. W. WESSELS, Brevet major U. S. A. commanding escort.
JOHN S. GRIFFIN, Assistant Surgeon U. S. army.
EDWARD C. KENNEDY.
WALTER McDONALD.
JAMES A. CLARKE.
SASHEL WOODS.
GEORGE PARKER ARMSTRONG.

(Q.) TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE POHLIK OR LOWER KLAMATH, &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity rivers, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or lower Klamath, the Peh-tsick or upper Klamath, and the Hoo-pah or Trinity river Indians; containing also stipulations preliminary to future measures to be recommended for adoption, on the part of the United States.

ART. 1. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed, on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from other parts of the valleys of the Trinity or Klamath rivers, or the country adjacent, and settle thereupon, to wit: commencing at the mouth of a stream called John's creek, emptying into Trinity river on the north side thereof, about fourteen miles above this camp; thence running up the middle of the same with its windings, to a distance of five miles; thence north to the summit of the dividing ridge between the waters of the Trinity and Klamath rivers; thence northwestwardly in a straight line to a point on said Klamath river opposite the lower end of what is now known as "Red Cap's" bar; thence due west to the summit of the first ridge lying beyond the Klamath river; thence southwestwardly along the summit of said ridge to a point due north of the mouth of Pine creek; thence south to the mouth of Sand creek; thence up Pine creek with its windings, to a point due south of the place of beginning; and thence north to said place of beginning. The said reservation including, by estimation, a tract twenty miles in length by twelve miles in width, and containing in all six or seven square miles of farming land. It is, however, understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accomodation of their agent and other officers or servants as the President may direct; also that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work or trade upon any part thereof without the written permission of the United States Indian agent for the district.

ART. 5. It is further stipulated and agreed that the said tribes or bands shall, within three years from the date hereof, or sooner, if thereto required by the United States, remove to and settle upon said reservation; and that whenever said removal and settlement shall be ordered by the United States or made by said tribes, such farmers, mechanics, and school-teachers to instruct them in the language, arts, and agriculture of the whites as the President may deem expedient and proper, shall be assigned, provided for, and settled among them, so as to place the Indians on said reservation in a situation as favorable for their improvement (being in like manner supplied with facilities for farming, stock-raising, &c.,) as by the treaty of Lu-pi-yu-ma on the 20th day of August, 1851, is stipulated to be assigned to and provided for the *Clear Lake Indians*. It is understood, however, that if upon examination by the Indian agent it is found that any of the articles or supplies provided in said treaty for the *Clear Lake Indians* shall be unnecessary for or unsuited to the Indians on the Trinity and Klamath, the President may in his discretion withhold the same, and invest the value thereof in other and more suitable goods. And it is further expressly agreed and understood that if either of said tribes or bands, or other Indians harbored by them shall be guilty of theft, robbery or murder, either upon the persons and property of Indians or whites, the United States may exclude such tribe or band from all the benefits of this treaty.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, the United States will deliver to the said Klamath and Trinity Indians, through their agent, during each of the years 1852 and 1853, viz: five hundred pairs two and a half point Mackinaw blankets, five hundred pairs strong cotton pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, five hundred strong cotton or linsey gowns, three thousand yards of calico, three thousand yards of four-fourths brown sheetings, thirty pounds Scotch thread, five thousand needles, six dozen pairs scissors, two gross thimbles, ten pounds pins, ten dozen nine-inch flat files, thirty-five dozen large size butcher knives, ten mattocks, one hundred garden or corn hoes, two hundred chopping axes, handled, common size, two hundred chopping axes, handled, small size; one hundred sheetiron camp kettles, large size; one hundred sheet-iron camp kettles, second size.

It is understood, however, that the agent shall use a sound discretion as to the time when, and the tribes or persons to whom the said goods shall be distributed, having reference to their peaceful disposition and good conduct.

ART. 7. In consideration of the premises, the United States, in addition to the numerous presents of beef, bread, sugar, blankets, shirts, &c., &c., made to said tribes at this camp, will, within sixty days from the date hereof, furnish them free of charge

at the ferry of C. W. Durkee, in Klamath river, to enable them to rebuild the houses recently destroyed by the whites, with four dozen chopping axes, handled, ten sacks of hard bread, and four bullocks, sixteen pairs heavy blankets, to be distributed among them by said Durkee, according to their respective losses.

ART. 8. These articles to be binding upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof the parties have hereunto signed their names and affixed their seals this sixth day of October, anno Domini 1851.

REDICK McKEE, [SEAL.]
United States Indian Agent for California.

For and in behalf of the Wetch-peck tribe, living at mouth of Trinity.

WUCK-UG-GRA, his x mark. [SEAL.]
WA-PE-SHAW, his x mark. [SEAL.]
SA-SA-MICH, his x mark. [SEAL.]
EN-QUA or AMOS, his x mark. [SEAL.]

For and in behalf of the Wuh-si tribe, living three miles below mouth of Trinity river.

MO-RU-KUS, his x mark. [SEAL.]

For and in behalf of the Cap-pel tribe.

MAH-ON, his x mark. [SEAL.]

For and in behalf of the Mor-ri-ahs.

MAH-ON, his x mark. [SEAL.]
WUS-SUR, his x mark. [SEAL.]
UP-PER-GASH, his x mark. [SEAL.]

For and in behalf of the Ser-a-goines.

UP-LA-GO-PUS, his x mark. [SEAL.]
MOO-ROO-KUS, his x mark. [SEAL.]
SA-ET-MA-GEHL, his x mark. [SEAL.]

For and in behalf of the Pak-wan tribe.

CAP-PEL-LA-WAH, his x mark. [SEAL.]

For and in behalf of the Ut-cha-pah tribe, living near the mouth of Bluff creek.

E-NE-NUCK, his x mark. [SEAL.]
MOW-WEIGHT, his x mark. [SEAL.]

For and in behalf of the Up-pa-goines, living near "Red Cap's" bar, on Klamath river.

KEE-CHAP, his x mark. [SEAL.]
RED CAP or MIK-KU-REE, his x mark. [SEAL.]

For and in behalf of the Sa-von-ra tribe.

SA-VON-RA, his x mark. [SEAL.]
UP-PA-GRAH, his x mark. [SEAL.]
EX-FIN-E-PAH, his x mark. [SEAL.]

For and in behalf of the Cham-ma-ko-nee tribe.

KA-TOP-KO-RISH, his x mark [SEAL.]

For and in behalf of the Coc-ko-man tribe.

PA-NA-MO-NEE, his x mark. [SEAL.]

For and in behalf of the Chee-nah tribe, living ten miles below mouth of Salmon river.

AK-KA-REE-TA, his x mark. [SEAL.]

For and in behalf of the Hoo-pahs or Trinity river Indians, residing in twelve rancherias or villages.

Principal chief, AH-ROOK-KOS, his x mark.	[SEAL.]
TE-NAS-TE-AH or JOHN, his x mark.	[SEAL.]
MET-POOKA-TA-MAH, his x mark.	[SEAL.]
NIC-A-WA-EN-NA, his x mark.	[SEAL.]
WASH-TEN, his x mark.	[SEAL.]

Signed, sealed and delivered, after being duly explained, in presence of—

JOHN MCKEE, <i>Secretary.</i>	
C. W. DURKEE, } <i>Interpreters.</i>	
GEORGE GIBBS, }	
H. W. WESSELLS, <i>Brevet Major, U. S. A., commanding escort.</i>	
WALTER VAN DYKE, }	
GEO. W. ELLSWORTH, } <i>Interpreters.</i>	
MORRIS S. THOMPSON, }	
WALTER McDONALD.	

A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY.

The undersigned chiefs, captains and head men of the Si-wah, Op-pe-o, He-ko-neck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-a-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee's ferry on the 6th instant, fully explained to them by Redick McKee, Indian agent of the United States, having expressed an earnest desire to become parties to the said treaty in all its articles and stipulations, it is therefore agreed by and between the said agent and the said chiefs, &c., that the said bands be and hereby are admitted as parties to the same, and to the advantages thereof, and become bound by the stipulations therein contained as fully in all respects as if they had been parties thereto originally.

In testimony whereof the parties have hereunto signed their names and affixed their seals at Camp Cor-a-tem, near mouth of Salmon river, this twelfth day of October, anno Domini, 1851.

REDICK MCKEE, [SEAL.]
United States Indian Agent.

For and in behalf of the Si-wah band.

ESSE-PISH-I-A, his x mark.	[SEAL.]
RES-SOW, his x mark.	[SEAL.]
CHEE-FEE-CHA, his x mark.	[SEAL.]
PI-RA-TEEM, his x mark.	[SEAL.]

For and in behalf of the Op-pe-o band.

CA-POR-U-PUCK, his x mark.	[SEAL.]
PEEK-NEETS, his x mark.	[SEAL.]

For and in behalf of the He-ko-neck band.

YAH-FEE-PAH, his x mark.	
HON-A-PUCK-IF-MA, his x mark.	[SEAL.]

For and in behalf of the In-neck band.

SISH-KAH, his x mark.	[SEAL.]
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Signed, sealed and delivered after the foregoing treaty of 6th instant, and this addenda had been fully explained in presence of—

JOHN MCKEE, <i>Secretary.</i>	
C. W. DURKEE, <i>Interpreter.</i>	
GEORGE GIBBS.	
H. W. WESSELLS, <i>Brevet Major U. S. A., commanding escort.</i>	
JOHN S. GRIFFIN, <i>Assistant Surgeon U. S. A.</i>	
WALTER McDONALD.	

(R.) TREATY MADE AND CONCLUDED AT CAMP, IN SCOTT'S VALLEY, SHASTA COUNTY, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK M'KEE, ONE OF THE COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE UPPER KLAMATH, SHASTA, AND SCOTT'S RIVER TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at camp, in Scott's valley, Shasta county, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men now in council at this camp, representing the Upper Klamath, Shasta, and Scott's river Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief; Ko-se-tah tribe or band, Adawar-how-ik chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-waka-ha chief, from Shasta valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief, from Scott's valley.

ARTICLE 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. To preserve the peace and friendship hereby established between the United States and the said tribes or bands, it is understood and agreed that for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof complaints shall be made by the party aggrieved to the other, through the Indian agent or sub-agent of the United States for their district, who shall investigate, and, if practicable, adjust the difficulty; and in case of acts of violence being committed upon the person or property of a citizen or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded of the chiefs by the said agent or a duly authorized officer of the county, to be tried for the alleged offence by the civil authorities of the State of California; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes or bands, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes or bands and their successors, equally with such other Indian tribes or bands and their successors, as the United States may hereafter remove from the waters of the Klamath or Trinity rivers or elsewhere in northern California, and settle thereupon, to wit: commencing at a point on the easterly side of Scott's valley, about six miles above the cabin or improvement generally known as Watson, Gee & Company's ranch, where two cedar trees stand upon the southwest side of a bald hill, and midway between the said cedars; thence running in a southwesterly direction across the said valley to a point projecting into the same, behind which stands a conical peak called Seino's peak; thence over the same and over said peak to the summit of the dividing ridge between the waters of Scott's and Klamath rivers; thence following the same to where a divide runs northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murderer's bar, and known as Indian creek; thence along said divide and across the Klamath river to the mouth of said creek; thence up the main fork of said creek to the forty-second parallel of north latitude; thence eastward along said parallel to a point due north of a point where the ridge dividing the waters of Scott's river from the waters of Humbug creek terminates at or near the Klamath; thence due south, crossing the Klamath river, to said point; thence following said divide and the divide separating the waters of Scott's river from the waters of Shasta river to a point in a line with the place of beginning, and thence

southwesterly to said place of beginning; said tract being by estimation twenty-four miles in length from northwest to southeast by fifteen miles in average width, and containing between four and five square miles of tillable land, *Provided, however*, That those citizens of the United States who are now engaged in mining, raising, or washing gold upon that part of Scott's river lying between the first creek entering the same from the north, above the town of Scott's bar and the mouth of said river, shall be permitted to hold and work the claims of which they are now in actual possession for the term of two years from the date of this instrument, unless sooner exhausted; and *Provided further*, That such other citizens of the United States as have already thrown up earth or raised ore on any other part of said reserve shall be allowed until the first day of June next to wash the same, and that those having cabins or other improvements already erected on said reservation shall be permitted to occupy and enjoy the same, free from molestation, until said first day of June, eighteen hundred and fifty-two, and no longer. *It is also further provided*, That the said tribes or bands shall never sell or alienate their right or claim to any part thereof except to the United States, nor shall they ever lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. It is agreed and understood, however, that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military post or posts, erect such buildings, and make such other improvements for the accommodation of an Indian agent and other officers or servants as the President may direct.

ART. 5. The said tribes or bands agree and hereby bind themselves to remove to and settle permanently upon said reservation, within two years from the date hereof, or sooner if thereto required by the Indian agent of the United States; and whenever said removal and settlement shall take place, the United States with a desire to encourage them in acquiring a knowledge of letters, agriculture, and the mechanic arts, will employ and settle among them upon said reservation, one principal school-teacher, with three male and female assistant teachers to instruct said tribes in the different branches of a common-school education and in the domestic arts of sewing and house-keeping, upon the manual labor system; also one practical farmer who shall assist said tribes in cultivating the soil and act as superintendent of agricultural operations, with two assistant farmers, one carpenter or worker in wood who shall direct and aid in the construction of houses, repairing wagons, &c., &c., and one blacksmith or worker in iron also to be employed for their assistance and convenience; all of the above teachers, farmers, and mechanics to be paid and maintained upon said reservation by the United States for the period of five years, and as long thereafter as the President may deem advisable; also, that the United States will erect suitable dwellings, school-houses and shops for the accommodation of an agent, and of the teachers, farmers and mechanics above specified, and store-houses for the protection of the public property.

ART. 6. The United States will also appoint and settle among said tribes upon said reservation, an agent or sub-agent of the Indian department to carry out the stipulations of this treaty and the general laws and regulations of the Indian department pertaining to the government and improvement of said tribes; and until the United States shall have established a military post on or in the neighborhood of said reservation, with a regular physician or surgeon attached thereto, the United States Indian agent for the district shall be authorized, and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially to vaccinate the members of each tribe; and when said military post shall be established, the services of the surgeon thereto attached may be substituted by said agent for those of the physician first employed, allowing him therefor a reasonable compensation.

ART. 7. To aid said tribes or bands in their subsistence while removing to and making their settlement upon said reservation, the United States, in addition to twelve head of beef cattle, twenty sacks (one thousand pounds) of flour, and numerous other presents of blankets, shirts, &c., given to them at this camp, will furnish them, free of charge, during each of the years 1852 and 1853, with two hundred head of beef cattle, to average in weight five hundred pounds net, and two hundred sacks (equal to twenty thousand pounds) of flour, five hundred pair of two and a half point Mackinaw blankets, five hundred pairs strong pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, six hundred linsey gowns for women and girls, three thousand yards of calico, three thousand yards 4-4 brown sheetings, twenty-five pounds Scotch thread, five thousand needles, assorted, one gross of thimbles, ten pounds of pins, twelve dozen scissors, fifty dozen common size butcher knives, five hundred pea-jackets of heavy, strong cloth, assorted, one thousand pounds of salt, one hundred hatchets, all to be distributed among them by the agent, according to their respective numbers.

ART. 8. As early as convenient after the ratification of this treaty by the President and Senate, and the settlement of said tribes or bands upon said reservation, the United States will also furnish them with twenty-four brood mares and one stallion, thirty milch cows and one bull, fifty sheep, ten hogs (both sexes,) four yoke of work cattle, with yokes, chains, &c., two breaking-ploughs, ten small ploughs, two ox wagons, one mule wagon, seeds of all proper kinds for sowing and planting, eight work mules or horses with harness, one hundred heavy spades, twelve mattocks, four hundred garden or corn hoes, two hundred chopping axes, common size, with handles, two hundred chopping axes, small size, with handles, two hundred sheet-iron camp-kettles, first size, two hundred sheet-iron camp-kettles, second size, four hundred tin pans, (two hundred large size, two hundred small size,) one set of blacksmithing tools, one set of carpenter's tools, three thousand pounds of iron, five hundred pounds of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-lined spoons, three United States flags. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be held as the joint property of said tribes or bands, the former to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the assent and direction of the agent.

ART. 9. It is further agreed, that the United States will fence in with a good board or post and rail fence, preparatory to breaking up the soil for planting, one thousand acres of land; and if, by the year 1853, the said tribes or bands shall not be in a situation to provide themselves with food and clothing, and the agent for their district shall so recommend, the President, in his discretion, may order for their use, in the year 1854, a like or smaller quantity of the articles enumerated in article 7 to be provided for the years 1852 and 1853.

ART. 10. It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained and set apart a belt or border of one mile in width on the eastern and southern sides or lines thereof, whereon it shall not be lawful for either Indians or white men to settle on or remain, or to pass over except by the highways or roads running through the same, but the same shall be exclusively within the jurisdiction of the United States.

ART. 11. The said tribes or bands hereby bind themselves to deliver up within sixty days from the date hereof, all horses, mules, or other property which may be in their possession, stolen from the whites, the claimants making proof of ownership before the agent or such person as he may designate to act in his absence, or before a magistrate or judge of the county of Shasta; all such property claimed but not clearly identified, to be returned to the Indians.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fourth day of November, anno Domini eighteen hundred and fifty-one.

REDICK McKEE,
United States Indian Agent. [SEAL.]

For and in behalf of the O-de-i-lah tribe or band from the Upper Klamath river.

I-SHACK, his x mark. [SEAL.]
E-EH-NE-QUA, his x mark. [SEAL.]
PI-O-KUKE, his x mark. [SEAL.]
SA-NAK-A-HA, his x mark. [SEAL.]

For and in behalf of the I-ka-ruck tribe or band in Shasta valley.

TSO-HOR-GIT-SKO, his x mark. [SEAL.]
CHE-LE-NA-TUK, his x mark. [SEAL.]

For and in behalf of the Ko-se-tah tribe or band in Shasta valley.

ADA-WAR-HOW-IK, his x mark. [SEAL.]
QUAP-SOW-A-HA, his x mark. [SEAL.]

For and in behalf of the Ida-kar-i-waka-ha tribe or band in Shasta valley.

A-LAT-SE-WAK-A-NA, his x mark. [SEAL.]
IDA-KAR-I-WAK-A-HA, his x mark. [SEAL.]

For and in behalf of the Wat-sa-he-wa tribe or band in Scott's valley.

AR-RATS-A-CHO-I-CA, his x mark. [SEAL.]

For and in behalf of E-ch tribe or band in Scott's valley.

AN-NA-NIK-A-HOK, his x mark. [SEAL.]
SUN-RISE, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—

JOHN MCKEE, *Secretary.*
GEORGE GIBBS, } *Interpreters.*
LINDLEY ABEL, }
W. T. SMITH.
F. H. MCKINNEY.
C. McDERMIT.
SAMUEL FLEMING.
WALTER McDONALD.
C. FULTON.
WM. H. BURGESS.
EDWARD HICKS.
WILLIAM DAIN.
LIRY SWAN.
GEO. W. TAIT.

Mr. RAKER. Now this says here:

June 7, 1852. Read and, with the documents and treaties, referred to the Committee on Indian Affairs and ordered to be printed in confidence for the use of the Senate.

Then:

January 18, 1905. Injunction of secrecy removed.

The injunction of secrecy was removed then and not before, and the order was simply made like this, which applies to all of the treaties. I have the book here with the Senate order in it, but this applies to all of them:

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1851, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit—

Naming them.

Now, there was a similar order made in each of the cases, which is found on pages 417, 418, and 419 of the printed journal of executive proceedings of the United States Senate for July 8, 1852.

The CHAIRMAN. I would like to ask a question or two right here: During the last five years have you attempted to bring about this same legislation?

Mr. RAKER. In this way—

The CHAIRMAN (interposing). And have there been any hearings held on it?

Mr. RAKER. No; except this: The Committee on Indian Affairs of the House has been very busy, and they took up some questions of appropriations, small amounts, for the California Indians. We appeared before the Senate Committee last year and presented some evidence on the matter.

The CHAIRMAN. Was there a record made of that?

Mr. RAKER. What was made of it was taken, but the Senate committee suggested, because of this matter, the Commissioner of Indian Affairs would proceed to make an examination of the condition of the California Indians, and also the Board of Indian Commissioners, and I understand that the board have made their investi-

gation, and the Commissioner of Indian Affairs—the Bureau of Indian Affairs—is working on theirs, and it is not complete as yet. Then the Senate committee suggested that we take up in proper time with the committee such legislation as would really determine this question as to the rights of these Indians.

On May 28, 1852, President Fillmore sent these treaties to the Senate. They are found on pages 390 to 394 of the Executive Journal, United States Senate, 1848 to 1852. Then on June 28, 1852, on page 417 of the same book is found this:

The 18 treaties with Indian tribes in California, received on the 7th and reported without amendment the 28th of June, were severally read the second time and considered as in Committee of the Whole, and no amendment being made thereto they were severally reported to the Senate. On the question being stated on each treaty, to wit: Will it consent and advise to the ratification of this treaty, it was unanimously determined in the negative by the following vote on each treaty.

The CHAIRMAN. Why were there 18 treaties presented? Were they treaties with 18 different bands?

Mr. RAKER. With 18 different bands of Indians, and 18 different tracts of land, and 18 different amounts to be supplied the Indians, which I will call to the committee's attention covered provisions for blacksmith tools, it covered provisions for farming implements, for cattle and horses.

The CHAIRMAN. Are those 18 treaties being operated to-day?

Mr. RAKER. They are not. And it included in the neighborhood of 5,000,000 acres of land.

The CHAIRMAN. Are there any of the treaties in operation to-day?

Mr. RAKER. None. And the Indians proceeded to carry out all of their agreements. They never went on the war path; they became attached to the Government; they participated in all its functions, but the Government proceeded to provide nothing at that time, and for years gave them but little if anything. It proceeded to take all of the land and sell it, and practically all of the land—I guess there is none of it in those treaties, that the Indians were to have was turned over to them, and the land was disposed of as other Government's domain.

The CHAIRMAN. Then under those treaties no land was turned over to the Indians as agreed upon in the treaty?

Mr. RAKER. I think the answer to that is it was not. That is about the statement, is it, Mr. Meritt, as near as I can find out?

Mr. MERITT. These so-called treaties were submitted by the President to the Senate for ratification. The 18 treaties were not ratified by the Senate but were returned with resolutions showing the reasons why the treaties were not ratified.

The CHAIRMAN. Then they never were legally in existence?

Mr. MERITT. The treaties are not now legally in existence.

The CHAIRMAN. Have they ever been?

Mr. MERITT. No, sir. I think it would be well, Mr. Chairman, to place in the record the Senate resolutions returning the treaties without ratification.

The CHAIRMAN. Without objection that will be done.

Mr. RAKER. Of course our contention on that is—and I think the department agrees with it—that the treaties were not for want of ratification abrogated. That is a legal question for the court to determine. In other words, the treaties were entered into, were com-

plied with by the Indians; the Government accepted the agreement and accepted the land and disposed of it, and the treaties were in possession of the executive department and could have been returned at any time and could have been approved at any time later if desired, but both parties proceeded as though the treaties were actually approved, but the Government never on its part, carried out the terms of the treaties.

Mr. SINCLAIR. The terms of the treaty were entered into and carried out by the Indians?

Mr. RAKER. Absolutely. The Government took the land and used it; disposed of it. In 1851 and 1852 a duly authorized United States commission secured the signatures of about 400 California Indian chiefs, the heads of bands, to treaties. These chiefs represented approximately 150 bands or tribes. There were 18 of these treaties, all similar in tenor, which we have presented in the record. The terms of the treaties were substantially as follows:

The Indians agreed:

- (a) To cede their rights in lands to the United States Government.
- (b) To keep the peace.
- (c) To accept the sovereignty of the United States.
- (d) To accept the certain reservations, 18 in number, aggregating about 7,500,000 acres described in said treaties by metes and bounds, worth at the Government price of \$1.25 per acre about \$9,500,000.

Now, it might be said that the cession was turned over to the United States; the Indians kept the peace, they accepted the sovereignty of the United States, and the Government obtained the land.

The Government agreed to do as follows:

- (a) To pay the Indians certain sums in goods amounting to about \$1,800,000.
- (b) To reserve in perpetuity for the Indians' use and enjoyment different reservations specified in said treaties.
- (c) To provide school and other necessary buildings.
- (d) To provide skilled instructors in farming, blacksmithing, and woodwork, supervisors and such assistants as should be found necessary. Said instruction to be continued as long as might be found necessary by the President.

For, I suppose, a number of years practically nothing was done, and then within the last 10 years some provision has been made.

The Senate of the United States did not ratify these treaties, and the Government therefore quite properly considered them inoperative. The reasons why the Government did not ratify these treaties or settle with the Indians of California in some other suitable way for their rights to lands and other native opportunities is obscure.

These Indians have long been clamoring for an adjustment of their claims and for educational advantages and proper care for their indigent members.

The Annual Report of the Department of the Interior for 1901, page 346, records the following statement:

We have not always been consistent in our treatment of these old-time leaders. Some chiefs in other tribes, who, through their hostility, cost the lives of many innocent settlers and whose subjugation cost large sums, have been greatly favored, some of them with salaries, while Boos Kaieyou, who, through his determined loyalty no doubt helped to save the menaced settlements at the time of Capt. Jack's rebellion in 1872 and 1873, spends his remaining days in poverty.

The majority of the Indians of California are in destitute circumstances and are without educational opportunities. We have the Greenville School, giving some consideration to the education of the

Indians; we have the Fort Bidwell School, giving some consideration at that point, and these particular matters will be presented as to the credit of the Government before we conclude.

Now, here is a remarkable statement:

Out of the 210,000 California Indians of 70 years ago there are left but a miserable remnant of 20,000. The 210,000 estimate is an extremely conservative one, compared with that of Stephen Powers, one of California's most reliable ethnologists, who claimed that there were over 750,000 Indians in this State at the time of the coming of the white man to California. Let us, for the sake of our case, allow that there were only 210,000, and that to-day there are 20,000 Indians.

Mr. HERNANDEZ. Where did they go?

Mr. RAKER. They died; starved to death.

Mr. HERNANDEZ. And moved away?

Mr. RAKER. No; they practically, in many instances, starved to death. Smallpox and disease got amongst them and they were wiped out by whole villages.

The CHAIRMAN. At what period was this estimate of 210,000 made?

Mr. RAKER. About 1850.

Mr. COLE. You say there were 700,000?

Mr. RAKER. That was one man's estimate, but the most conservative estimate is about 210,000. I find that from various sources.

But now even this last winter in my own county in one little village I am advised by the newspapers that 75 Indians died from the flu, and the whole community was wiped out. This is but one illustration. In other places the deaths from flu have been very great. Now, whether at this particular place that statement is true I am not prepared to say, only I have noticed it repeatedly in a dozen papers as the result of the flu in this one community.

Mr. MERITT. We have had that report investigated, Mr. Chairman, and found that it was very greatly exaggerated. There were only a very few Indians who died from influenza.

Mr. RAKER. I am glad that you had that investigated and are able to report on the real question.

Confronted by these facts, we must acknowledge, astounding as it may appear, that at least 190,000 Indians, without regard to their birth rate, have died in California during so brief a period. This terrible and swift decrease of the Indian population is indisputably chargeable to three causes, principally—eviction, starvation, and disease.

Dr. Judson Liftchild, of Mendocino County, Calif., who has been a practicing physician for 22 years, in an address at the conference of the Indian Board of Cooperation, held in San Francisco, August, 1915, said:

I have lived for nine years as Government physician on a large reservation, and for several years as superintendent of the county hospital and almshouse, and county health officer; having studied this question, am not giving opinions secondhand. With the exception of a few counties the indigent, sick, or aged Indian receives practically no aid in this State outside of reservations, he being a shuttlecock between State and National authority, each claiming that the responsibilities rests on the other. In the county in which I reside, there are no Indians in the almshouse or county hospital, although there are many instances of pitiable poverty among the aged and cases of curable diseases which go untreated. Children die of tubercular spines and hips and many become blind from trachoma and conjunctivitis. The aged, many of them blind, eke out a miserable existence, half clad and half starved, dependent upon the precarious help of their own poverty-stricken race or the intermittent assistance of charitable white people.

Dr. Liftchild further states with reference to Mendocino, Sonoma, Lake, and adjacent counties that "there is no Government physician outside the Round Valley Reservation, and he makes no visits outside of that reservation."

Now, Mr. Chairman, I do not know of any better presentation right at this time to give to the committee than the report of Mr. C. E. Kelsey, special agent for California Indians, dated March 21, 1906, wherein this entire matter has been gone into, and on pages 4, 5, and 6 of that report he recapitulates and sets up the condition of these Indians from the beginning, before the California settlement down to the present time, and I am wondering whether or not it would not be well to read it to the committee.

The CHAIRMAN. How long is it?

Mr. RAKER. About two pages and a half. I would like to have the report inserted in the record.

The CHAIRMAN. Well, go ahead and read that part.

Mr. RAKER. I will read this:

The treaty of Guadalupe Hidalgo, which ceded California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of the transfer. Under Spanish and Mexican law Indians had certain rights to the lands they occupied and could not legally be evicted from them.

You could really stop at that statement without going any further, it seems to me, on this record, to show primarily to the committee that the Indians had the land. If that general statement is true and the Government did evict them the Government took the land, which is true.

It would seem that this right was an interest in land and one entitled to protection under the provisions of the treaty of Guadalupe Hidalgo.

The act of Congress which provided for the settlement of the titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement the duty of first setting apart for Indian use all lands occupied by them. It may therefore be assumed that Congress considered that the Indians had substantial rights. It was the duty of the commission to investigate and confirm the Indian title wherever Indians occupied lands included within the limits of a Spanish or Mexican grant.

Your special agent has found but two cases out of several hundred grants where this was done, Pauma and Santa Ynez, and in the latter case the terms of the settlement were so uncertain that an action is now pending in the State courts in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to sustain the validity of their titles, but were prompt to appeal to the American law to evict the Indians—something they could not legally do under the terms of their grants. It is needless to say that the Indians were evicted, the most recent instance being Warner's Ranch.

Four-fifths of the California Indians, however, were not affected by the Spanish grants, nor did they come under Spanish or Mexican influence, and their undoing began with the great gold excitement of 1849. When the United States came into full legal ownership of California in 1848, the Spanish or Mexican laws relating to Indians were not adopted, as has been erroneously stated. The policy of the United States adopted toward its new Indian wards in all the ceded territory was exactly the same as everywhere else. The Indian ideas of land ownership are radically different from ours. Our Government has never acknowledged that the Indians owned their lands in fee simple, and in view of the Indian idea of land ownership, this is correct. But the United States has always recognized, and the Supreme Court has held, that the Indians have a right to occupy the land, which right is termed the Indian right of occupancy, a right which can be canceled only by mutual agreement. All Indian lands in the United States, except in a portion of California, have been acquired by the Government of the United States, and acquired only by payment therefor. Even the lands ceded by the Sioux after the great outbreak were paid for. The Indian right of occupancy was in the beginning recognized in California. The Government sent out a commission which made treaties with nearly all the Indian tribes in the State.

Sixteen treaties were negotiated in northern California and two in southern California. These treaties were all very similar in text. The Indians agreed to cede their lands to the United States and to keep the peace and to accept certain reservations described by metes and bounds in the treaties. The Government agreed to reserve forever for Indian use the lands described in the treaties and to pay a certain specified price, payable in a great variety of things, such as provisions, live stock, and miscellaneous goods. The value of the goods thus promised the Indians in northern California was about \$1,500,000, and the land reserved was about 5,500,000 acres, worth, at the Government price of \$1.25 per acre, about \$7,000,000. In southern California the goods promised were worth about \$300,000, and about 2,000,000 acres of land was reserved, worth, at \$1.25 per acre, about \$2,500,000. Some of these reservations were laid out in the mining districts and were strongly opposed by the miner. At that time, in 1851, Indian treaties were submitted to the Senate for ratification. As California had gathered men of influence from all over the land, the miners' protest carried such weight that the Senate rejected not only those treaties that affected the mining districts, but all the treaties. No effort seems ever to have been made to make new treaties or in any way to acquire the Indian title from that day to this, nor have the California Indians ever received one cent for their rights in the lands which they have lost.

I stop there, and I think that is conceded to be the truth and the fact by everyone.

The CHAIRMAN. As I see the matter down to this point, that all came about by the fact that the treaties that were negotiated by the Indians were never ratified by the Senate?

Mr. RAKER. That is true.

The CHAIRMAN. And therefore I suppose the Government has gone on the basis that they had no agreement with the Indians, and perhaps had nothing more than a moral obligation to look after their interests.

Mr. RAKER. That is true, but for years nothing was done; the Indians were left alone to a great extent, and that is the general history. But to-day reservations can not be had for them; the land is disposed of, that in the reservation and that outside which they might have, and the least that the Government can do under this contract is to compensate the Indians; like any private individual, if you enter into a contract and take the benefits of the contract you take my land and keep it and all the benefit from it, then in a court of equity I am entitled to compensation.

The CHAIRMAN. But I do not understand that the Government took the land.

Mr. RAKER. They took all of it.

The CHAIRMAN. Notwithstanding the fact that the treaties were not ratified?

Mr. RAKER. And the Government took possession by virtue of opening up the land for settlement and permitting everybody to file on the land as mining claims, homestead, desert-land claims, timber claims, and whatever it might be.

The CHAIRMAN. Now you say there are about 20,000 of these Indians left, and there are 15,000 of them off reservations?

Mr. RAKER. Yes, sir.

The CHAIRMAN. Now how many Indians will be involved in these claims?

Mr. RAKER. I imagine about 20,000.

The CHAIRMAN. Will it not run back to the heirs of those who are dead?

Mr. RAKER. Well, there is only this bunch left and they will have to connect up their heirship, whatever it might be. My theory of the matter is that the Government owes these Indians and should carry

out its agreement. It can not do it in the way of specific performance, and therefore the only thing that can be done is to provide the fund or amount that should be given to the credit of these Indians, and the Indians should be charged up with what the Government has provided for them in the meantime, giving the real value of the land with certain increases at the present time, and deducting the amount that the Government has allowed to them.

The CHAIRMAN. How long ago did the Government begin to do something for those Indians in the way of building schools and furnishing them with rations and things of that sort?

Mr. RAKER. May I say 20 years, Mr. Meritt?

Mr. MERITT. During the last 20 years we have been trying to educate the Indians, and we have also purchased a considerable amount of land for them. Congress has been making appropriations for them annually.

The CHAIRMAN. Then from 1854 down to 20 years ago the only thing the Government did for the Indians was to take their land away from them?

Mr. RAKER. That is it.

Mr. MERITT. There were appropriations made for the Indians prior to 20 years ago, and when I make my statement I will ask permission to insert in the record the appropriations that have been made for those Indians.

Mr. HERNANDEZ. Has a census ever been made of these Indians?

Mr. MERITT. We have a census of the California Indians, and when I make my statement I will also want to place in the record a census for the last 15 years, to show that there has been a very small decrease in the Indian population of California since we have been taking care of them. Prior to that time a great many Indians lost their lives out there from neglect and other causes.

Mr. HERNANDEZ. In connection with this law it would be very necessary to have a census of them, so that other Indians from other sections of the country could not get in there.

The CHAIRMAN. And could not participate.

Mr. HERNANDEZ. Yes; it is an analogous case to that of the Pueblo Indians, except that the Pueblo Indians did retain their lands.

Mr. RAKER. Now, this report covers that matter quite fully, and I think what I have read gives the gist of the matter, and as these reports are quite scarce I would like to have permission to make this part of the hearing.

The CHAIRMAN. It is ordered printed, then, unless there is objection.

(The report of C. E. Kelsey, referred to, appears hereafter in the report on California nonreservation Indians, by Malcolm McDowell.)

Mr. RHODES. I would like to ask Mr. Raker a question or two.

Do I understand that this bill refers to Indians belonging to a tribe known as the California Indians, or does it relate to Indians—to all Indians in the State of California?

Mr. RAKER. To all Indians in the State of California who desire to participate in such legislation.

Mr. RHODES. Well, suppose a Flathead happened to live in the State of California, would this legislation give such Flathead Indian a right to go into the Court of Claims for the purpose of bringing a suit against the Government with regard to any question that might exist between such Flathead Indian and the Government, as a member of that tribe?

Mr. RAKER. Well, offhand, I would not like to be specific, but from the records that have been procured with the names of the Indians in these treaties, the tribes, I imagine that this bill would only authorize those who were descendants, irrespective of where they live now, of the California Indians to participate in this legislation.

Mr. RHODES. That is exactly why I asked the question, because offhand, with the first explanation given I would hold that that would give any Indian residing in the State of California the right to litigate any claim that he might have against the United States, regardless of the tribe to which he belonged, or of which he might be a descendant. So if it is the intention to confine this class of cases to the California Indians—that is, Indians of the tribe by that name—

Mr. RAKER (interposing). There are none by that name. They are all different names.

Mr. RHODES. Then it must be that that would apply to the Indians of all tribes and would give every Indian in the State of California the right to bring suit against the Government.

The CHAIRMAN. It says, "all bands of Indians in the State of California."

Mr. HERNANDEZ. That is exactly what would happen.

Mr. RHODES. It also says, "any tribes or bands."

Mr. MERITT. Mr. Chairman, may I make a statement in response to that? You will notice that the title of the bill reads: "Authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims." It does not authorize the individual Indians, such as a Flathead Indian who may be living in California, to submit his claim.

The bill provides, "that all claims of whatsoever nature which any tribes or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State."

Mr. RHODES. That would shut out any individuals or bands having claims in other States.

Mr. MERITT. Yes, sir; I think the bill clearly limits it to tribes or bands of California Indians, and also refers to lands within the State of California.

Mr. RAKER. Now in this connection a letter written March 28, 1906, by the Northern California Indian Association goes into the matter. They made an investigation and this shows the condition then.

The CHAIRMAN. I would like to know something about this association. What are they, who are they, and whom do they represent?

Mr. RAKER. At that time they were such people as Mrs. David Starr Jordan, Dr. George C. Pardee, who afterwards became governor of the State; and Mrs. J. W. Dinsmore.

The CHAIRMAN. That is enough. I just wanted to get the nature of the membership of the association.

Mr. RAKER. They are a very high class lot of people who were only interested to see that proper consideration was given those Indians.

The CHAIRMAN. Without objection that may be inserted in the record.

(The paper referred to follows:)

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully renews its petition of last session and prays your honorable body for the relief of the landless Indians in Northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Calif., and is organized for "benevolent, charitable and missionary purposes for the benefit of the Indians of California," among which purposes are the following:

"To aid the Government and the people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last 10 years the petitioner has had occasion to investigate carefully the conditions surrounding the northern California Indians, and the causes of their present state.

We find it to be a fact that elsewhere than in California it has been the universal practice of the Government of the United States to recognize the Indian right of occupancy of the lands claimed by the various tribes, and everywhere but in California this right has been extinguished only by payment therefor. In the greater part of the State of California the Indian right of occupancy has been canceled and the Indians have never received a single dollar for their rights in more than 100,000 square miles of territory.

In the early days of American occupation, commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some 80 or 90 bands. The treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so in the governmental view never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in progress of being allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The Indians last mentioned have surrendered their right of occupancy to the United States upon the promise of the Government to pay a stated consideration, and the consideration has not been paid. The Government is in the position of one who has bought real estate and relies upon the invalidity of his own act to escape paying the agreed price. It seems clear to us that the Government can not honestly retain both the land and the price.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number 60 years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part debarred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

Of the 13,500 nonreservation Indians north of Tehachipi, about 2,500 are scattered in small bands of from one to four families; the great body of them, numbering about 11,000, are isolated in small settlements of from 20 to 150 souls, averaging about 50. In these petty communities the conditions are worse than upon any American reservation, for they are open to all the vicious and demoralizing features of civilization, and cut off wholly from schools, missions, or anything that makes for good, and the Indians living in them are often without protection as to person or property and are liable to eviction at any moment.

The few Indians who have lands are in far better condition. Most of them have received or are in process of receiving their allotments in severalty, and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely and perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California in partial payment, at least, of their just claim against the Nation. We should deprecate the payment of money or goods or household or farming utensils as demoralizing in the extreme. We consider that reservations would be disastrous to the Indians and would put them back 50 years in their advance toward civilization.

It is our belief that individual allotments in severalty under the terms of the general allotment acts and with accompanying citizenship can safely be given to these Indians and will for the most part settle the problem here. As most Indians are unable to use large farms properly, small tracts of a few acres to each family is all that is required.

We are fully aware that there is a provision in the statutes by which Indians are entitled to select allotments from the public domain. From the passage of this act to April 1, 1904, 2,021 such allotments have been made in northern California of which 148 have been canceled, leaving 1,873 now outstanding. The Indians provided for by these 1,873 allotments number about 2,800. Less than 1,000 are provided for by ownership of lands by themselves or by others, leaving about 10,000 Indians who are landless and homeless and subject to eviction any day. More than 1,600 of the 1,873 allotments are in the counties of Plumes, Lassen, Modoc, Siskiyou, and Shasta, where the white population is not as yet very dense.

The petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California agricultural land available for entry; that the grazing lands are not well suited for the purpose, and are largely in the possession of cattle men; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to any one. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations, and refuse to live elsewhere. They also have the acquaintanceship and means of making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible; and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose is far less than will be required to relieve their necessities after they are evicted from their present homes, and will be but a very small portion of the sums which the Government has already received from the sale of the Indian lands. We do not ask this tardy justice for the Indians of northern California because they are hungry or poverty-stricken or degraded—and some of them are all these—but because their present miserable condition directly results from the act of the Government of the United States.

The nonreservation Indians of northern California are morally, and we believe, legally, entitled to redress from the National Government; and we venture to suggest a form of relief that will not injure its beneficiaries. A further form of relief is the establishment of schools for the Indian children. The Government has established

and is now supporting six day schools and two training schools, whose pupils are nearly all from these nonreservation Indians. These Government schools have an enrollment of about 350. There are enrolled in the missionary and public schools about 300 more. A few school districts admit Indian children, but in the vast majority of districts racial prejudice debar those of Indian blood. We hope that in a generation or two this prejudice will pass away. In the meantime, fully 2,000 Indian children of school age are growing up without any instruction of any kind.

The nonreservation Indians of northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government, the same as other Indians; while since the failure of the treaties, the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status, a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.
Mrs. T. C. EDWARDS, *President*.
C. E. KELSEY, *Secretary*.

Mr. RAKER. Those figures were to be inserted?

The CHAIRMAN. We have a copy here. I would like, if I could, to give Mr. Meritt and Dr. Wooster here an opportunity to say something.

Mr. RAKER. I will be through in just a moment.

The CHAIRMAN. I would like to close at 12 o'clock to-day, and that would give them 30 minutes.

Mr. RAKER. Now, Mr. Chairman, what I have placed in the record, with what Mr. Meritt has, all of this data, I just want to recapitulate on this one matter.

I think clearly a prima facie case is made that there is a claim. The strength of it, the validity of it, what a court would hold, this committee will not pass upon, if there is a claim for these Indians and the Government took their land under an agreement and kept it and disposed of it, and the Indian agreed to certain things and made certain promises to carry them out, and they were all carried out; now, in a court of equity the Indian would certainly get relief. These Indians under every consideration should be given an opportunity to be heard.

Now, with that I ask that Mr. Meritt and the doctor be heard in relation to this matter.

STATEMENT OF MR. E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Mr. MERITT. Mr. Chairman, we have been very glad to cooperate with Rev. Mr. Collett and Judge Raker in the preparation of this proposed legislation, and we have been glad to submit to this committee a favorable report thereon. If this bill is enacted by Congress it will permit these California tribes or bands of Indians to go to the Court of Claims and have their alleged claims against the Government finally adjudicated.

We believe that the California Indians have not received a square deal from the Government. The representatives of the Government entered into 18 treaties or agreements with the California Indians, and those treaties were submitted to the Senate in good faith by the President, but for reasons best known at that time they were not ratified by the United States Senate.

I will ask to have included at this point the resolution of the Senate returning the treaties to the President, which will be self-explanatory. (The paper referred to follows:)

The eighteen treaties with Indian tribes in California received on the 7th and reported without amendment the 28th June, were severally read the second time, and considered as in Committee of the Whole; and no amendment being made thereto, they were severally reported to the Senate.

On the question being stated on each treaty, to wit, Will the Senate advise and consent to the ratification of this treaty?

It was unanimously determined in the negative by the following vote on each treaty:

Those who voted in the negative are,
Messrs. Adams, Atchison, Bayard, Borland, Bradbury, Brodhead, Brooke, Charlton, Clarke, Cooper, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Gwin, Hamlin, Hunter, Jones of Iowa, Mallory, Mangum, Miller, Norris, Pratt, Rusk, Shields, Smith, Soulé, Spruance, Sumner, Toucey, Upham, Wade, Walker.

So it was respectively determined as follows, to wit:

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on King's River, in the State of California, on the thirteenth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit, the Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, Tu-hue-masch, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes, of the second part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Keyes, on the Cahwai River, in the State of California, on the thirtieth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit, Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine, of the second part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit, Chu nute, Wo-wol, Yo-lum-ne, Co-ye-tie, of the second part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Persifer F. Smith, at the Texon Pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit, Cas-take, Texon, San-Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-cia-a, and Hol-mi-uh, of the second part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Dent and Vantine's Crossings, on the Stanislaus River, California, between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains and head men of the Iou-ol-umne, We-chilla, Su-caah, Co-to-planemis, Chap-pah-sims and Sage-room-nes, tribes of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Union, near the Yaba River, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes, viz, Daspia, Ya-ma-do, Yol-lamer, Wai-de pa can, On-o-po-ma, Mon-e da, Wau-muck, Nem-shaw, Bem-pi, Yacum-na, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded near Bedwell's Ranch, on Chico Creek,

between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes, viz, Mi-chop-da, Es-kuin, Ho-lo lu-pi, To-to, Su-mus, Che-no, Bat-si, Yut-duc, Sim-sa-wa, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Reading's Ranch, on Cottonwood Creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz, Noi-ma, Noe-ma, Y-lac-ca, No-me, Noi-ma, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento River, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes or bands, viz, Colus, Wil-lays, Co ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, Toc-de, of the other parts.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the fork of Cosumnes River, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz, Cu-lus, Yas-si, Loc-lum-ne, and Wo-pum-nes, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Temecula, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men, of the following nations, viz, The nation of San Louis Rey Indians, the Kah-we-as, and the tribe of Co-com-cah-ras, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Santa Ysabel, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the nation of Diequino Indians, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded on the nineteenth day of March, in the year eighteen hundred and fifty-one, at Camp Fremont, near the Little Mariposa River, in the State of California, between Redick McKee, George W. Barbour, and Oliver M. Wozencraft, commissioners appointed by the President of the United States to treat with the various tribes of Indians in the State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Pó-to-yan-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-a-che, tribes of Indians, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Barbour, on the San Joaquin River, California, between Redick McKee, George W. Barbour, and O. M. Wozencraft, commissioners thereto specially appointed, on the part of the United States, and the undersigned chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, known as the How-ech-ees, Chook-chanees, Chow-chillies, Po-ho nee-chees, and Nook-choos, which five tribes or bands acknowledge Nai-yah-qua as their principal chief; also the Pit-cat-chees, Cas-sous, Toom-nas, Tallin-chees, and Pos-keas, which five tribes or bands acknowledge Tom-quit as their principal chief; also the Wa-cha-ets, Itachees, Cho-e-nem-nees, Cho-ki-men-as, We-mal-chee, and No-to-no-tos, which six tribes or bands acknowledge Pasqual as their principal chief, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Lu-pi-yu-ma, on the south side of Clear Lake, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na-po tribe, represented by the Julio and captains; Na-bi-no-po tribe, represented by the chief, Pri-e-to, and his captains; Da-do-ha-bo tribe, represented by the chief, Ku-kee; Mo-al-kai tribe, represented by the chief, Moh-shaw, and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains; How-ku-ma tribe, represented by the chief, Chi-bec, and his captains; Cha-nel-kai tribe, represented by the chief, Cou-chu, and the Mo-dam-a-dec tribe, represented by the chief, Co-e-u-re, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Fernando Felix, on Russian River, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the

chief, Chas-kan and captains; Ya-ki-as tribe, represented by the chief Ko-yo-to-was-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity Rivers, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or Lower Klamath, the Peh-tsick or Upper Klamath, and the Hoo-pah or Trinity River Indians; containing also stipulations preliminary to future measures to be recommended for adoption on the part of the United States.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at camp in Scott's Valley, Shasta County California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and headmen now in council at this camp, representing the Upper Klamath, Shasta, and Scott's River Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shak, chief, from the Upper Klamath River; I-ka-ruck tribe or band, Tso-hor-get-sho, chief; Ko-se-tah tribe or band, Ada-wai-how-ik, chief; I-da-kai-i-waka-ha tribe or band, I-da-kai-i-waka-ha, chief, from Shasta Valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca, chief; E-en tribe or band, An-na-nik-a-hok, chief, from Scott's Valley, on the other part.

Ordered, That the Secretary lay the said resolutions, respectively, before the President of the United States.

Mr. MERITT. It is well known that at that time gold was discovered in California, and these lands suddenly became of considerable value and great pressure was brought to bear by the mining interests to prevent the ratification of these treaties.

We are very glad to cooperate in the preparation of this legislation, so that they might go to the Court of Claims and have their claims against the Government adjudicated. We are not at all in sympathy with the treatment that the California Indians have received in the past, in the remote past. During the last few years we have done everything that we could for these Indians with the appropriations available.

Now as to the number of the California Indians: It is claimed that there was a very much larger Indian population in California 50 or 100 years ago than there is now. The figures have ranged anywhere from 100,000 up to 700,000. I think the 700,000 figure is greatly exaggerated. During the last 20 years there has been but a slight variation in the population of the California Indians.

The CHAIRMAN. During the last how many years?

Mr. MERITT. During the last 15 years. And in order that the committee may have information as to the population during the last 15 years, I will ask permission to place the figures in the record at this point.

The CHAIRMAN. Without objection it is so ordered.

Mr. MERITT. The matter referred to follows:

Indian population of California.

1905.....	15,519	1913.....	16,513
1906.....	19,214	1914.....	15,226
1907.....	18,988	1915.....	15,034
1908.....	20,010	1916.....	15,335
1909.....	19,788	1917.....	15,362
1910.....	20,976	1918.....	15,725
1911.....	16,371	1919.....	16,215
1912.....	17,517		

Mr. MERITT. Congress has been making appropriations for the California Indian from time to time. These appropriations have consisted of two specific classes: First, the administrative appropriation which took care of our reservations in California, and in order that the committee may have information on this subject I will place in the record at this point a list of our reservations, and the population of Indians on those reservations.

(The matter referred to follows:)

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							More than half.	Half or less.
California.....	16,215	8,219	7,996	5,575	10,640	11,172	3,295	1,748
Bishop School.....	1,518	725	793	372	1,146	1,223	187	108
Moache.....	50	30	20	372	1,146	1,223	187	108
Palute.....	1,378	645	733					
Shoshoni.....	90	50	40					
Campo School.....	229	115	114	80	149	203	25	1
Mission Indians at Campo... Cuyapaipa..... Laguna..... La Posta..... Manzanita.....	139 10 4 10 66	79 4 2 3 27	60 6 2 7 39	49 1 1 4 25	90 9 3 6 41	127 10 3 9 54	12 1 1 .....	..... ..... ..... ..... 1
Digger Agency—Digger.....	280	143	137	95	185	40	230	10
Fort Bidwell School.....	719	339	380	237	482	707	8	4
Digger..... Palute..... Pit River.....	5 206 508	3 119 217	2 87 291	2 92 143	3 114 365	2 205 500	..... ..... 8	3 1
Fort Yuma School.....	968	519	449	387	581	933	31	4
Cocopah..... Yuma.....	140 828	74 445	66 383	67 320	73 508	140 793	..... 31	..... 4
Greenville School.....	2,924	1,488	1,436	1,027	1,897	1,455	376	1,093
Concow, Digger, and Washo. Redding District—various tribes ²	693 2,231	369 1,119	324 1,112	277 750	416 1,481	340 1,115	171 205	182 911
Hoopa Valley School.....	1,712	849	863	719	993	1,062	555	95
Bear River..... Eel River..... Crescent City..... Hupa..... Klamath..... Lower Klamath.....	28 118 141 507 578 340	19 62 74 253 288 153	9 56 67 254 290 187	14 55 52 223 236 139	14 63 89 284 342 201	20 98 101 230 370 243	8 20 40 254 208 25	..... ..... ..... 23 72
Malki School.....	628	344	284	226	402	510	32	86
Mission Indians at Augustine..... Cabazen..... Martinez..... Mission Creek..... Morengo..... Palm Springs..... San Manuel..... Torres.....	22 29 122 9 246 50 57 93	13 16 74 7 132 26 28 48	9 13 48 2 114 24 29 45	6 7 38 4 106 10 14 41	16 22 84 5 140 40 43 52	21 28 115 9 137 50 57 93	..... ..... 2 30	1 1 5 79
Pala School.....	1,054	537	517	373	681	884	160	10
Mission Indians at Pala..... Capitan Grande..... La Jolla..... Pauma..... Pechanga..... Rincon..... San Pasqual..... Syquan.....	208 143 240 57 216 141 4 45	99 77 130 25 109 71 1 25	109 66 110 32 107 70 3 20	75 60 90 20 55 49 2 22	133 126 150 37 161 92 2 23	161 126 234 56 176 89 1 41	37 17 6 1 40 52 3 4	10
Round Valley School—Concow, Ukie, and others.....	1,842	931	911	796	1,046	2,660	1,042	140

¹ 1910 census.

² Estimated.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.						
							More than half.	Half or less.					
California—Continued.													
Soboba School.....	896	494	402	313	583	664	185	47					
Mission Indians at Soboba... Cahuilla..... Inaja..... Los Coyotes..... Mesa Grande..... Santa Rosa..... Santa Ynez..... Volcan.....	126 124 35 110 195 60 71 175	67 64 18 66 111 35 37 96	59 60 17 44 84 25 34 79	37 34 12 41 79 10 24 76	89 90 23 69 116 50 47 99	111 117 35 110 96 60 3 132	15 7 53 60 68 42	..... ..... ..... ..... 46 1				
Tule River School.....	445	235	210	200	245	431	14	.....				
Tule River..... Auberry..... Burrough.....	158 151 136	93 76 66	65 75 70	200	245	431	14	.....				
Scattered tribes—Digger—under Special agent, Reno, Nev.....	1,300	1,500	1,500						750	2,250	2,400	450	150

¹ 1910 census.

Mr. MERITT. Congress has also been making appropriations for the purchase of lands for the California Indians covering a period of years. Several years ago we had employed as a representative of the Indian Bureau Mr. Kelsey, who made the report cited by Judge Raker. Mr. Kelsey spent considerable time in purchasing lands for California Indians out of appropriations made by Congress.

Mr. RHODES. Have those Indians practically all been provided with homes?

Mr. MERITT. We have provided homes for approximately 5,000 Indians, and it is estimated that there are about 3,000 Indians who are at this time without lands; and in order that the committee may have full information on that subject I will place in the record at this point, if agreeable, the names of the bands of Indians for whom lands have been purchased, the number of Indians in those bands, and also the number of acres that have been purchased for them.

(The matter referred to follows:)

Mr. RHODES. About how many Indians would be entitled to participate under the benefits of this act should it become a law?

Mr. MERITT. Practically all of the Indians in California at this time, which would number between 15,000 and 20,000.

The CHAIRMAN. What do the Indians do for a living who have not got lands?

Mr. MERITT. They work on the fruit ranches in California and do various classes of work on the farms, ranches, and in the forests.

Mr. RHODES. Do I understand, then, that the lands that they have been deprived of have turned out to be rich mining claims—gold mining claims?

Mr. MERITT. The lands that they were deprived of have proven to be not only valuable for mining purposes, but also for agricultural purposes.

Mr. RHODES. Does that signify, then, in the event this legislation should become effective that there would be a large sum of money due the Indians?

Mr. MERITT. Undoubtedly the California Indians will win a judgment under this legislation if passed, and there will be a considerable amount of money awarded to them, because they relinquished, at the time these treaties were made, a large acreage of land, and the terms of those treaties were not carried out—at least not entirely—by the Federal Government.

Mr. RHODES. What I was just considering was, if some of those lands included the rich gold mining properties of California, a very fabulous sum might be found for these Indians.

Mr. MERITT. Of course I judge that the award made by the court would be on the basis of the value of the land at the time the treaties were entered into, and that it would not affect the title to the lands at this time. I do not believe that anyone would attempt to disturb the titles to lands in California, but simply to get for the Indians the reasonable value of the lands at the time the treaties were made, so that the understanding of the Government with the California Indians would be carried out.

Mr. RHODES. I am sure that the title could not be affected under the provisions of this act, but I am not so sure what rule would be applied in determining the amount of money that might be due the Indians.

The CHAIRMAN. Is there any rule of the Supreme Court in regard to that which has already been established?

Mr. MERITT. I know of no special rule on the subject, but I believe the court would hold that the value of the land at the time the treaties were entered into would be the basis of reaching a judgment.

Mr. RAKER. Now, before you leave that, Mr. Meritt, as you have stated, this bill and the purpose of it, and the jurisdiction under the bill could not under any circumstances even put a cloud upon or affect the title to the land in any way, shape or form.

Mr. MERITT. No, sir; and we would not be in favor of legislation that would place a cloud upon the title to lands in California.

The CHAIRMAN. But as Mr. Rhodes has suggested, because there could easily be worked up a claim for a fabulous amount of money, if these lands turned out to be gold mines and things of that sort, it might be well to limit that.

Mr. MERITT. Mr. Chairman, in addition to placing in the record a list of the agencies in California and the amount of land that had been purchased for the California Indians, I would like to place in

the record a list of the schools that we are now maintaining in California for the California Indians. I would like to say that in addition to educating Indians in these schools we are cooperating with the State of California in educating some of the California Indian children off the reservations. The California Indian has been held by the courts to be a citizen of the State, and we are trying to get the State of California to assume its full share of this responsibility, but we are cooperating with them to the limit with the amount of money that is available.

The CHAIRMAN. There will be no objection to that.

Mr. MERITT. The matter referred to follows:

Government schools in California, September, 1919, to Mar. 1, 1920.

Name.	Post office.	Capacity.	Average enrollment.	Average attendance.	Kind.
Bishop superintendency:					
Bishop.....	Bishop.....	60	48	34	Day.
Big Pine.....	Big Pine.....	30	19	15	Day.
Independence.....	Independence...	20	10	9	Day.
Pine Creek.....	Round Valley...	30	20	17.4	Day.
Campo.....	Campo.....	30	14	14	Day.
Fort Bidwell.....	Fort Bidwell...	98	82	82	Nonreservation boarding.
Fort Yuma superintendency:					
Fort Yuma.....	Yuma, Ariz.....	180	123	119	Reservation boarding.
Cocopah.....	Somerton, Ariz..	40	16	12	Day.
Yuma Valley.....	Yuma, Ariz.....	40	.....	.....	Day.
Greenville.....	Greenville.....	90	114	104	Nonreservation boarding.
Hoopa Valley.....	Hoopa.....	165	156	138	Reservation boarding.
Pala superintendency:					
Pala.....	Pala.....	30	25	22	Day.
La Jolla.....	Valley Centre...	30	15	13	Day.
Rincon.....	Valley Center...	14	7	6	Day.
Round Valley superintendency:					
Pinolville.....	Ukiah.....	25	18	9	Day.
Upper Lake.....	Upper Lake.....	30	21	16	Day.
Yokaia.....	Ukiah.....	40	18	11	Day.
Sherman Institute.....	Riverside.....	700	699	608	Nonreservation boarding.
Soboba superintendency:					
Mesa Grande.....	Mesa Grande....	30	15	14	Day.
Volcan.....	Santa Ysabel....	30	20	14	Day.
Tule River superintendency:					
Auberry.....	Auberry.....	32	24	17	Day.
Burrough.....	Toll House.....	34	24	20	Day.
Tule River.....	Porterville.....	30	15	14	Day.

Mr. MERITT. I believe that is all I wish to say, Mr. Chairman. The appropriations made by Congress for the benefit of California Indians are as follows:

Statement showing the amounts appropriated and expended from appropriations for California Indians since July 1, 1852.

Acts.	Statutes.	Purpose for which appropriated.	Amount appropriated.	Expended.	
				Year.	Amount.
Aug. 30, 1852	10, 56	For preservation of peace, etc.....	\$100,000.00	1852	\$99,951.70
Mar. 3, 1853	10, 238	For removal, subsistence, etc.....	250,000.00	1853	50,000.00
July 31, 1854	10, 332	.....do.....	200,000.00	1854, 1855	200,000.00
Mar. 3, 1855	10, 698	.....do.....	125,000.00	1856	125,000.00
Do.....	10, 699	.....do.....	150,000.00	1856	150,000.00
Aug. 18, 1856	11, 79	.....do.....	91,650.00	1857	91,650.00
Mar. 3, 1857	11, 183	.....do.....	162,000.00	1858	162,000.00
June 12, 1858	11, 330	.....do.....	162,000.00	1859-1862	162,000.00
June 16, 1860	12, 57	.....do.....	50,000.00	1862, 1863	50,000.00
Mar. 2, 1861	12, 236	.....do.....	25,000.00	1864-1869	25,000.00

I might say that we discussd this California situation somewhat extensively in the hearings before the Senate Indian Committee in February, 1919, and the statements of Judge Raker, Rev. Mr. Collett—

The CHAIRMAN. (interposing). Do I understand Judge Raker to agree to that language?

Mr. RAKER. I thought it was in substance in the bill, Mr. Chairman.

The CHAIRMAN. Well, if it is in there in substance, then it would not do any harm to have it in specifically.

Mr. RAKER. As to what Mr. Meritt says I think it will be the proper thing to include it.

The CHAIRMAN. If the bill gets on the calendar, I think that will help it.

Mr. RAKER. I think under all the circumstances, to make it specific so that no one could raise any question as to the words, you had better put in "gratuities."

Mr. MERITT. I agree with Judge Raker on that.

Mr. RHODES. I would like to ask Mr. Meritt a question or two, Mr. Chairman:

On page 2, section 2, in alluding to the character of suits, it provides that "both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation." Now to what particular statutes of limitation is the reference here; statutes of limitation with regard to land titles, or statutes of limitation with regard to the right of the Indians to recover a sum of money against the Government?

Mr. MERITT. The right of the Indian to recover the money; that is, the wording is to place it on an equitable basis so that the Indians will have a right to bring in their claim. And you will note that the Government will have the same right to offset any such claims.

Mr. RHODES. I ask that question in order to be assured that the statutes of limitations here referred to have no reference to land titles, in order that it may be consistent with the object and purposes of the act to settle a claim which in no way would affect land titles, but would deal with money consideration only.

Mr. MERITT. This bill will not attack land titles in California and it is not intended that it shall do so.

The CHAIRMAN. It seems to the chairman of this committee that there is certainly some justice in this proposition. The lands evidently were taken away from the Indians, and some of them have received no compensation whatever. Agreements were entered into between the Government agencies and the Indians that have not been carried out, so far as this testimony goes, in any way by the Government, and the only reason that I can think of for not carrying them out was the fact that the treaties were not ratified, and probably the Government agencies went on the theory that there was no necessity for it so long as they were not ordered to do it by treaty or by law; but that ought not to affect the right of the Indians to get at least the value of the land at the time it was taken away from them, and this looks like a pretty fairly clear case and I can't see right now now any reason why they should not have the opportunity to demonstrate that.

Mr. RAKER. Every investigation made, Mr. Chairman, by all of the organizations in California, came to the same conclusion that Mr.

Meritt has just stated to the committee and as stated in that letter from Mr. Kelsey, that these agreements were entered into; the Indians complied with all their part and the Government did not comply with its part. It took the land but gave them nothing.

The CHAIRMAN. Now we will let Dr. Wooster have a few minutes.

Mr. W. M. WOOSTER. If it please the committee, Mr. Meritt has so thoroughly covered the situation that there is nothing that I can add.

The CHAIRMAN. That is perfectly agreeable to the committee.

Mr. RAKER. And, Dr. Collett, from your examination that will be about the same as Dr. Wooster's, will it not?

STATEMENT OF REV. FREDERICK G. COLLETT, EXECUTIVE REPRESENTATIVE OF THE INDIAN BOARD OF COOPERATION (INC.), OF CALIFORNIA AND ADJACENT STATES.

Mr. COLLETT. I shall not attempt to make a statement on this subject, because it has been very thoroughly covered. There are, however, two items in this connection which should be called to your attention. They both bear directly upon the matter before your committee.

The first is a letter to the Secretary of the Interior under date of December 10, 1919, by the special committee of the Indian Board of Cooperation. The communication deals specifically with the California Indian problem and bears the signatures of some of our most representative Californians, including the signatures of the presidents of each of the universities and colleges in California. As a member of that committee, the letter may appear as my statement.

The second item, also important in this connection, is that of a report by the Board of Indian Commissioners. Mr. McDowell, the member of that commission who made the investigation and prepared the report, is present, and I am sure will be glad to explain the maps and other illustrations which make very clear the situation relative to the 18 treaties. The report is especially worthy of your attention at this time.

The CHAIRMAN. Is it the desire to have the report of the Indian Commissioners printed in this report?

Mr. RAKER. I am going to ask Mr. Meritt if that was printed in pamphlet form by the department.

Mr. MERITT. No, sir; the Indian Bureau is also making an investigation of the entire California situation at this time, and we expect to have a very complete report covering all phases of the California situation, to be presented to Congress at the next session, and we would like to have at that time both the report of the Indian Bureau and the report of the Board of Indian Commissioners printed, so that it might be seen by Congress. Of course, we have no objection to the printing of this report here.

The CHAIRMAN. Now, since you are making that exhaustive investigation, do you desire that this legislation should proceed ahead of that?

Mr. MERITT. That report will not affect this legislation; it will only enable us to present to Congress what things we should do administratively for the California Indians at this time. It will not affect the claims of the California Indians; therefore Congress can at this

time take action on the jurisdictional bill without waiting for further reports from the Indian Bureau.

(Mr. Collett submitted the following paper:)

FOR THE HONOR OF AMERICA AND CALIFORNIA.

In this review of the facts touching the Indians of California the following points will be substantiated:

First. The pledge of the United States to the Indians in the treaty of Guadalupe Hidalgo was violated by a disgraceful subterfuge.

Second. Agreements. The treaties of 1851 and 1852 have not been fulfilled.

Third. Much well-intentioned Federal legislation has met with miscarriage. Why? (1) Conflicting legislation; (2) the failure of Congress on many occasions to properly inform itself as to the facts in the possession of its own committees, and the further failure of Congress and its committees to acquire other facts easily accessible; (3) failure on the part of governmental agencies to put into action the will of Congress, sometimes through incompetency, sometimes apparently through purpose.

Fourth. In many instances lands purchased by special agents of the Government for Indians have been of little value, and in some cases of no value.

Fifth. Solution. (1) Investigation; (2) legislation; (3) supervision.

Sixth. Congress should provide adequate funds (1) to purchase land; (2) to supplement State provision for education; (3) to relieve the indigent.

Seventh. Unification of purpose and effort is necessary.

INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.),
December 10, 1919.

HON. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In full recognition of your general knowledge of the Indian situation in California and of your keen sense of justice, the undersigned Special Committee of the Indian Board of Cooperation of California, believes it to be highly in the interest of fair play and an urgent obligation to the dependent and unfortunate Indians of this State to call your attention respectfully and specifically to some items that require a thorough investigation, remedial legislation and congressional appropriations.

That the correctness of our presentation may be easily verified and that the premises for our conclusions may be readily established without delay, we shall confine our compilation of facts chiefly to matters of public records and of common knowledge. The needs are:

First. A Federal commission to make a thorough survey of the entire Indian situation and to supervise congressional undertakings in California relative thereto.

Second. Appropriations, (1) for the expense of a Federal investigation and supervision of California Indian matters; (2) for the purchase of adequate and permanent allotments with improvements thereon for the homeless Indians; (3) for school buildings and equipment for Indian children in districts where their numbers and necessity demand it; (4) for a tuition to be paid to the trustees of school districts in California where Indian children may be admitted, providing, funds for proper equipment are available; (5) for the purpose of aiding county supervisors in caring for sick, aged, and otherwise dependent Indians; (6) for a reimbursable fund to enable industrious Indians to buy farming implements and other necessities for the purpose of making the best use of their land and for the essential house furnishings.

Third. The appointment of a Federal agent to assist California Indians in gaining public school advantages, county and State aid for orphans and proper care for sick and aged Indians.

Fourth. A more consistent practice of the professed governmental policies, regarding the education of Indian children in public schools and of other matters pertaining to Indian betterment, and also a more definite and authoritative understanding and cooperation with the State and county officers concerning the care of sick and indigent Indians and the education of Indian children.

I. FEDERAL COMMISSION OF INVESTIGATION AND SUPERVISION.

The need of a Federal commission, who shall be well acquainted with the problems that are peculiar to California and the laws that are applicable to the Indian questions, to make a thorough survey of all Indian matters in California and to supervise Federal undertakings related thereto, is pressing and conspicuous. This is evidenced by every State and Federal record concerned and by all testimony that has been or

may be adduced. The evidence is clear that the United States Congress, notwithstanding its good intentions to deal justly with these Indians, has signally and pitifully failed. So far as these Indians are concerned, our guarantee in the treaty of Guadalupe Hidalgo, to preserve to them their rights in land, etc., has proven to be a worthless "scrap of paper."

The report of a special agent of the Department of the Interior, 1906, concerning this matter is worthy of note. It should be stated that he was a duly qualified attorney and had given special attention to delving into records pertaining to land titles. The report in part follows:

"The treaty of Guadalupe Hidalgo, ceding California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of transfer. Under the Spanish and Mexican law the Indians had certain rights to the land they occupied and could not be legally evicted from it. The acts of Congress which provided for the settlement of titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement, the duty of first setting apart for Indian use all lands occupied by them. It may, therefore, be assumed that Congress considered that the Indians had substantial rights. It was a duty of the commission to investigate and confirm the Indians' title wherever Indians occupied lands included within the limits of Spanish and Mexican grants. Your special agent has found but two cases out of several hundred grants where this was done, Pauma and Santa Ynez, and in the latter case the terms of settlement were so uncertain that action is now pending in the State courts in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to substantiate the validity of their titles, but were prompt to appeal to the American law to evict the Indians, something they could not legally do under the terms of their grants."

The powers discovering this continent, England, France, Spain and little Portugal, each claiming sovereignty of the soil by right of priority of discovery, all recognized the Indians' right of occupancy as a right.

Dr. Walker, in his American Law, on this subject, said, "They have a qualified right of occupancy which can only be extinguished by treaty, and upon fair compensation; until which they are entitled to be protected in their possession." In fact, in one of the earliest records of the Supreme Court of the United States, in the case of the removal of the Cherokees from Georgia, we find the following sentence: "The Indians are acknowledged to have unquestionable rights to the land which they occupy until such rights shall be extinguished by voluntary cession to the Government." Under Spanish and Mexican laws as well, those that controlled prior to the cession of the territory of Mexico to the United States, the Indians' right of occupancy was explicitly recognized.

In this connection it is worthy of especial note, that in 1851-52 a duly authorized United States commission secured the signatures of about 400 California Indian chiefs and heads of bands to treaties. These chiefs represented approximately 150 bands or tribes. There were 18 of these treaties, all similar in tenor. The terms of the treaties were substantially as follows:

The Indians agreed (a) to cede their rights in lands to the United States Government; (b) to keep the peace; (c) to accept the sovereignty of the United States; (d) to accept the ceding reservations, 18 in number, aggregating about 7,500,000 acres, described in said treaties by metes and bounds, worth at the Government price of \$1.25 per acre, about \$9,500,000.

The Government agreed (a) to pay the Indians certain sums in goods amounting to about \$1,800,000; (b) to reserve in perpetuity for the Indians' use and enjoyment different reservations specified in said treaties; (c) to provide school and other necessary buildings; (d) to provide skilled instructors in farming, blacksmithing, and woodwork, supervisors and such assistants as should be found necessary. Said instruction to be continued as long as might be found necessary by the President.

The Senate of the United States failed to ratify these treaties, and the Government, therefore, quite properly, considered them inoperative. But why did the Senate fail to ratify? Because certain influential gold miners, whose mining claims might be affected, used their influence against it. Yet it should not fail to be noted that while the Senate failed to ratify these treaties, the agents of the Government in California, by their official acts, practically assumed that they were ratified and allowed the land of the Indians to be settled upon and the Indians to be evicted as though they had no rights whatever. The consequence was that the Indians lost their lands and received absolutely nothing in return but abuse, persecution, and bodily injury when they sought redress.

The failure of the United States to ratify the 18 treaties negotiated by the said commission in 1851-52, or to have settled with the Indians in some other suitable way for their rights in lands and their native opportunities, together with the facts that the

Federal statute prohibiting the Indians the right to homestead until the passage of the Indian allotment act in 1887, have placed insurmountable difficulties in their way of progress, of development and of becoming the useful citizens they might have been. The United States again by its superficiality in dealing with these Indians at the time of the awakening caused by Helen Hunt Jackson's "Century of Dishonor" and "Ramona," and by the eviction of the Indians from Warner's Ranch in San Diego County, has made more chronic the almost hopelessness and despair of the Indians and their friends for a just settlement.

It is fully recognized, however, that Congress was filled with the most laudable endeavor to provide homes for the Indians, by their action in authorizing a special agent to investigate conditions in California in 1905 and the following year, making an appropriation for that purpose of \$100,000. Yet, through the incompetency and carelessness of its duly appointed agents, special and otherwise, the intent of Congress, in a large measure, has been defeated and the evil condition of many of the Indians really aggravated and increased by what was designed to be for their permanent benefit.

According to the official records in the premises after the special Government agent, who with full knowledge of the provisions of the treaty of Guadalupe Hidalgo, the 18 treaties negotiated by the Senate's commission in 1851-52, the treatise on the matter by Helen Hunt Jackson and others intimately familiar with the Indian situation of California, recommended, after investigation of conditions among these Indians throughout the State, that \$60,000 would be ample to settle justly with them. In pursuance thereto, strange as it may appear, Congress on June 21, 1906 (34 Stat., 325), appropriated \$100,000 for the purchase of land for the homeless Indians in California. On April 30, 1908 (35 Stat., 70), Congress appropriated an additional \$50,000. It was at that time so clearly and definitely understood by Congress and its committees that this amount would be sufficient to complete the work, that the phraseology employed by Congress in this act was to the effect that it was enough, and that that sum should be so expended as to make unnecessary any further provision.

In the five subsequent annual Indian appropriation bills the language employed by Congress was changed in the item providing "for the support and civilization of Indians in California, including payment of employees." It provided, in substance, that a portion of the respective sums appropriated might be used to purchase additional lands for homeless Indians in California. The tabulation of the respective amounts given were as follows:

Mar. 3, 1909 (35 Stat., 787).....	\$20,000
Apr. 4, 1910 (36 Stat., 273).....	42,000
Mar. 3, 1911 (36 Stat., 1062).....	57,000
Aug. 24, 1912 (37 Stat., 523).....	57,000
June 30, 1913 (38 Stat., 77).....	57,000
Total.....	233,000

Out of this total sum of \$233,000, \$30,000 was expended for the purchase of land for the California Indians, according to Commissioner Meritt's statement to the Senate Committee on Indian Affairs. Since the dates noted above, appropriations were made during the next five subsequent years (as shown by the figures in the following tabulation) amounting to \$70,000. The grand total, \$250,000 appropriated by Congress for homeless Indians in California as indicated by the preceding statements and shown by the following tabulation does not include the \$20,000 appropriated in June, 1919, for this same purpose:

June 21, 1906 (34 Stat., 325).....	\$100,000
Apr. 30, 1906 (35 Stat., 70).....	50,000
See preceding paragraph.....	30,000
Aug. 1, 1914 (36 Stat., 582).....	10,000
Mar. 4, 1915 joint resolution (38 Stat., 1288).....	10,000
May 18, 1916 (39 Stat., 123).....	10,000
Mar. 2, 1917 (39 Stat., 123).....	20,000
May 25, 1918 (Pub. 159).....	20,000
Total.....	250,000

In this connection, it is worth while to note that according to Commissioner Meritt's statement to the Senate Committee on Indian Affairs, February 14, 1919 (Senate hearings, p. 196), it has taken \$250,000 to buy 8,380 acres of land for 4,662 Indians and that more than 12 years have been consumed for the transaction. It is shown (by House hearings, p. 36, Dec. 5, 1919), that the average amount actually paid per acre

for land was \$11.74, and that the per capita was \$15.10. At this rate the total land value involved is \$98,381.20. This leaves \$151,618.80 to be accounted for in overhead expenses, etc. It also means that only 36 per cent of the total appropriations proved to be of actual service to the Indians. The benefit derived by the Indians is ridiculously small. We should not lose sight of the fact that the land already purchased is in most cases inadequate in quantity and in numerous cases valueless; some being on the sagebrush plains without water or the hope of water. "Six hundred allotments are located in the Sierra Nevada Mountains, where the land, or rather rocks, incline up at an angle of 45 degrees or more, and the snow falls often from 30 to 40 feet deep, and lies from October to June," said the special land agent, in his report to the Department of the Interior in 1906. Still other allotments are found in inaccessible places and comprise land that no United States Congressman, not even the Government agent who made the purchase, would be willing to pay taxes on if the property were assessed for \$1 per acre. Other portions of the land purchased, though insufficient in amount, are of but little value to the Indians, due to lack of water, school facilities, and inaccessibility.

As an example of this we refer to one of many cases coming directly under the notice of the Indian Board of Cooperation, that of the Rancheria at Hoplands, bought by special agent in 1907. There were 630 acres, with absolutely no water, the nearest spring being about 2 miles away. The Indians were compelled to reside elsewhere during the summer months until recently, when, through the efforts of the Indian Board, the Office of Indian Affairs arranged for the expenditure of about \$1,000 for the purpose of securing water. That the land is worthless in many instances is evidenced by the fact, already shown, that only \$11.74 as an average has been paid per acre. However, in each of the Indian appropriation bills providing for the purchase of land for the homeless Indians in California it expressly provides, "including improvements thereon." The improvements seldom reached the Indians and then only after much effort on the part of the Indians and their friends.

The special agent employed by the Office of Indian Affairs for eight years or more for the purchase of land in California for homeless Indians repeatedly claimed during the last year of his service that land had been bought by him for all of the Indians in California and that there were "only a few deals left to be closed," and that he would no longer be in the service, as it was possible for some regular employee, charged with other responsibilities, "to close these deals."

It was also authoritatively stated to Congress (February, 1914, House hearings, p. 144), that there were 1,568 Indians without land, and that the appropriation still needed was \$50,000. On this presentation an appropriation of \$10,000 was made, leaving, according to that estimate, a balance of \$40,000 needed.

This same year a member of the Board of Indian Commissioners stated that, in his opinion, after a recent cursory investigation, \$30,000 would be an ample appropriation for the completion of the land settlement of these Indians.

In the House hearings under date of December 5 and 6, 1916, page 136, the following appears: "It is believed that with great care it will be possible to complete this work with the amount asked for, \$25,000." However, there were then, as recorded in the same paragraph, 2,782 Indians to be provided for, while in the following paragraph the same authority claims that there were between 3,000 and 4,000 without land. The number of homeless Indians seems to have been established to be 4,000, as shown by more recent records.

Since these latter estimates as to the necessary funds required for a just settlement, Congress has appropriated:

Mar. 4, 1915, joint resolution (38 Stat., 1288).....	\$10,000
May 18, 1916 (39 Stat. 123).....	10,000
Mar. 2, 1917 (39 Stats. 269-86).....	20,000
May 25, 1918 (Pub. 159).....	20,000
Total.....	60,000

In spite of the fact that, since the hearings on the Indian appropriation bill for the year ending June 30, 1916, \$60,000 (not including the \$20,000 given by Congress in June, 1919) has been made available, the Senate hearings recorded February, 1919, that the Office of Indian Affairs still has about 4,000 Indians yet to be provided with land. Now, then, since it has taken more than 12 years to provide land for 4,662 Indians and has cost \$250,000, how much time and how much money will be required to provide for the remaining 4,000 under the same incompetent management?

With such numerous discrepancies in evidence and with such flagrant wrongs having been perpetrated against the Indians of this State, and with information so inadequate that Congress can not act intelligently and justly, is it not a matter of simple justice to the Indians and of economic importance to the Government that a Federal

commission be appointed to investigate the situation and to supervise all Federal undertakings in their behalf? The needs and justifications for the Federal commission are manifold and self-evident, as we may readily conclude, not alone from the land situation but from the educational and other phases of the California Indian problems that are yet to be presented in this letter under separate headings. The American Government is too rich and self-respecting to allow a stain of this character to remain on its escutcheon.

II. APPROPRIATIONS.

The appropriations required for work among the Indians of this State, as set forth in this communication, are six in number and are numerated in succession under this heading.

1. *Expense of Federal commission.*—As the item concerning the expense of the Federal commission has already been sufficiently gone into, we need not concern ourselves further with it.

2. *Purchase of land.*—Even though this land item has been dealt with at considerable length under the head of "A Federal commission of investigation and supervision," it is worthy of further and very definite attention. An adequate appropriation for land is of great importance to the homeless Indians and of economic consequence to the Government, as land values are continuously increasing in California at an enormously rapid rate. It has been recognized by your department and is well known to all familiar with the expenditure of small appropriations for large purposes, that there is, at best, much waste and great perplexity in the wise and economical use of such appropriations. In this connection we call your attention to page 143 of the House hearings to the analysis of the expenditures for land for the year ending June 30, 1914, which shows that the cost of utilizing \$1,125 for land of a small appropriation totaled \$1,297.90 for the expense of the agent to make the purchase.

According to the best records available, to expend the total appropriations of Congress of \$250,000 for land during the last 12 years, it has cost, for overhead expenses, etc., as previously shown, 64 per cent of the total appropriation. In the hearings referred to, the economic breach was acknowledged to be on account of the smallness of the appropriation which caused perplexity as to its wise expenditure. We are confident that with adequate appropriations for land and an efficient agent in the field, giving his whole attention uninterruptedly to the work of purchasing land, supervised by a competent commission, the maximum results could be obtained with the minimum of cost. The peculiar needs of the Indians make imperative that in selecting land for them there be sufficient wood, that there be arable, as well as pasture land and plenty of water. Since it has taken, according to the Indian Department's own records, as previously shown, \$250,000 to buy land for 4,662 Indians, it will require at least \$214,500 to provide land for the remaining 4,000 homeless Indians in a manner similar to the way their kinsmen have been dealt with. The showing, with reference to those who have been furnished with land, is that it is inadequate and in many instances not suitable. This makes evident that a greater appropriation than \$214,500 will be required for anything like a just and reasonable settlement with the California Indians for their rights in land alone. We, therefore, urge that the appropriations for land be suitably large.

3. *School buildings and equipment.*—The day has gone by, if there ever was one, when it was wise to herd Indians away on to a reservation and subject them to the demoralizing and stunning influences of such a life. The education of the Indian child apart from and in a different way from all other children is not in the best interest of his development and progress.

The need and justification of a Federal appropriation for the erection and equipment of school buildings for the education of Indian children under the public-school system of California, do not seem to have been recognized by the Office of Indian Affairs, judging from its opposition to the amendment pertaining thereto in the Indian appropriation bill for the year ending June 30, 1920 (p. 207, Senate hearings). Because of that fact and because the item is an important one and can not be handled jointly, as proposed by Assistant Commissioner E. B. Merritt, by the State and Federal Governments, it is necessary for us to deal specifically with it.

The Indian population in California is stationary, about 20,000 in all, distributed throughout 45 counties, in approximately 300 bands or groups. Twenty to twenty-five per cent of them of school age, between 4,000 and 5,000. There are no reliable statistics available as to the exact number of Indian children in school, but according to the best available information, there are at least 2,500 not in school, chiefly from lack of adequate facilities, race prejudice, indifference, etc.

The school laws of California would seem to indicate to the casual reader, without a knowledge of their workableness, that in these laws we had a panacea for all our

Indian educational difficulties, but they merely make clear that there are three approaches to the solution of this school question.

Where Indians are not already enrolled in the public school and live near enough to attend, arrangements may be made with the local school authorities for their education: (1) By admitting them to the school with the whites; (2) if necessary, on account of local conditions, a "separate school" may be established for them; (3) when it occurs that there are 15 or more children living at a greater distance than 2 miles from any other school, a "new school district" may be formed.

To each newly formed district the State of California and the county in which the district is located will jointly pay \$900 for the maintenance of the school for the first year. The State and county will thereafter pay \$800 annually on "teachers' basis" and from \$15 to \$30 additional per capita, this latter item being based on the average daily attendance of the preceding year. There is, therefore, available from the State and county sources from \$900 to \$1,100 annually for each public-school district, and from \$15 to \$30 toward the education of each child who shall have attended that school the preceding year. There is also from \$15 to \$30 available toward the education of each child who shall have attended a public school with the "whites" or in a "separate school." To provide adequately for the admission of Indian children who have not previously been admitted to established schools this latter sum usually proves insufficient and in no case is available for the first year's expense.

Whenever it becomes necessary to organize a "new school district" it is also necessary to provide a new school building. Under the laws of California, the only way of providing a new school building is by the levy of a special tax within the district by the residents thereof. Where new districts are formed for Indians it is usually necessary, in order to avoid serious objections from their white neighbors, who do not wish to be taxed for them, to have these districts comprise only land recently allotted by the Federal Government to the Indians, which is exempt from taxation and often without taxable value.

With reference to the proposition that the State and Federal Governments share jointly in the expense of school buildings, as suggested by Commissioner Merritt to the Senate Committee on Indian Affairs, February 14, 1919 (Senate hearings, p. 207), it should be remembered that there are serious legal difficulties in the way of such joint transactions. The State authorities could not permit the use of funds for the erection of a building that was not on its own property and under its own control, neither would Federal officials consent to the use of Federal funds for this purpose, unless the building was on its property and under its jurisdiction. The justifications in the premises are wholly in favor of the appropriation by the Federal Government for the erection and equipment of the needed buildings. Firstly, the Federal Government is chiefly responsible for the pauperous condition of the Indians, because of its failure to effect a just settlement with them; secondly, the recently allotted land is the logical site for these buildings; thirdly, it is held to be unconstitutional for the State legislature to make an appropriation for school buildings for Indian use, as it would be considered "class" legislation. The State authorities have and are willing to cooperate, to the extent of their ability, where children may be admitted to established schools or where schools may be organized, buildings equipped and provided, and permission allowed for maintaining a public school for Indians on Government land. Funds will be made available to the amount of \$800 on teachers' basis for a new school district, and from \$15 to \$30 per pupil per year based on the average daily attendance of the preceding year, toward the maintenance of a school under California laws. These funds will, proportionately to the attendance, and almost automatically, be released from the State and county treasury each succeeding year.

Both the educational administration of the State and the Indian board of cooperation are strongly in favor of providing for the Indian children, so far as possible, in the districts already established, but are also anxious to solve the Indian educational problem of the State as rapidly as it can be done. To do this some additional school districts must be established for Indians now, but it is our expectation, as California becomes more settled, for these districts finally to become mixed, by later changing boundary lines, to take in the new white neighbors and Indians, thus keeping to the ideal of the assimilation of the races.

Through the efforts of the Indian board of cooperation several new school districts have been formed: in each case, because of local conditions, the boundary lines have taken in only land recently allotted to the Indians by your land office, which is of course nontaxable. It is in providing school buildings and equipment for newly organized districts and for other districts that should be formed, for additional facilities in communities where Indians reside near established schools, but who are debarred on account of lack of adequate equipment, that an appropriation is needed. The approximate amount needed to erect and fully furnish a school building is about

\$2,000. There are at least 10 or 12 buildings required now. It is therefore just and reasonable that Congress make an adequate appropriation for the erection and equipment for the buildings that are needed.

4. *Tuition.*—It is frequently found that Indians, living near a school already established, are not admitted, because of lack of proper equipment, of race prejudice, or because of indifference on the part of the teacher, school authorities, and the Indians themselves. When a tuition toward the education of Indian children in the public school is paid, provision for the Indians is made and race prejudice usually vanishes. It is noticeable that the teacher and the trustees become interested in the education of the Indian children and make them welcome and in every way encourage their regular attendance, because funds are thereby made available for better school privileges for their own children as well as for those of the Indians. More money is available for teachers' salary and general expenses of the school, for only as the children actually attend are these funds available because they are paid on the actual average attendance of the Indian children. This tuition is highly important and justifiable, because of the benefits derived therefrom, by the Indians and because the educational privileges of the public school could not be accorded to the Indians unless they are provided by the levy of a special tax within the district. The whites object to being taxed for the Indians since the Indians' property is not taxable, it being the property of the Federal Government, and in many instances does not possess taxable value. The Indians are not, therefore, in a position to share the educational burden. It is frequently found necessary and advisable for a tuition to be paid to the school trustees for the education of Indian children, attending, with the whites, a "separate school" or a newly formed district. In some instances an unusually large tuition the first year will enable a district to maintain an average attendance that will entitle it to additional funds, on teachers basis as well as to extra funds, because of the actual attendance of the preceding year, thus making it therefore unnecessary thereafter to pay more than nominal tuition to provide amply for their education.

By the erection of school buildings and by the payment of a tuition where necessities require it, the Federal schools for Indians in California may in a few years be abandoned; in fact they will be abandoned if the declared policy of the Department of the Interior is actually adhered to, which is to provide Indian children with school facilities and supervision. According to the report of the Commissioner of Indian Affairs for the year ending June 30, 1918, page 32, it costs from \$200 to \$225 per pupil to educate an Indian in a Government school, while a per capita cost of the education of a child in the elementary schools of this State for 1917-18, including all expenses for salaries of teachers, janitor, fuel, repairs, equipment, books, charts, etc., was \$30. If we were to include in this the salaries of the State and county superintendents of schools, their office expense, the investment of property with the interest thereon, the per capita cost would then be below \$40 per year. From these figures it is clear that the cost of educating an Indian child in the normal way in a public school is at least 80 per cent less than under the present prevailing Federal régime. By the policy outlined for the education of the Indian children under the public school system of California, assisted by the Federal Government, the State school will rapidly supplant the day and boarding schools of the Government and the National Government will ultimately and eventually release itself from the responsibility and support of all of its schools for Indians in California. Besides, it will cost the Federal Government during the period of readjustment for all expenses involved from 50 to 80 per cent less than it now costs.

5. *Indigent Indians.*—It is urgently important that provision be made to aid county supervisors in providing properly for the sick, aged, and temporarily indigent Indians. The conditions that have prevailed among them heretofore have been and are disgraceful and reflect disparagingly upon a Nation that appropriates at will \$100,000,000 for the relief of foreign nations.

By the policies pursued heretofore the Indians of California have not only been swindled out of their rights in land, but they have been criminally kept dependent and illiterate, and allowed to die without medical aid literally by the thousands from entirely curable diseases. Out of the 210,000 California Indians of 70 years ago, there are left but a miserable remnant of 20,000. The 210,000 estimate is an extremely conservative one, compared with that of Stephen Powers, one of California's most reliable ethnologists, who claimed that there were over 700,000 Indians in this State at the time of the coming of the white man to California. Let us for the sake of our case allow that there were only 210,000, and that to-day there are 20,000 Indians. Confronted by these facts, we must acknowledge astounding as it may appear, that at least 190,000 Indians, without regard to their birth rate, have died in California during so brief a period. This terrible and swift decrease of the Indian population is indisputably chargeable to three causes principally—eviction, starvation, and disease.

Dr. Judson Liftchild, of Mendocino County, Calif., who has been a practicing physician for 22 years, in an address at the conference of the Indian Board of Cooperation, held in San Francisco, August, 1915, said:

"I have lived for nine years as Government physician on a large reservation, and for several years as superintendent of the county and hospital and almshouse, and county health officer, having studied this question, am not giving opinions second-hand. With the exception of a few counties, the indigent, sick, or aged Indian receives practically no aid in this State outside of reservations, he being a shuttcock between State and national authority, each claiming that the responsibility rests on the other. In the county in which I reside, there are no Indians in the almshouse or county hospital, although there are many instances of pitiable poverty among the aged, and cases of curable diseases which go untreated. Children die of tubercular spines and hips, and many become blind from trachoma and conjunctivitis. The aged, many of them blind, eke out a miserable existence, half clad and half starved, dependent upon the precarious help of their own poverty stricken race, or the intermittent assistance of charitable white people."

Dr. Liftchild further states with reference to Mendocino, Sonoma, Lake, and adjacent counties, that "There is no Government physician outside the Round Valley Reservation, and he makes no visits outside of that reservation."

Commissioner Cato Sells, of the Office of Indian Affairs, in his report (1914, pp. 13-14) concerning the seriousness of tuberculosis and trachoma, said in part:

"This is the scourge of the Indian race, and with a full appreciation of the seriousness of the conditions presented, an earnest effort is being made to successfully combat the disease. The progress of the work has been hampered, heretofore, mainly by insufficient funds. I am fully aware of the fact that to perpetuate the Indian race, the inroads of tuberculosis must be stayed. To do this, it is essential that better sanitary conditions be instituted in the homes of the Indians, and that cleanliness, better ventilation, and sufficient and nourishing food not only be insisted upon but provided, if necessary. On account of the failure to recognize trachoma, the lack of facilities for handling the disease, and the small amounts of money formerly appropriated, the disease has wrought great havoc among the Indians of every tribe, except those of New York. Trachoma is only second to the tuberculosis scourge, and spreads rapidly when it is once introduced. The increase of trachoma is alarming."

According to the United States statistics for California for the year ending June 30, 1913 (p. 142 of report of commissioner of Indian Affairs) there were 2,962 Indians examined, and 562, or 19 per cent of that number, were found to have tuberculosis or trachoma, while in the commissioner's report of 1917, page 133, 3,890 Indians were examined, of which 2,174, or 55 per cent, were rated as having tuberculosis or trachoma. With this percentage suffering from these two contagious diseases alone, it is evident that there is a larger percentage, ever increasing, who need medical aid.

The official records of the Office of Indian Affairs show that large sums are paid for hospitals, for physicians, salaries, etc. It should be noted, however, that the majority of the Indians of this State, about three-fourths, do not live on reservations, and that the work done to stay the tide of disease is done for reservation Indians and that those living in scattered bands throughout 45 counties, are usually left to die without any care whatsoever. The Indians are not able to pay hospital and doctor fees, which, in the case of a doctor when he is called to an Indian home, ranges from \$5 to \$25 or more per trip, according to the remoteness and inaccessibility of the case. On the other hand, as to the Government provision in a case of emergency, "the inadequacy of such service is plain," to quote the report of the commissioner, 1912 (p. 20), "when a physician frequently has to drive a day or more out and a day or more back, to reach one family."

In this, as in the school question, we believe that the Indians should be provided for under State supervision. This can be done by Congress appropriating an adequate fund with which to provide additional room and equipment in county hospitals, where necessary, and by reimbursing the supervisors to the amount of 50 per cent of the sum paid by the State and county, for Indians receiving care and sustenance.

This method accords with that of the Federal Government in cooperating with the public school authorities in the education of Indian children, by the payment of a tuition, and with the policy employed by the State of California in providing aid for orphans and half-orphans under the widow's pension act.

The cost of care of the indigent, sick, and aged in a county institution for all services required, was \$275 per capita per annum for the year ending June 30, 1919. Our experience and knowledge warrant the assertion that if the supervisors had the room and equipment required and knew that their efforts would be supplemented, that they would be reimbursed in part, they would be willing to cooperate heartily in this work in accordance with the method involved in the policies referred to. By this system

the Indians could receive medical aid, who would otherwise go unaided, to spread infectious and contagious diseases not only among themselves but throughout the community at large.

The national fund could be safeguarded by a contract (similar to the tuition contract) by requiring the supervisors to render the service and then to be reimbursed, upon a proper showing of services rendered, and by requiring them to bear 50 per cent of the expense. The Federal fund would be further safeguarded under the present State law requirement, by which the supervisors must pass on all worthy cases and must meet monthly to consider all matters pertaining to the county.

6. *Reimbursable fund.*—There are many instances in California where Indians have been furnished with land but are not able to make use of it because they have not the farming implements and other necessities essential to make the best use of their land and to provide the ordinary house furnishings.

Indians not on a reservation have frequently been denied assistance from existing reimbursable fund, because they were nonreservation Indians. We would, therefore, urge that this matter be given suitable consideration and that the Indian appropriation bill be made to provide adequately for them.

III. AGENT TO ASSIST INDIANS.

The Indians as a rule have not the knowledge of our laws, nor our methods of securing aid for their sick and otherwise needy, nor the initiative, in many instances to make the necessary and proper application for the aid and privileges that they are entitled to. It would, therefore, be highly in the interest of humanitarian assistance and justly important to the Government in developing Indian citizenship and independence, to place a Federal agent in the field who is thoroughly familiar with California problems and the laws that are applicable to the care and education of Indians. He should be charged with the task of making a thorough study of Indian conditions throughout the State, county by county, conferring, at all times, with the county and State executives specifically concerned, who shall also use every available means to provide the Indians with school privileges and the necessary care for their indigent sick and aged, under State supervision, assisted by Federal funds.

IV. CONSISTENCY IN GOVERNMENTAL POLITICS AND INTELLIGENT COOPERATION OF THE COUNTY, STATE, AND FEDERAL OFFICIALS.

Much confusion has arisen on account of the failure of the Government representatives to deal consistently and in accordance with the declared governmental policies and intelligently cooperate with the State officials. For instance, it is understood that it is the policy of the Office of Indian Affairs to cooperate heartily with the county and State officials. In some counties agents deal with the trustees of school districts, the only legal authorized persons with whom to enter into contract and transact school matters pertaining to their district, while other agents are knowingly allowed to persistently and contemptuously disregard the law which makes illegal a contract with county superintendents of schools and which gives special detailed authorization to trustees.

The white people who live near Indian communities often labor under the misapprehension that the Indians are wards of the Federal Government and that it is, therefore, the duty of that Government to educate them. For instance, two schools have been erected and equipped recently by Federal authorities in Mendocino County, Calif., one at Pinoleville, at a cost of \$3,500. Here a teacher's house has also been erected at a cost of \$1,800. At Carroll, nearby, a schoolhouse has been constructed, costing \$1,200. At each of these points the Government maintains an independent school, and there seems to be absolutely no justification for this unreasonable independence, so out of accord with the professed policy of the Office of Indian Affairs. In the best interest of the Indians, public-school facilities could be arranged under which conditions the State would bear a liberal share of the expense of the school maintenance now, and its entire responsibility ultimately.

The confusions and misunderstandings that arise concerning the legal status of the Indians, the source from which they should receive educational and other advantages, should be eliminated by more definite and authoritative understanding and cooperation with the State and county officials concerning their betterment. As to this confusion and the ill it works, we cite you a recent specific instance at Manchester, Mendocino County, Calif. Here, when influenza was raging, the Indians asked the county supervisor for medicine and food for the sick. He claimed that the Indians, being wards of the Federal Government, would have to obtain aid from that source. However, he kindly phoned to the Government agent at Round Valley, who responded to

the call. This trip to interview the Indians and to ascertain their needs, could only be made by a round trip of four full days and three nights involving 160 miles by stage, 14 miles by livery and 56 miles by rail. With expenses of \$37 and allowing four days' salary at \$3 per diem (the rate given in 1913) the cost would come to about \$50. Please note that this expenditure of time and money was only for an interview, and that the superintendent, arriving after five Indians had died, as he was neither a practicing physician nor an undertaker, could do practically nothing. He had not even the authority to pay the funeral expenses or doctor's bills, and left saying he would see what he could get the Government to do, especially in regard to the funeral expenses of the father and mother of two minor orphans left to the care of Indian friends.

The lack of cooperation is further evidenced by the fact that on two occasions large numbers of Indians have been examined by the medical representatives of your department, who found, on one occasion, 19 per cent, and at a later date 55 per cent of the Indians examined to have tuberculosis and trachoma. The State law provides that all contagious and infectious cases shall be reported to the State board of health. The records concerning the case referred to are to the effect that the State officials were not advised at all concerning the matter.

Another case that bears materially upon this point is that arising out of an accident that occurred in one of the counties, when some Indians under the influence of liquor (that had been obtained in dry territory) shot off the chin of one of their number. The authorities, upon notification of the tragedy, immediately arrested the person supposedly guilty and took him to the county jail to await trial at the expense of the county, while his father, the injured person and aged man, was left alone in his cabin to bleed to death and die unaided. The same authorities claimed that he was a ward of the Federal Government and that it was, therefore, the duty of that Government to care for him.

The Indian Board of Cooperation has been able, in a large measure, to have settled the legal status of the Indians in California, by securing opinions from the attorney general of the State concerning different matters, such as their right to vote, to attend the public school and to receive county and State aid when in indigent circumstances. The most far-reaching result in this respect has been caused by the decision of the Indian Board of Cooperation to put an end to the aimless dispute between State and Federal authorities, for upwards of 70 years, as to whether California Indians are citizens or wards. It initiated a test case in which the Supreme Court of California definitely declared the Indians to be citizens (*Anderson vs. Mathews*).

We wish to note in this connection that the Supreme Court of the United States has declared that Indian citizenship and wardship are not incompatible. Our conclusion is that the Federal Government has a responsibility to these Indians, its wards, because of its failure to honorably preserve to them their rights under the treaty of Guadalupe Hidalgo, and to compensate them for their rights in land, in accordance with the 18 treaties of 1851 and 1852 or in some other suitable manner. It is plainly a matter of economic import to the Government to make this year's appropriation for the California Indians sufficiently large to speedily accomplish their relief and compensation.

The hopelessness of the Indians for a settlement may be tersely summed up in the language of an old chief who recently replied to a white friend who inquired after the welfare of his people, "Fifty-two years white man make promise, no keep 'em—hope all gone."

Many of the aged and needy Indians are numbered among those who, as chiefs of their tribe, either signed or witnessed the signing of the 18 treaties which were made in good faith, at least by them, with a commission duly authorized by the Government of the United States, under the Stars and Stripes, the flag which should have spoken to them of liberty, of equal rights and opportunities, and of fair play to all. Yet not one of the treaties was ever kept, and these Indians, with all their priority of right, suffer and die, homeless and landless, without claim even to the 6 feet of soil in which they are buried.

Recommendations.

First. That Congress be asked to authorize the Secretary of the Interior to appoint a commission to investigate the conditions among the Indians of California and to supervise the expenditure of all appropriations and work that may be undertaken or authorized by Congress, (1) to investigate as to the number of Indians inadequately provided for with land; (2) those who have none at all; (3) as to the needed provision for Indian education in the public schools, with reference to Federal aid, where it may be necessary; (4) as to the aged, sick, and indigent Indians, with regard to what should be done for their relief; to report to Congress the actual conditions

and recommend policies to be pursued; and also to estimate the amount that should be appropriated to provide school privileges for the Indian children, and proper aid for the needy. We would also recommend that the said commission be composed of seven members, as follows: A representative of the Office of Indian Affairs, a member of the Board of Indian Commissioners, and five representative California citizens, who shall serve without pay, and that said commission be authorized and instructed to remain active and responsible until such task as may be assigned to it shall be accomplished.

Second. That adequate items be placed in the Indian appropriation bill for the year ending June 30, 1921, (1) for the expense of a Federal commission to investigate and supervise California Indian matters; (2) for the purchase of additional land for those inadequately provided for and for those who are still homeless and for improvements that may be necessary; (3) for the erection and equipment of school buildings where they may be found essential, and also for additional equipment in established school districts, that may be necessary for the education of Indian children in the public schools of California; (4) for a tuition to be paid to the trustees of school districts in California where Indian children may be given educational advantages, which could not otherwise be amply provided, due to the fact that the Indians' lands are not taxable and that they, therefore, do not contribute to the expense of such privileges; (5) for the purpose of reimbursing county supervisors to the amount of 50 per cent of the amount they may actually have paid for the relief of sick and indigent Indians, when such supervisors shall be under contract with the Department of the Interior; (6) for a reimbursable fund to aid nonreservation Indians in providing themselves with the ordinary house furnishings, horses, and implements, for the purpose of making the best use of their land.

Third. The appointment of a Federal agent, thoroughly familiar with California problems and the laws that are applicable, with reference to the care and education of Indians, who shall be charged with the task of helping Indians to secure the privileges that are now withheld from them because of the lack of proper application for such rights. The agent should also be instructed to consult at all times with the State and county officials especially concerned and to use every available means to secure to the Indians their rights and privileges. We would also recommend that, (1) arrangements be made, so far as possible, with the authorities of each county, where necessary, for such additional room and equipment, in the county institutions, that may be needed to care for the sick and aged Indians; (2) that the Federal Government render such assistance and aid as may be justifiable; (3) that each county be encouraged to provide and maintain one or more free dispensaries, assisted financially by the Federal Government; (4) that there be appointed in each county where the number of Indians warrant it, a field matron, who shall be registered nurse and otherwise generally qualified to do social service work, such services to be compensated by the Federal Government.

Fourth. That the commission and all agents of the Department of the Interior be instructed to consult and keep in close touch with the State and county officials concerned with the community welfare; that your department or the Office of Indian Affairs arrange a conference with the State board of education, the State board of public health, and the State board of charities and corrections and such other organizations as may be constructively laboring for Indian betterment.

We, therefore, ask you, honorable Secretary, both as a Californian, and also as one interested in the cause of humanity, to urge adequate appropriations this year, and to lend your valued assistance in each of the matters we have brought before you.

Yours, in the cause of justice and humanity,

Will C. Wood, Sacramento, Calif., State superintendent public instruction; F. G. Collett, San Francisco, Calif., executive representative Indian board of cooperation; George Wharton James, Pasadena, Calif., celebrated explorer and author, authority on Indians of Southwest; J. W. Henderson, San Francisco, Calif., attorney at law; A. C. Jensen, San Francisco, Calif., State board of charities and corrections; Guy P. Jones, Sacramento, Calif., assistant secretary State board of health; Elizabeth F. Arnold, Riverside, Calif., State chairman Indian welfare committee federation women's clubs; Dorcas J. Spencer, Alameda, Calif., 20 years national superintendent Indian work, W. C. T. U.; Dana W. Bartlett, Los Angeles, Calif., member of California Housing Commission; A. L. Kroeber, Berkeley, Calif., anthropological department, University of California; J. C. Pinkerton, Los Angeles, Calif.; State executive Federation of Churches for California; George F. Kennigott, Los Angeles, Calif., superintendent congressional conferences of southern California; J. E. Pemberton, San Francisco, Calif., attorney at law; C. R. Fisher, San Francisco, Calif., State secretary of Sunday

school association; Francis J. Van Horn, Oakland, Calif., minister Congregational Church; Raymond C. Brooks, Berkeley, Calif., minister Congregational Church; Beryl B. Collett, Palo Alto, Calif., field secretary Indian Board of Cooperation; E. K. Taylor, Alameda, Calif., attorney at law, special committee Indian Board of Cooperation.

We, the undersigned, are deeply interested in the foregoing statement by the special committee of the Indian Board of Cooperation and would urge that a thorough investigation be made of the situation set forth therein; that suitable remedial legislation be enacted and adequate appropriations provided.

Ray Lyman Wilbur, president Stanford University; David Starr Jordan, president emeritus Stanford University; David P. Barrows, president University of California; Aurelia Henry Reinhardt, president Mills College; George F. Bovard, president University of Southern California; James A. Blaisdell, president Pomona College; Silas Evans, president Occidental College; Tully C. Knoles, president College of Pacific; Ralph P. Merritt, comptroller, secretary of the board of regents and land agent, University of California.

The CHAIRMAN. Now before we decide concerning that report, since Mr. McDowell is here, perhaps we had better hear him a few minutes with regard to the report and get your personal idea, which undoubtedly would be the idea of the commission, with regard to what ought to be done in this case.

STATEMENT BY MR. MALCOLM McDOWELL, REPRESENTING THE BOARD OF INDIAN COMMISSIONERS.

Mr. McDOWELL. This report was made really for the Senate committee and at the time there was no thought of ever using it in connection with the jurisdictional bill. I did not know that it was going to be brought up here at all, but in making the report, I went back into the record and went back into the history of the situation. Judge Raker and Mr. Meritt have told you all about that. They did not bring out this fact, though, which I think might have a little bearing—I will show you the map in a minute and you can see very clearly how the matter stands.

Mr. Royce, for the Bureau of Ethnology, went very closely into the history of all cessions made by the Indians to the United States Government. It is a wonderful book and if you do not have it, you had better get it and look at it, because it studies every cession of every treaty, of every agreement entered into up to quite recently. It is really a remarkable book. I took that book and had these maps made. They are very crude maps, simply drawn with colored pencils. Those large splotches there [indicating on map] are the areas which were occupied in 1851 by the Indian bands and tribes. The little areas in here [indicating] are the diminished reserves, which the treaties gave to the Indians, and in which the Government said they would hold the land for the benefit of the Indians forever.

Now, in addition to that, as Mr. Meritt and Judge Raker told you, the Government promised to give the Indians a great deal of goods and to maintain schools and furnish them blacksmiths and farmers and teachers. Mind you, this was all Indian land through here [indicating]. Each of these is a group, maybe ten or a dozen or fifteen bands. They all lived in that area. There were more different kinds of Indians in California than there are to-day in any other part of the country. Scientists will tell you that about one-third of all the Indian tribes, all the Indian tongues, are represented in California. This little green patch here [indicating], shows that particular tribe

or band of Indians—there might have been a dozen or twenty bands—had used all of that land for years and years, generations and generations. They gave up all that and they reserved this little patch in here in the treaty [indicating].

Mr. RHODES. Pardon me, but about how much land do you estimate that these Indians have been deprived of?

Mr. McDOWELL. Nobody has figured that out.

Mr. RHODES. Don't you think it would be proper to give the committee an idea, not so much for our particular information as for that of the House.

Mr. McDOWELL. It is practically all of California excepting that strip which lies east of the Sierra Nevada Mountains.

Mr. RHODES. I have in mind what our colleague, Mr. Hernandez, said a few days ago, that there will be some very searching questions asked on the floor of the House if we undertake to pass this bill, and the more complete the record is on all these points the better it will be.

The CHAIRMAN. He says practically the entire State of California.

Mr. RAKER. But these treaties, when it is finally summed up, amounted to about 7,000,000 acres.

Mr. McDOWELL. This other map shows in detail the patches of land that were reserved for the Indians. The little red spots are what the Indians have to-day.

The CHAIRMAN. What are the other spots?

Mr. SINCLAIR. Those represent the cessions, do they not?

Mr. McDOWELL. No; these represent the cessions [indicating]. These little spots here represent the restricted areas which the treaties gave the Indians; the red spots indicate the land as it is to-day.

The CHAIRMAN. Referring to map No. 2, what do those colored spots represent?

Mr. McDOWELL. Those colored spots represent the restricted reservations which were described in the 18 unratified treaties and which the United States Government told these Indians, "If you will give up all the rest of the State, we will give you these lands and hold it for you forever."

Mr. RAKER. Which amounted to about 7,500,000 acres?

Mr. McDOWELL. Yes, sir. Now, the Indians have gotten back from the Government Hoopa Valley, Round Valley, Tulle River, these 29 missions down here, and these little spots around here—some of those Government owned rancherias. They are not all shown. You will notice you have got only two in your county on the map, but you have got half a dozen, Judge Raker.

I wish to say that the Piute Reservation over here, 75,000 acres, was turned over to the Indians as a reservation out of the public domain a few years ago. When was that, Mr. Meritt?

Mr. MERITT. By Executive orders of March 11, 1912; May 9, 1912; September 7, 1912; September 16, 1912; February 14, 1913; and July 22, 1915.

Mr. McDOWELL. I have seen three men who have been up there, and they tell me that that land is simply uninhabitable. You can't get water on it; yet that all figures in with the number of acres of land which the Indians have. That is the situation to-day.

You ask how the Indians are living; what they are doing? The Indians of California are what you call laboring men. They go out

to work on farms, on ranches, in the mines, and on the railroads. They are good, hard-working men, all of them.

Now, I haven't anything more to say, sir.

The CHAIRMAN. What do you say as to the general condition of those Indians?

Mr. McDOWELL. I think it is miserable. I think the California Indians have been treated outrageously.

The CHAIRMAN. I am not speaking about the treatment; I am trying to find out what the conditions of the Indians is to-day, as to their living facilities and their condition as a people.

Mr. McDOWELL. The Indians outside of the little rancherias which the Government has bought, almost all of the Indians are landless and homeless. They squat on the white man's land. Some of them, of course, build little homes there, and the ranch men permit them to stay on because they thus get labor handy. Some bands have located on ranches for generations; so long that they are called by the name of the ranch man.

The CHAIRMAN. Now, it is claimed that there are about 15,000 of these Indians on the reservations. You say that they are laborers and workmen. Now, what percentage of them, about what percentage of the adult Indians actually work, and about what is the average number of days per annum that they work and about what wages do they get?

Mr. McDOWELL. Practically all of the Indians work. They have to, because they can not live without working. I except, of course, the old and the sick and the feeble. They are taken care of in one way or another by their people, a few by the people in the neighborhood; some by the Government, and some of them in times past have starved. There is no question about that.

You ask how many days they work. They begin to work in the beginning of the spring growing season. They go into the hop fields, they go into the vineyards, they go into the ranches. They work all through during March, April, May, June, July, August, September, October, and November, when they get through with the grapes. Of course, the farther south they go, the greater number of working-days in the year they have. In the wintertime, up north, a few of them go into the woods. Some of them are working 365 days a year on the railroads and in the mines or around the mines. Very few of them go underground. But you might say they work through the growing season.

The CHAIRMAN. Do they get regular wages that white men get?

Mr. McDOWELL. They do not.

The CHAIRMAN. Why do they not, and about what is the per cent of white men's wages?

Mr. McDOWELL. For years and years they have been the cheap labor of California. There are exceptions, of course. I know Indians that are getting \$9 a day, Mr. Chairman, but I don't know exactly how much they are getting as a class. I can say that the average would run, when they are working, about \$3 or \$4 a day during the season. But they have a great fault up there, a serious economic handicap, which is that the storekeepers carry them over the winter, and, of course, they are in debt all of the time to the storekeepers. The storekeepers are not unfair; they do not charge them excessive interest; they do not charge them excessive rates, and the Indians

have no complaint to make about that at all, but they are always in debt.

The CHAIRMAN. Now, from the statement and the illustration you have just given us here, I don't see that those Indians up there are any different from the same number of people that would be located anywhere else.

Mr. McDOWELL. They are in one sense of the word. In one sense of the word they are no different from the common ordinary run of laboring white men.

The CHAIRMAN. They are working out their economic conditions under the best circumstances that they can find?

Mr. McDOWELL. That is perfectly true.

The CHAIRMAN. Then so far as their starving to death is concerned, the per cent that is starving perhaps is not any greater than it would be in any other community where the opportunities for work were not any greater than they are there.

Mr. McDOWELL. Possibly.

Mr. RHODES. You mean to say that they are actually starving to death?

Mr. McDOWELL. There have been some cases of that.

Mr. RHODES. I did not know that there was anybody starving to death in this country.

Mr. McDOWELL. There have been cases right up there. Mr. Raker, who just left, told me that he had heard that some of the Indians up there had starved to death. They are the old people that get out away off from everyone else; who live off from the reservations.

Mr. RHODES. Well, the number of people who are starving to death, I assume, is very small.

Mr. McDOWELL. It is very small; yes, sir; and it is the old people.

The CHAIRMAN. There is about the same per cent that there would be in any other community or State where the conditions of living are about equal to what they are out there.

Mr. RHODES. But I did not know that people were starving to death anywhere in the United States.

The CHAIRMAN. There may be a case here and there. Frequently we read in papers about some fellow who took himself off somewhere and wouldn't do anything and finally they found him starved to death.

Mr. RHODES. I observe you say the wages received by Indian labor are not as high as the wages received by white labor. Is that due to the inefficiency of the Indian?

Mr. McDOWELL. Largely so. That is to say—of course it goes without saying that the Indian as yet has not reached the point where he can put in so many hours continuous labor as a white man, but I am comparing them with the Asiatic labor there.

The CHAIRMAN. I would like to ask you one more question. Down to 20 years ago, since 1854, very little was done for these Indians?

Mr. McDOWELL. Hardly anything.

The CHAIRMAN. And they were thrown upon their own resources?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. Now, comparing them with Indians that have been taken care of by the bureau since 1854, you being familiar with all the Indians, practically, in the country, what would you say the individual condition of the California Indian belonging to these bands is

as compared with those that have been taken care of during all these years?

Mr. McDOWELL. I have seen some California Indians up in the Greenville district that are very much superior to any Indians I have seen anywhere else.

The CHAIRMAN. I want to ask you as to your general observation taking Indians generally in that section of the country, the number involved there, and comparing them with a similar situation somewhere else where the Indians have had the care of the bureau and the Government at all times, what is the comparative condition?

Mr. McDOWELL. Well, the Indians in California, of course, as you know, are self-supporting and they have been self-supporting for years, and naturally a man who is supporting himself is brighter and smarter and works harder than the man who is taken care of at times. That goes without saying.

The CHAIRMAN. Then I draw from that answer that it is your understanding that the Indians that have not been cuddled and cared for by the Bureau during all those years are in a better state to take care of themselves than those that have been?

Mr. McDOWELL. I think so.

The CHAIRMAN. I am very glad to get that statement from you, because you are one who is an authority upon Indian affairs.

Mr. McDOWELL. You take a reservation where they have—you understand, of course, that the Indian Bureau does not ration these Indians; it does not give out food and clothing to Indians the way they did in the old days when the Indians were practically prisoners of war. They do not do that any more. The bureau takes care of some old Indians and sick Indians and some helpless Indians who can not work, so they ought to take care of them. That is pure philanthropy. But we will take the Round Valley Indians, for example. Now, there is a good comparison. There is a case right in one agency, the Round Valley Indians in Mendocino County, in northwestern California. In a year or so from now the Government will give them their patents in fee, and they are citizens, I believe; and I think it is next year when it happens. Those Round Valley Indians within that valley have got beautiful farms and they have not worked them very well. They do not stand very well with their neighbors up there. They rent some of the farms themselves. They take life pretty easy. Some of them go out when they have to have a few dollars and work in the vineyards and the hop fields and the prune orchards of that neighborhood. Now, under the Round Valley jurisdiction there are a number of rancherias around Ukiah. Those Indians have had this one thing given them by the Government, which lifts them right out of the dirt, and that was the Government gave those Indians the assurance of permanent occupancy from which they could not be kicked, and that is all the Government did for them. The Indians had to go out and hustle. The Indians had to go out and work. Before the Government did that, before the Indian Bureau did that, those Indians were the scum of the earth. They lied, they stole, they got drunk, they laid around, they were indolent, they could not be depended upon for work, but when the Government and the California people got together and gave that land to the Indians, just so that they could go and build little homes on it, those Indians began to come right up, and to-day you can go

down there and find men who have got thousands and hundreds of thousands of dollars—white men—capital invested in hop fields who will make contracts with Indians to go out and work that hop field for them for the year at so much an acre, and go away and leave them. Now, there is the answer to that. But you take some other Indians—you take now, for instance, the Blackfeet Indians, they could not do that, because they are not naturally farmers. You can't compare all the Indians in the same way at all. It is absolutely impossible.

The CHAIRMAN. I am not asking for a comparison of them; I thought I made my question rather specific.

Mr. McDOWELL. Well, did I answer it?

The CHAIRMAN. I think you have.

I think you have given us a splendid answer to the thing, and just the kind of an answer we expected to get from you.

Mr. McDOWELL. Now, you take the Blackfeet Indians, the Crow Indians; they are horse Indians, plains Indians. They can not farm. They will herd cattle, but they can not farm.

The CHAIRMAN. What is the use of spending millions of dollars up there clearing land for the Indians to farm when it has been demonstrated that he cannot farm?

Mr. McDOWELL. Well, that may all be true. I don't know anything about why they did it. That happened a great many years ago.

The CHAIRMAN. No; that is being done right now.

Mr. McDOWELL. No; pardon me; you are preparing bills for contracts entered into a great many years ago, and you are carrying out an irrigation project entered into a great many years ago, and you have to complete it because there is said to be a need for it.

Mr. RHODES. What is the necessity for it?

Mr. McDOWELL. You are talking about the irrigation up at the Blackfeet?

The CHAIRMAN. Well, all of those reservations.

Mr. McDOWELL. My personal opinion is there is no necessity for it.

The CHAIRMAN. Then, since it is now 12 o'clock, I think we will declare the hearing closed with this understanding, that when the hearings are printed the committee will be advised after distribution of the hearings and will be called together again to take final action upon the bill.

Mr. MERITT. May I make one statement in regard to these alleged starving Indians? I want to say that there are no Indians in California on Indian reservations and under the jurisdiction of the Indian Bureau that are starving now or have starved in the past.

Mr. McDOWELL. That is right. I have never heard of reservation Indians starving; those reported were non-reservation Indians.

Mr. MERITT. And also that there is every opportunity for the California Indians to obtain employment in California. In southern California there is not any excuse for an Indian being idle, because every Indian can get from three to four dollars a day for every week day in the year if he wants to work.

Mr. RHODES. Mr. Chairman, is that report the gentleman refers to to go into the record?

The CHAIRMAN. Yes; if there is no objection the report of the Indian Commission will be printed in the hearing.

Mr. RHODES. I want that in there because we will have a hard enough time getting this hearing through the House, anyway.

The paper referred to follows:

REPORT ON CALIFORNIA NONRESERVATION INDIANS, BY MALCOLM M'DOWELL, MEMBER BOARD OF INDIAN COMMISSIONERS, DECEMBER 31, 1919.

DECEMBER 31, 1919.

DEAR MR. SECRETARY: Concerning the "landless" Indians of California, I have the honor to report as follows:

During the discussion of the California items of the Indian bill for 1920, last February, in the Senate Committee on Indian Affairs, the suggestion was made that the Board of Indian Commissioners and the Commissioner of Indian Affairs detail representatives to make a survey of the conditions and needs of the nonreservation Indians of the State with the purpose of securing certain information touching such Indians for the Senate Committee. Agreeable to that suggestion Commissioner Sells detailed Mr. Oscar M. Lipps, supervisor of education, and Dr. Lawrence Michael, a special supervisor of the Indian Service, and the board sent me, to conduct the requested investigation.

The particular items which were under consideration by the Senate Committee at the time the suggestion referred to was made related to appropriations for the relief and care of nonreservation Indians in California; for the purchase of lands and for the construction of public school buildings for such Indians, and for the expenses of a special commission to be appointed to investigate the conditions of the Indians with a view of determining required appropriations and the adoption of a policy for the administration of their affairs and the betterment of their condition.

Pursuant to my instructions I spent seven weeks, from September 26 to November 16 last, in 14 counties of California, conducting an investigation of the nonreservation Indians. Also, I went to Reno, Nev., to confer with Col. L. A. Dorrington, special agent in charge of thousands of nonreservation Indians in Nevada and California, and to see the colony of landless Piutes and Washoes recently established by the Indian Service between Reno and Sparks.

What I saw, heard, and learned in the progress of this survey leads me to venture the following suggestions for congressional and departmental activities in behalf of the nonreservation Indians of California:

1. The adoption of a California Indian policy, with appropriate legislation to make it effective, predicated upon the acknowledgment of a legal debt due the Indians because they were dispossessed of their lands without due process of law and without compensation, and based upon the principle of exact justice and not upon sentiments of pity or charity.

2. This policy to center upon education for the children, permanent home sites for nonreservation Indians and adequate provision for the decent care of their aged, disabled, delinquent, and helpless.

3. The adoption for California Indians, with any necessary modifications to meet local conditions, of the successful colony system established by the Indian Service in Nevada for landless Piutes and Washoes.

4. The cooperation of the State of California to be secured, if possible, in all activities touching these Indians, but if the State and local authorities do not care to acknowledge any obligations in these matters then the Government to proceed alone until such time as public sentiment in the State toward the Indians may change to a more sympathetic state of mind.

Soon after arriving in California I met Mr. Lipps and Dr. Michael at Ukiah, where we spent some time in conference and I was much impressed with the comprehensive program laid out for them in their instructions from Commissioner Sells. They were directed to make a thorough survey and study of the homeless nonreservation California Indians and their needs in every county of the State and were required to secure specific information as follows:

1. The names of all homeless, nonreservation Indians; age, marital condition, family locality, tribe, degree of Indian blood, and number of children of school age in each family.

2. The land situation near each group of Indians; general character of soil, etc., and approximate selling price.

3. The attitude of the whites in the neighborhood of each group of Indians; especially whether Indian children are admitted to white schools, whether any effort is made by State or county school authorities to get such children into white schools.

4. The opinion of the special investigators and reasons therefor, as to the wisdom of the Government providing schools in localities where enough Indians are grouped to afford the required average of school attendance and if such schools would be practicable or should the education of such children be undertaken by the State.

5. The general health condition of each group of Indians; how medical attention now is obtained and should the Government undertake to furnish aid and, if so, how and the approximate cost.

6. A numerical summary of the results of the survey giving the number of non-reservation Indians, the degree of Indian blood and the number of children in each county.

Obviously it will require several months for the two special investigators to complete their survey and it is earnestly hoped that they will be given every facility and ample time to finish their important task. It is doubtful if two better men could have been selected to conduct such an investigation. Both have had long and varied experience in the Indian Service; both understand the Indian people and both are sympathetic and close observers. Their reports and conclusions will be authoritative and the information they set forth may be accepted as authentic.

As I had made two rather close surveys of the homeless Indians of western Nevada and northeastern California and the rancheria Indians in Mendocino, Sonoma and Lake Counties, Calif., under the supervision of the Round Valley Agency, I knew there were certain factors, of what might be called the human equation, of the California Indian problem which ought to be studied to arrive at conclusions and recommendations that could supplement the report of Mr. Lipps and Dr. Michael. Therefore, after consulting with these gentlemen, I selected a number of points in the State where landless Indians live and where it was believed that the several factors I had in mind could best be studied.

There does not now seem to be any justification for a special commission to make a survey of the landless Indians of the State. When Mr. Lipps and Dr. Michael make their reports, with recommendations, the Senate Committee on Indian Affairs will have the findings of the two special investigators, my report and other reports and data in the files of the Indian Office and the board's office which, I think, will give the committee sufficient information, and of a character which will enable it to intelligently and with ample knowledge, take such action as respects these Indians as it may deem best.

Taking everything into consideration there seems no escaping the conclusion that before any more appropriations are made for the purchase of lands for these non-reservation Indians, a comprehensive, sympathetic, and practical California Indian policy should be adopted with legislation to make it effective. And this policy, it seems to me, should not be based upon any sentimental ideas of charity or philanthropy but instead upon the principle of exact justice toward the remnants of tribes which were dispossessed of their homes and lands by the Government of the United States and the citizens of California, contrary to law and the ordinary dictates of humanity, in the middle of the last century.

Even a cursory reading of the reports of hearings of the congressional Indian committees on the California Indians discloses the fact that the predominating sentiment back of appropriations for land purchases for nonreservation Indians and for the relief of distress among them, was simple pity for a lot of unfortunate people. Occasionally one can find a slight reference to the wrong done when the Senate refused to ratify the 18 treaties made with these Indians in 1851 and 1852, but I have been unable to find anywhere an acknowledgment from any national legislator or Government official of the legal debt due these Indians—a debt which has a money value of millions of dollars. These people are unfortunate because the United States Government took from their fathers and grandfathers land which they owned as truly, legally, and absolutely as the Sioux, Blackfeet, Cherokees, and other "treaty" Indians owned their lands. If gold had not been discovered in California in 1849 it is almost certain that the Indians of that State to-day would be extensive landowners and land users. For it seems to be accepted that it was the influence of the Forty-niners which prevented the ratification of the treaties which the Government commission made with the Indians in 1851 and 1852.

But whatever may have been the reason for nonratification, the cold fact is the land which was occupied by thousands of the original native sons of California and by their ancestors for generations, was taken from them, turned into the public domain to be later turned over to white people, and this sequence of transactions made thousands of landless Indians on the Pacific coast, and started the California Indian problem. It is this bald, historical fact which ought to be faced and recognized in the framing of a new California Indian policy even though the adoption of a policy based upon exact justice, and not upon pity, charity, philanthropy, or that convenient

camouflage "moral obligation," should call for the expenditure of a large sum of money.

The United States, in 1851, undoubtedly recognized the possessory rights of these California Indians to the land they occupied. This categorical statement is justified by the records of the Senate which show that the 18 treaties, signed in good faith by the Government's treaty commission and the Indians, together with letters and reports from the Secretary of the Interior, the Commissioner of Indian Affairs, and the Superintendent of Indian Affairs in California, were laid before the Senate by President Fillmore in 1852. In his report on these treaties to the Commissioner of Indian Affairs, Mr. E. F. Beale, Superintendent of Indian Affairs for California, writes under date of May 11, 1852: "It is evident that if allowed to roam at pleasure their (the Indians') early extinction is inevitable and I am slow to believe that the Government, recognizing as it does, their right to all the soil inhabited by them, would deny them the occupancy of a small portion of the vast country from which such extraordinary benefits was in progress of receipt."

The 18 treaties were signed on the part of the Government by Redick McKee, George Barbour, or Oliver Wozencraft and were signed on the part of the Indians by 401 chiefs, captains, and head men of 119 tribes, bands, and nations, comprising practically all the Indian population of California and almost all the treaties carried the signatures of United States Army officers as witnesses. The treaties were not ratified. They were read in the Senate January 7, 1852, and, with the attached documents, referred to the Committee on Indian Affairs and ordered to be printed in confidence for the use of the Senate. On January 18, 1905, 53 years later, the injunction of secrecy was removed, and the next day 50 copies of the treaties were ordered reprinted for the use of the Senate.

While these unratified treaties lay forgotten by all but the Indians in the secret archives of the Congress, all but 517,118 acres of the several million acres which the Government treaty commissioners told the Indians would be set apart for the sole use and occupancy of the Indians were acquired by the white people of California. The records of the middle decade of the last century, which tell the story of the decline of the California Indians, do not make pleasant reading, for they chronicle atrocious happenings, massacres, murders, heartless evictions, and brutal treatment of an inoffensive people who happened to be in the way of the adventurous, determined gold seekers from all parts of the United States who rushed to California by the tens of thousands in 1849.

The accompanying colored maps, prepared in the board's office from authentic data ("Indian Land Cessions in the United States," compiled by Mr. Charles C. Royce and published, in 1900, by the Bureau of American Ethnology and from other official documents and maps) graphically, and it seems to me completely, tell the story of the looting of the Indians' lands by us, the white people of the United States.

Map No. 1 shows the land areas occupied by the California Indians in 1851, which they quit claimed, in good faith in the unratified treaties, to the United States and the restricted districts which were set apart, in good faith for the Indians with their signed consent.

Map No. 2 shows these reservations again, the home lands reserved for the Indians for their sole use and occupancy forever, and, in red, the comparatively small areas which are the Indian lands in California to-day.

These maps require scarcely any explanation; they picture a shameful record, they call for something more than pity and niggardly charity, they present a strong appeal for exact, even though it may be belated, justice.

It has been estimated that the lands reserved in the treaties for the Indians aggregated 7,500,000 acres, which, at the Government price for public domain lands was worth \$9,375,000. The total land area to-day of Indian reservations and Government owned rancherias is 517,113 acres as given in the last annual report of the Commissioner of Indian Affairs which, at \$1.25 an acre, amounts in value to \$646,397 and all this land is for reservation Indians and Indians who, under the supervision of agencies, live on rancherias. There were about 1,700 allotments made nonreservation Indians in the national forests and on the public domain but a large proportion of such allotments is useless because of the poor character of the soil, remoteness, lack of water or other reasons. The nonreservation Indians, as distinguished from reservation and rancheria Indians, practically, have had no land given them.

On the other hand the net proceeds of sales of the public domain in California, received by the United States through the General Land Office to June 30, 1918, amounted, in round numbers, to \$22,785,000, and the State of California received from the Government, for the purpose of education, of making public roads and improvements, up to June 30, 1918, \$1,139,243.57 or 5 per cent of the sales of public lands lying within the State. The value of the lands reserved out of the public domain

Map 1—SHOWING AREAS INVOLVED IN THE 18 UNRATIFIED TREATIES OF 1851 AND 1852 WITH CALIFORNIA TRIBES



- Treaty with Pohlik, or Lower Klamath, etc., October 6, 1851:*
 No. 1.—Reserve a tract on Klamath River.
 No. 2.—Cede all claim to other territory.
- Treaty with Odeilah, or Upper Klamath, etc., November 4, 1851:*
 No. 3.—Reserve a tract on the upper Klamath River.
 No. 4.—Cede all claim to other territory.
- Treaty with Noemanoema, Ylaca, etc., August 16, 1851:*
 No. 5.—Reserve a tract on Sacramento River.
 No. 6.—Cede all claim to other territory.
- Treaty with Michopda, Eskium, etc., August 1, 1851:*
 No. 7.—Reserve a tract on Feather River.
 No. 8.—Cede all claim to other territory.
- Treaty with Calu, Willay, etc., September 9, 1851:*
 No. 9.—Reserve a tract on Sacramento River.
 No. 10.—Cede all claim to other territory.
- Treaty with Calanajo, Habinajo, etc., August 20, 1851:*
 No. 11.—Reserve a tract on Clear Lake.
 No. 12.—Cede all claim to other territory.
- Treaty with Sainell, Yukias, etc., August 22, 1851:*
 No. 13.—Cede all claim to territory and agree to remove to Clear Lake Reserve No. 11.
- Treaty with Daspia, Yamado, etc., July 18, 1851:*
 No. 14.—Reserve a tract between Bear and Yuba rivers.
 No. 15.—Cede all claim to other territory.
- Treaty with Culee, Yassece, etc., September 18, 1851:*
 No. 16.—Reserve a tract on Consumnes River.
 No. 17.—Cede all claim to other territory.
- Treaty with Ionohumne, Wechilla, etc., May 28, 1851:*
 No. 18.—Reserve a tract on Stanislaus River.
 No. 19.—Cede all claim to territory outside of reserve.

- Treaty with Suyante, Potoyanti, etc., March 19, 1851:*
 No. 20.—Reserve a tract between Merced and Tuolumne.
 No. 21.—Cede claim to all other country.
- Treaty with Howechee, Chookchane, etc., April 29, 1851:*
 No. 22.—Reserve a tract between Chowchilla and Chawia rivers.
- Treaty with Tache, Cahwia, etc., May 13, 1851:*
 No. 23.—Reserve a tract between Cahwia and Chowchilla rivers.
- Treaty with Koyate, Wolasi, etc., May 30, 1851:*
 No. 24.—Reserve a tract between Cahwai and Kings rivers.
- No. 25.—Reserve a tract on Kings River.
 No. 26.—Parties to treaties of April 29, May 13, and May 30, 1851, cede all territory not reserved by said treaties.
- Treaty with Chunute, Wowol, etc., June 3, 1851:*
 No. 27.—Reserve a tract for Chunute and Wowol tribes.
 No. 28.—Reserve a tract for Yolumne and Coyotie tribes between Tule River, Paint Creek, Emigrant road, and Sierra Nevadas.
 No. 29.—Cede all claims to territory outside of reserve tracts.

- Treaty with Castake, Tejon, etc., June 10, 1851:*
 No. 30.—Reserve a tract between Tejon Pass and Kern River.
 No. 31.—Cede all claim to territory outside of reserve tract.
- Treaty with San Luis Rey, Kahwea, etc., January 5, 1852:*
 No. 32.—Reserve a tract in S. W. California.
 No. 33.—Cede claim to all other territory.
- Treaty with Diegueno tribes, January 7, 1852:*
 No. 34.—Reserve a tract on S. line of California.
 No. 35.—Cede claim to all other territory.

Map 2—SHOWING AREAS THAT WERE TO BE CEDED BY THE 18 UNRATIFIED TREATIES WITH CALIFORNIA TRIBES IN 1851 AND 1852



- Treaty with Odeilah, or Upper Klamath, etc., November 4, 1851:*
 No. 1.—Reserve a tract on the Upper Klamath River.
- Treaty with Pohlik, or Lower Klamath, etc., October 6, 1851:*
 No. 2.—Reserve a tract on Klamath River.
- Treaty with Noemanoema, Ylaca, etc., August 16, 1851:*
 No. 3.—Reserve a tract on Sacramento River.
- Treaty with Michopda, Eskium, etc., August 1, 1851:*
 No. 4.—Reserve a tract on Feather River.
- Treaty with Calanajo, Habinajo, etc., August 20, 1851:*
 No. 5.—Reserve a tract on Clear Lake.
- Treaty with Sainell, Yukias, etc., August 22, 1851:*
 No. 5.—Agree to remove to Clear Lake Reserve.
- Treaty with Calu, Willay, etc., September 9, 1851:*
 No. 6.—Reserve a tract on Sacramento River.
- Treaty with Daspia, Yamado, etc., July 18, 1851:*
 No. 7.—Reserve a tract between Bear and Yuba rivers.
- Treaty with Culee, Yassece, etc., September 18, 1851:*
 No. 8.—Reserve a tract on Consumnes River.
 No. 9.—Reserve a tract on Stanislaus River.
- Treaty with Suyante, Potoyanti, etc., March 19, 1851:*
 No. 10.—Reserve a tract between Merced and Tuolumne.
- Treaty with Koyate, Wolasi, etc., May 30, 1851:*
 No. 11.—Reserve a tract between Cahwai and Kings rivers.
 No. 14.—Reserve a tract on Kings River.
- Treaty with Howechee, Chookchane, etc., April 29, 1851:*
 No. 12.—Reserve a tract between Chowchilla and Chawia rivers.

- Treaty with Tache, Cahwia, etc., May 13, 1851:*
 No. 13.—Reserve a tract between Cahwai and Chowchilla rivers.
- Treaty with Chunute, Wowol, etc., June 3, 1851:*
 No. 15.—Reserve a tract for Chunute and Wowol tribes.
 No. 16.—Reserve a tract for Yolumne and Coyotie tribes between Tule River, Paint Creek, Emigrant road, and Sierra Nevadas.
- Treaty with Castake, Tejon, etc., June 10, 1851:*
 No. 17.—Reserve a tract between Tejon Pass and Kern River.
- Treaty with San Luis Rey, Kahwea, etc., January 5, 1852:*
 No. 18.—Reserve a tract in S. W. California.
- Treaty with Diegueno tribes, etc., January 7, 1852:*
 No. 19.—Reserve a tract on S. line of California.

NOTE.—Indian reservations shown in black. The Paiute Reservation is not occupied by Indians. Small black dots indicate location of Government-owned rancherias, varying in size from 2 to 800 acres, averaging about 100 acres in size. Eleven such tracts are among the Mission Indians, southern California.

for national forests and national parks is enormous. And nearly all of such lands only a little more than half a century ago was used and occupied by Indians whose possessory rights to them were recognized by the United States Government.

It is worthy of note that the two most important areas of land which have been set apart for the Indians and are now held, in trust, for them by the United States, are the Hoopa Valley and Round Valley reservations in the northwestern part of the State. These reservations were established for the purpose of coralling prisoners of war—Indians who, driven to desperation by the cruelties and aggressions of the white intruders, dared to fight and so to-day own land. The Government practically ratified the treaties made with the Indians who resisted.

On the other hand, Indians who peacefully trusted the great Government which had made treaties with them in good faith, as they believed and as their descendants still believe, quietly moved into the restricted areas, carrying out their treaty stipulations, only to be driven away, evicted from their own home lands, knocked from pillar to post, and scattered apart until to-day most of the names of tribes and villages are lost. These are the landless or nonreservation Indians of California, made so apparently because they did not fight the great white people who had taken their lands from them.

In addition to the restricted areas which the treaty commissioners set apart for permanent home lands for the Indians they were promised, in the unratified treaties, horses, mules, plows, clothing, and other goods which, it has been estimated, had a value at the time of \$1,800,000, and, also, they were promised white farmers, blacksmiths, carpenters, and others to teach them useful handicraft; also school teachers "to live among and work for and teach said tribes and such others as they may be required to work for and teach" so long as the President of the United States should deem it advisable. The eighteen treaties were substantially alike in form, provision, and stipulations, so much so that the reading of one will acquaint you with the character of all and, therefore, I respectfully refer you to the copy of one of the treaties which is appended to this report as an exhibit.

The average of the land holdings of the California Indians is but 32 acres. There are no "treaty" reservations in the State. All lands occupied by reservation Indians and Indians under Federal supervision, who live on Government-owned rancherias, were set apart from the public domain by acts of Congress, by Executive order, or bought from congressional appropriations. About 1,700 allotments, of not over 160 acres each, have been made nonreservation Indians.

The 1919 report of the Commissioner of Indian Affairs gives 16,215 as the Indian population of the State and a total area of reservations of 517,118 acres, making the per capita acreage 32. If there is included in the Indian land acreage the public domain allotments, and the land bought for nonreservation Indians since 1906, the per capita acreage will be about 50.

Included in the 517,118 acres of California Indian land is the Paiute reservation in Inyo and Mono counties, which was established by Executive order in 1912. I was told by several Indian Service men, who had been on this desert reservation, that no Indians lived on it because it was uninhabitable—there is not water there and no way to get water.

The small per capita acreage of Indian land in California seems to shrink to even smaller dimensions when compared with the per capita holdings of Indians in other Pacific coast and the Mountain States. The following schedule is compiled from the 1919 report of the Commissioner of Indian Affairs and shows the number of Indians in each of the selected States, areas of Indian land under Federal supervision (exclusive of public domain allotments), and the per capita acreage:

States.	Indians.	Acreage.	Acres per capita.
California.....	16,215	517,118	32
Oregon.....	6,600	1,718,000	260
Washington.....	11,000	2,700,000	245
Idaho.....	4,000	682,000	170
Montana.....	12,000	6,000,000	500
Wyoming.....	1,700	2,100,000	1,235
Colorado.....	821	468,000	570
Utah.....	1,600	1,640,000	1,025
New Mexico.....	20,000	4,700,000	235
Arizona.....	42,000	18,000,000	440
Nevada.....	5,800	735,000	127

Before concluding this effort to justify the proposition that the United States not only is morally and in good faith bound to go further than it has gone to right the wrong done the nonreservation Indians of California but, also, is legally their debtor, I would like to call your attention to this point, viz: The nonreservation Indians were the same, in all respects, in 1851, as the Indians who, later, became reservation Indians and who were given more than half a million acres of land. If the reservation Indians were entitled to land then the nonreservation Indians had identical rights.

The Government did carry out a part of the unratified treaties with part of the Indians. Because it did so does it follow, then, that the other Indians thereby lost their rights? Of course it is clearly understood that it is now too late, as a matter of fact it is impracticable and unavisable, to even approximate the promises as respects land holdings carried in the unratified treaties. To do so would be to make landed proprietors of a large number of incompetents—an absurdity on the face of it.

The Indian Office can show that it has spent large sums of money in California and accomplished much good results for the Indians but the great bulk of the expenditures, and most of the activities, were for reservations administration, for the operation and maintenance of three nonreservation schools and for the benefit of reservation Indians. The nonreservation Indians, having identical rights with the reservation Indians as creditors of the United States, have had comparatively little done for them.

And I am not forgetting that since 1906 something like 8,000 acres of land, costing around \$161,000, have been bought for California Indians and that a considerable sum of money has been spent by the Indian Service to relieve distress among them. But, apparently, there has been no thought of recognizing the just claims of these Indians by the Government and of the obligations imposed on the Government by such claims and no systematic administrative methods employed to meet such obligations. Rather, it would seem we have been trying to get past a bad job by feeling sorry for what had happened and congratulating ourselves that landless Indians were made so through no fault of ours.

The solution of the problem presented by a few thousand Indians—the precise number is unknown—will not call for any radical departure from Indian Office administrative methods nor for any startling appropriations. It might, however, be necessary for a time to place in California an Indian service organization particularly charged with the duty of buying land, aiding superintendents and agents to increase public school attendance and care for the disabled and destitute Indians, and in general of looking after the interests of the nonreservation Indians.

The home life of these Indians must be considered in any scheme to assure ample school facilities and permanent home sites. Education for the children and permanent home sites for their families go together. Most of the nonreservation Indians live in bands or communities convenient to work, water and wood, although, in many places, it is necessary to go considerable distances for wood and water. A large number of Indians, however, live in isolated localities apart from communities. Whether living in bands or alone most of the Indians are squatters on white men's land liable to eviction at any time.

But few of these nonreservation Indians, so few that the number is negligible, derive their entire support from their own farms and the common opinion of white people of the State who have had much to do with the Indians is that any efforts to make self-supporting farmers out of them, of this generation at least, will be futile. And this opinion is soundly based on the knowledge that the nonreservation Indians have not reached that point in their progress where they have a real appreciation of land ownership and the value of self discipline. In many respects they are child-like; in many ways dependent. They are unused to accepting responsibilities and assuming the initiative. They are unlearned in farm and property management.

They are uneducated, illiterate, and ignorant of white men's ways, although they have been living among white people for several generations. But more than all else they have for generations been treated by their white neighbors as an inferior people and have been accepting that appraisal quite as a matter of course, and yet they are a self-supporting people. They get their own living by the work of their own hands. But it seems they must work for others, for, as a rule, they are incapable of carrying on any kind of business—agricultural, industrial, or commercial—for themselves.

With apparently few exceptions the California Indians are seasonal, or casual, work people. The earning time for the great majority of them is the growing seasons—spring, summer, and fall. Most of them are idle during the winter months. In the beginning of their work season they migrate to the hop fields, vineyards, the prune, apricot, and other orchards, to the citrus groves, ranches, and rice fields. When

the salmon are running those in the North work in the salmon fisheries and canneries. During the harvest time many Indians are found in the factories where vegetables, fruits, olives, etc., are canned.

A large number of them find employment in sawmills, on the surface of mines, in logging camps, and on railroads, and public roads. During sheep shearing these Indians are in demand, and many of them are shepherds for white men. They herd cattle, milk cows, and do general farm labor. The women who live near cities and towns go out by the day as domestics and laundresses.

I have said they migrate to the places where they find work. This literally is the fact, for during the earning season the Indians take their families with them to the fields, ranches, and orchards and are there for months at a time. The Indian villages are deserted by all save a few of the old folk, who stay at home as caretakers.

Indian labor generally is preferred by white employers of the State. The Indians are regarded as faithful, honest, and fairly reliable work people. It is true they will knock off work for what seems to their employers to be trivial reasons, and sometimes their social gatherings, fiestas, and religious demands interrupt important labor at critical times, but, as a rule, the Indians work without requiring watching and carry out their contracts and orders.

The exact number of Indians in California is not known. Estimates range from 15,000 to 25,000. The reports of superintendents having jurisdiction in the State, and which are contained in the 1919 report of the Commissioner of Indian Affairs, give a total Indian population of 16,215, of which 5,231 is frankly put down as an estimate of the number of "scattered" or nonreservation Indians. From what I have seen and heard in this survey, I am of the opinion that this estimate of 5,231 is most conservative.

Every superintendent and agent in California told me he did not know how many nonreservation Indians were in the district under his supervision, and that he was constantly meeting Indians he never had heard of before. It is not at all surprising that these Indian Service officials can not definitely report the number of their nonreservation Indians; the reason is clearly apparent to one who goes into the nonreservation Indian sections of the State. Most of this class of people live in the mountain regions. Those who live apart from known bands or communities are scattered over great areas of rugged country where the roads are nothing but faint trails which lead over foothills and mountain sides, through valleys and canyons, and into the deep woods. These Indians ever are on the move; many of them have two names, Indian and the nicknames given by white people. They seldom come in contact with Indian Service people. A county official told me it would be easier to take a census of the jack rabbits in his county than of the scattered Indians, and a man who undertook to enumerate these Indians for the last Federal census said he made every endeavor to secure an accurate count, but was satisfied he had missed a large number because he could not reach them.

A curious paradox is presented by the nonreservation Indians. Among them are "landless" Indians who, living on Government-owned rancherias, practically have land, and land-owning Indians, who, having allotments which are worthless to them, practically are "landless." Rancherias, so called, are tracts bought by the Indian Service some years ago, upon which bands of Indians quatters were located. No Indian owns a foot of Government rancheria soil, but they are assured of undisturbed possession of assigned lots—home sites—so long as they occupy and use them. There are rancherias which were owned by Indians before the Government bought contiguous acreage to care for the too congested colonies, and there are Government-owned rancherias whose colonists have bought in common adjoining lands for themselves. The best examples of rancherias are found in Mendocino, Lake, and Sonoma counties north of San Francisco. Most of the allotted nonreservation Indians live in the northern part of the State.

The California Indians may be divided into the following groups:

Reservation Indians.....	6,058
Nonreservation Indians who live on rancherias, approximately.....	4,300
Nonreservation Indians, including about 1,700 allotted.....	5,857

Total Indian population..... 16,215

Census by counties.

County.	United States census, 1910.	Northern California Association census, 1906.	County.	United States census, 1910.	Northern California Association census, 1906.
Alameda.....	41	30	Orange.....	21	.....
Alpine.....	94	200	Placer.....	102	103
Amador.....	143	146	Plumas.....	380	488
Butte.....	298	349	Riverside.....	1,590	.....
Calaveras.....	161	125	Sacramento.....	62	15
Colusa.....	169	95	San Benito.....	.....	40
Contra Costa.....	3	.....	San Bernardino.....	573	529
Del Norte.....	337	261	San Diego.....	1,516	.....
El Dorado.....	177	291	San Francisco.....	46	.....
Fresno.....	313	445	San Joaquin.....	8	.....
Glenn.....	32	67	San Luis Obispo.....	14	.....
Humboldt.....	1,652	1,718	San Mateo.....	1	.....
Imperial.....	682	.....	Santa Barbara.....	45	.....
Inyo.....	792	1,062	Santa Clara.....	16	.....
Kern.....	220	300	Santa Cruz.....	15	.....
Kings.....	32	132	Shasta.....	756	890
Lake.....	433	618	Sierra.....	54	35
Lassen.....	410	474	Siskiyou.....	1,109	902
Los Angeles.....	97	.....	Solano.....	1	.....
Madera.....	419	610	Sonoma.....	340	369
Marin.....	26	100	Stanislaus.....	30	.....
Mariposa.....	192	190	Sutter.....	18	.....
Mendocino.....	1,170	1,425	Tehama.....	94	115
Merced.....	.....	.....	Trinity.....	227	278
Modoc.....	546	753	Tulare.....	204	231
Mono.....	386	536	Tuolumne.....	186	201
Monterey.....	29	123	Ventura.....	3	.....
Napa.....	6	.....	Yolo.....	32	42
Nevada.....	52	66	Yuba.....	16	55

NOTE.—Census of Northern California Indian Association covered 38 of the 58 counties. Total Indian population, United States census, 1910, 16,371; report of Commissioner of Indian Affairs, June 30, 1919, 16,215.

The Indian population remains about stationary, for the United States census of 1910 gives 16,371 as the total number of Indians in California. The attached statement shows the number of Indians in each county according to the United States census of 1910. It will be noted that in each of 27 counties the Indian population is less than 100; in each of 11 counties the population is between 100 and 300; in 10 counties between 300 and 600; in 3 counties between 600 and 1,000, and in 5 counties the population is over 1,000 in each.

Landless Indians (nonreservation Indians who do not live on rancherias and who have no allotments) are found in almost every county of the State, but they are more numerous in the northern part and on both sides of the Sierra Nevada Range down the eastern length of the State, and no one knows how many there are of them. The reservation Indians proper are those who live in the Hoopa Valley Reservation in Humboldt and Del Norte Counties, in the Round Valley Reservation in Mendocino County, in the Tule River Reservation in Tulare County, in a little reservation near Bishop, Inyo County, in a small reserve of 330 acres near Jackson, Amador County, in another small reserve at Tuolumne, Tuolumne County; in the Fort Yuma Reservation, Imperial County, and in the 29 Mission Indian Reservations in Riverside, San Diego, and San Bernardino Counties in the southern part of the State. The Indians who live on the Colorado River in the Colorado River Reservation in the southeastern part of the State are under the jurisdiction of the superintendency in Arizona.

Local prejudice against the public school coeducation of Indian and white children is not so strong in California as it was. Nearly everywhere in the State I found those who are interested in the welfare of the nonreservation Indians more encouraged because of the increased public school attendance of Indian children. In some places the feeling against teaching Indians in white schools still is strong but there is no doubt that, in general, the old time antipathy is passing. This, of course, is largely due to the payment, begun a few years ago by the Indian Office, of tuition for Indian children in public schools whether in separate schools established under the State law for Indians or in those where the white and Indians are taught in common.

In 1915 the superintendents of California reservations and agencies reported only 316 Indians attending public schools; in 1916 this number jumped to 1,469, increased to 1,541 in 1917, to 1,820 in 1918, and to 2,199 in 1919, an increase of over 700 per cent in four years.

Under the school law of California every child, whether white or Indian, is entitled to a public school education and parents or guardians are compelled under the law to send the children to school. There is a provision in the law, though, which gives the governing authorities of school districts the power to establish separate schools for Indian children and requires them to attend such schools. But if there are no separate schools then the Indian children can not, lawfully, be barred from white schools. There are a number of schools established exclusively for Indians in the State.

The question whether it would be better to send Indians to public schools established exclusively for them or to send all Indian children to schools where they would be taught in common with white children is debatable. There are those who hold that in the elementary school years Indian children should be segregated in separate schools. The advocates of separate schools for Indian children in the elementary grades argue that a full-blood Indian child is seriously handicapped by its limited knowledge of the English language, by its sluggish mentality, by its natural bashfulness, by the economic conditions which compel its parents to migrate, with the families, to the fields, orchards, and other places where the parents labor, thus keeping the child out of school a good part of the year, and because the child can not progress in his class fast enough to keep pace with the white children. It also is pointed out that it is most difficult for a teacher to teach both white and Indian children in the same class in the elementary courses and that, as a matter of fact, the average teacher of Indian and white children discriminates in favor of the whites.

I was told by several county superintendents that it was becoming more and more difficult to secure competent teachers for public schools attended by both Indian and white children and that in some cases the teachers of such classes demand higher pay.

At this writing the number of children of school age of nonreservation Indians is not precisely known. In the commissioner's 1919 report the total number of Indian children attending Government, mission, and public schools is given as 3,897 out of a total of 4,579 who were eligible for school attendance, apparently leaving 682 eligible children out of school, but the figures include an estimate of the children of an estimated 3,000 "scattered" Indians, so that the total of school attendance includes both the known and estimated attendance. The public school attendance is given in the report as 2,199, of which 1,471 are credited to the Greenville Agency alone, where all the children are of the nonreservation class.

Of the \$100,000 allotted by the Indian Office to public school tuition out of the general appropriation for Indian school support for 1919, a total of \$6,131.27 was expended by the Indian Office for public school tuition in California, in the following jurisdictions: Hoopa Valley, none; Round Valley, \$873.68; Fort Bidwell, \$74.48; Greenville, \$2,339.92; Digger, \$240.90; Bishop, \$163.80; Tule River, none; Campo, none; Malki, \$391.74; Yuma, none; Pala, \$378.85; Soboba, none; Reno, Calif., \$1,767.90; total, \$6,131.27.

At 15 cents a day, the common Government rate of pay for public-school tuition, this amount would call for 40,875 school days, or for about 100 days tuition for 408 Indian children, but it is known that many more than 400 children are "paid" scholars. A large number of nonreservation Indian children are attending the public schools in California on the same footing as white children, without payment of their tuition by the Government.

I was unable at Sacramento to secure any figures at all from the office of the superintendent of public instruction of the number of Indian children attending the public schools, and I found that few county superintendents of schools knew how many Indian children of school age were in their counties and how many attended public schools, for Indian school attendance is not segregated in school statistics.

When I was in that State a census of minors was being taken by county superintendents of schools under the direction of the State superintendent of public instruction. This census will be more than a mere counting of noses, for its inquiries will develop much of the home life, living conditions, health condition, etc., of children of school age. The county superintendents were instructed to segregate the data touching Indian children. All this information will be available in February and will afford a sound basis for arriving at the number of nonreservation Indian children of school age in California. These data, with the census figures of the two special investigators of the Indian Office, should furnish the Indian Office and Congress with

sufficient information to permit the adoption of a practical policy designed to furnish ample school facilities for all the Indians in California.

At Sacramento I had an interesting conversation with Mr. Job Wood, jr., deputy superintendent of public instruction, and found that the State's directors of the public school system are heartily in favor of doing all the State can to advance the interests of the Indian children.

Mr. Wood told me that the new compulsory educational law, passed at the last session of the legislature, applies to any child, irrespective of race or color in the State, who is between the ages of 8 and 18, unless the child is exempted by the county superintendent of schools. Thus, all Indian children outside of the reservation can be compelled to attend the public schools.

Before a new school district can be formed there must be a minimum of 15 census children living in the proposed district who are between the ages of 5 and 17 years. There is no law which authorizes the expenditure of State or county funds to build a district schoolhouse. It must be put up by the district and the school must be maintained at least a year by the district before it can secure State aid to pay the teacher.

In the mountain districts where much of the land, being public domain or national forest, is untaxed and therefore provides no revenue, the school districts are poor. It is in such sections where most of the nonreservation Indians live and if a new district school is built for them it would stand in a place so remote from a white community that it would be necessary to build a home for the teacher in addition to the schoolhouse, for no white woman would live with an Indian family.

This requirement, Mr. Job thought, practically prohibits the organization of new school districts in the mountain country where the Indians live, for the expense of building the school and teacher's house and of maintaining the school during the probationary period of a year would be too large for a poor school district to handle and the board of supervisors simply would not attempt to build the school, even though the members might be willing to help educate the children.

It would appear, then, from Mr. Wood's statement, that since neither the State nor county can build a district school and State aid toward the payment of the teacher can not be had until after the school has been running for a year, at least, that some way will have to be devised by which the United States Government can erect a new school building and maintain the school for a year. This matter is an important one and should enter largely into any consideration of ways and means to accelerate the education of nonreservation Indian children.

I have seen two public schools, maintained by the State, using buildings which had been erected by the Government; one near Ukiah, Calif., and the other in Browning, Blackfeet Reservation, Mont., and, probably, there are others. The question of adopting the policy of aiding new school districts in California to open public schools for nonreservation Indians is a large one, for it would involve the expenditure of a considerable sum of money not only for the building of schoolhouses and the maintenance of the schools during the probationary period, but, in many cases, it would require the building, also, of homes for teachers.

In an effort to ascertain the sentiments of county superintendents of schools in regard to public school attendance of nonreservation Indians, letters of inquiry were written a number of them. Ten replied, and if they share the common state of mind of California's school authorities, then the general feeling of most of the county superintendents is that the Government and State should cooperate in the education of the Indians.

There is some difference of opinion as to the capabilities of Indian children in schoolrooms, for some county superintendents find they are but indifferent scholars, lazy, mentally sluggish, and far below the average of white children, while others write that the Indians are good scholars. Apparently there is but little racial prejudice against Indian children attending school with white children, but objections in some places are noted, the objections being based on the fear of white parents that the Indians may bring trachoma, tuberculosis, and even social diseases to school with them.

An abstract of the replies has been prepared and is appended to this report as an exhibit to which your attention is respectfully directed.

Permanent home sites for landless Indians, grouped in colonies on tracts of land in every way suitable for villages, to be bought and, for a time, held by the Government, will go a long way toward solving the problem under consideration. Bearing in mind that such Indians are but common laborers who seek employment at varying distances from their living places; that though some rent patches of land for home sites the larger proportion are squatters, ever facing summary eviction and, therefore, practically forced to live in shacks and huts built of odds and ends, necessarily of the most tempo-

rary construction: that it is the nature of the Indians to live in bands or communities; that their mode of living, imposed upon them by economic conditions, breeds filth, squalor, and diseases, retards progress by killing ambition and discouraging the development of self-respect, and that all such evils can be directly traced to the fact that the Indians have not the slightest assurance of home site permanency, the colony system presents the most practical, the most economical, and the most promising way to hasten the progress toward civilization of these Indians.

The Government-owned colony or rancheria is no novelty. A large number of landless Indians have been living, and progressing, in such communities for years in California and Nevada. But the instant success of the two colonies established near Reno, Nev., and Yerington, 75 miles south of Reno, within two years by the Indian Office has emphasized so distinctly the great constructive value of home sites, with favorable environment, for the Indians which they know are permanent, that I beg leave to describe the colony between Reno and Sparks.

About two and a half years ago I visited the western part of Nevada, inquiring into the conditions of the Paiutes and Washoes and found hundreds of them living under the most distressing conditions. What they called "homes" were but hollow scrap piles of alley and ash barrel odds and ends thrown together upon patches of land so barren of everything regarded as prime necessities for man's habitation that they were utterly wretched. The Indians were a degraded lot, despised, treated with contempt by their white neighbors; their children were barred from the public schools; they simply were tolerated because their labor was useful and cheap.

A few weeks ago I saw the same Indians, living on 20 acres of land midway between Reno and Sparks, land which had been bought by the Indian Office for \$300 an acre and worth more: land with water for irrigation and domestic use; land surrounded by a substantial wire fence with a wide street down the center of the tract with young trees planted on both sides; level land, every foot available for home lots and gardens. I saw Indians whom I had pitied a few months previously living in neat cottages which they, themselves, had built: cottages having from three to four rooms; wood floors; brick chimneys; doors; windows with lace curtains, shades and fly screens; cottages with gardens behind. I saw an automobile bus taking Indian children to the Reno public school. And all this change came almost immediately after the Indians began to move onto the colony tract about two years ago.

When I first saw this tract it was an alfalfa farm adjoining Reno. The entire cost, to the Government, of this project up to last November—and this practically includes everything excepting the necessary house for the matron and a community house, was as follows:

Land, 20 acres, at \$300.....	\$6,000.00
Division fence.....	126.00
Survey.....	17.50
Well, for domestic water.....	346.85
Culverts, drainage and irrigation.....	96.34
Trees and shrubbery.....	158.40
Outhouses, 20 at \$8.....	160.00
Total.....	6,905.09

Less than \$7,000 used to lift over 100 wretched Indians out of the city dump, the alkali swamp, and the sewer in which they had been existing.

To complete the plans for this colony will require only \$6,600, of which \$4,000 is estimated for a matron's house and \$2,600 for a building to be used as a community center, warehouse, and village hall. The colony will take care of at least 100 families, each having a lot 50 by 150 feet, so that each family can have a garden patch and room for a horse or cow. The purchase of the land carried with it 60 shares in the Scott Rancho Ditch Co. for water rights and it will cost about \$20, which the Indians are expected to pay, for ditch maintenance.

A street 40 feet wide has been laid out through the center of the village. When the Indians first came on the tract their temporary shacks were built on the backs of the lots where the alley will run. The permanent houses are being placed on the building line in the front of the lots. Fruit trees, apples, pears, plums, and crab apples, have been planted for shade trees on both sides of the street and the shrubbery is currants, gooseberries, and raspberries. Asparagus and rhubarb are to be planted in each lot and a row of fruit trees will be planted along the alleys.

The outstanding difference between the Reno-Sparks colony and the rancherias heretofore established in California is that the Reno-Sparks colony has been laid out as a village and not as an aggregation of little farms. The fact that landless Indians in Nevada and California are not and, for years to come, will not be self-supporting

farmers, has been recognized in planning the Reno-Sparks colony which has been established primarily as a village for laborers who will have comfortable homes to come to from their work.

The Yerington colony uses 10 acres of irrigated land adjoining the city limits. The land cost about \$1,200 and is colonized by about 150 Paiute Indians, or 30 families. The children are not admitted, as yet, to the public school at Yerington but are taught in the Catholic mission school. A number, however, attend the Carson nonreservation school. This colony was opened in the fall of 1918 and all the Indians moved to the tract the day it was opened. The village has three wells and is arranged much after the fashion of the Reno-Sparks colony.

About a mile from the statehouse in Carson City is 160 acres which is being developed into the Carson Colony and Home for Old Washo Indians. It will take care of 200 Washoes, the money for its purchase and development coming from the Washo Indian appropriation. A good eight-room house on the property will be used as the matron's cottage and other buildings are being remodeled for the old folk's home. This tract, with improvements, cost but \$3,500.

At Lovelock, northeast of Reno, is the first of the Nevada colonies founded about 1910. It provides for 30 families and has a day school with houses for the teacher and matron. This land is not irrigated but the Indians have water for home uses. It was the Lovelock colony which demonstrated the success of establishing villages for Indians with the idea that they need only permanent home sites, with the right kind of environment, to encourage them to go ahead. Other colonies in Nevada, which are in the making, are at Battle Mountain, Winnemucca, and Elko.

These Nevada colonies might well be taken as models for colonies or villages for the landless Indians of California for they represent the latest development in the activities of the Indian Service which are used to encourage Indians who have "lost out." Until recently the purpose of buying land for Indians seems to have been to make farmers of them, and large tracts were bought so as to give 10 to 20 acres to a family. In some cases, where the land was of good soil, with water for irrigation, this purpose might have been realized, but too much of the land heretofore purchased for California Indians is waterless, and in California land without water is of little value except for rough grazing and of no value for that unless tracts of very large acreage are used.

Since 1906 the Indian Service has brought 8,300 acres of land for 4,600 California Indians at a land cost of \$161,200. Of this amount about \$34,300 was used to buy land for the Mission Indians in the three southern counties of the State; \$95,100 was spent for land for new rancherias and to augment the areas of rancherias owned by Indians in five contiguous counties in the northwestern part of the State; and \$31,800 went for small tracts for bands living in 15 scattered counties.

Almost all of this land was purchased out of appropriations, aggregating \$150,000, authorized in the acts of June 21, 1906, and April 30, 1908, and the appropriations were predicted on an investigation of the condition of California Indians by Mr. C. E. Kelsey, a special agent of the Indian Service. So far as I have been able to learn this investigation is the only survey ever made, prior to the one in progress, of the nonreservation or landless Indians of the State.

Mr. Kelsey's report has been the basis of practically all appropriations made for nonreservation Indians in California and properly so. He went thoroughly into the situation, made as good a census as one man, in the limited time given him, could make, and his conclusions and recommendations substantially are as timely to-day as they were 14 years ago and might well be considered in connection with the survey now being made of the landless Indians. A copy of his report is appended hereto as an exhibit.

Among the recommendations he made are the following:

"That those Indians who are landless through an act of omission of the National Government, shall receive land in lieu of any claims they may have against the Government, moral or otherwise; that the land shall be of good quality with proper water supply, and shall be located in the neighborhood in which the Indians wish to live; that this land shall be given under some such plan as that pursued at Fort Independence, each family being consigned to not exceeding 10 acres, or such small tracts as the conditions may warrant; this land to be purchased and assigned by a commission appointed by the Secretary of the Interior, the majority of the members to be experts in northern California land conditions.

"That those Indians who have received worthless desert allotments shall have the privilege of exchanging them for the same size and character as proposed for the landless Indians in northern California, and that the allotments so surrendered shall be restored to the public domain; that those Indians who have received mountain or timber allotments shall have the privilege of exchanging them for allotments of the

same size and character as those appropriated for the landless Indians of northern California and the allotments so surrendered be added to the forest reserve."

Mr. Kelsey's recommendation that a commission be appointed to buy the lands was not adopted. Instead he was detailed by the Commissioner of Indian Affairs to purchase land for the landless Indians and for the Mission Indians. Something over 60 parcels of land were bought by him and, from subsequent appropriation, by other Indian Service agents. The following is a list of such purchases:

Band.	County.	Num-ber In-dians.	Acres.	Amount.
San Manuel.....	San Bernardino.....	56	12.63	\$1,995.50
Pechanga.....	Riverside.....	179	235	6,650.00
Palm Springs.....	do.....	35	800	6,000.00
Santa Rosa.....	do.....	70	640	2,560.00
Los Coyotes.....	San Diego.....	165	160	800.00
Campo.....	do.....	165	1,040	14,500.00
San Pasqual.....	do.....	66	200	1,800.00
Smith River.....	Del Norte.....	163	163	7,200.00
Crescent City.....	do.....	50	100	3,500.00
Trinidad.....	Humboldt.....	43	60	1,198.00
Blue Lake.....	do.....	45	26	1,500.00
Lower Eel River.....	do.....	60	20	3,000.00
Bear River.....	do.....	29	15	1,500.00
Hopland.....	Modocino.....	120	630	5,750.00
Laytonville.....	do.....	98	200	2,500.00
Guidiville.....	do.....	92	50	2,000.00
Coyote Valley.....	do.....	48	100	2,484.00
Potter Valley.....	do.....	72	16	2,000.00
Redwood Valley.....	do.....	51	80	2,000.00
Manchester.....	do.....	84	75	4,908.75
Sherwood.....	do.....	92	230.72	5,750.00
Ukiah.....	do.....	130	95.28	8,500.00
Point Arena.....	do.....	40	40	800.00
Guideville.....	do.....	34.12		2,100.00
Sherwood.....	do.....	41	60	431.81
Upper Lake.....	Lake.....	285	143	5,000.00
East Lake.....	do.....	134	88	6,600.00
Middletown.....	do.....	51	108.70	2,650.00
Scotts Valley.....	do.....	60	56.68	2,900.00
Big Valley.....	do.....	92	80	12,000.00
Alexander Valley.....	Sonoma.....	74	24	1,800.00
Wappo.....	do.....	30		2,500.00
Dry Creek.....	do.....	75	75	1,875.00
Stewarts Point.....	do.....	118	40	1,100.00
Sebastopot.....	do.....	76	40	1,600.00
Pitt River.....	Shasta.....	85	120	1,795.00
Montgomery Creek.....	do.....	62	72	400.00
Etna.....	Siskiyou.....	56	480	2,208.00
Cedarville.....	Modoc.....	82	17	1,000.00
Mooretown.....	Butte.....	53	80	700.00
Enterprise No. 1.....	do.....	51	40	160.00
Enterprise No. 2.....	do.....	8	40	162.56
Strawberry Valley.....	Yuba.....	14	.5	208.90
Colus.....	Colusa.....	63	40	3,800.00
Cortina.....	do.....	47	480	4,800.00
Grindstone.....	Glenn.....	56	80	1,050.00
Rumsey.....	Yolo.....	48	75	2,000.00
Colfax.....	Placer.....	64	40	800.00
Eldorado.....	Eldorado.....	53	80	1,500.00
Sheep Ranch.....	Calaveras.....	12	2	150.00
Tuolumne.....	Tuolumne.....	78	289.52	3,500.00
Millerton.....	Madera.....	55	140.86	1,500.00
North Fork.....	do.....	200	80	550.00
San Joaquin.....	Fresno.....	114	280	2,800.00
Table Mountain.....	do.....	90	160	1,600.00
Bishop.....	Inyo.....		15	1,125.00

Nonreservation Indians are citizens of California so declared to be in a decision of the Supreme Court of the State, handed down March 8, 1917, in the case of Ethan Anderson, an Indian of Scott Valley, Lake County, against Shafter Mathews, county clerk of Lake County. The court held that a nonreservation Indian of California, even though he might be a ward of the Government, was a citizen of the State. This decision, while it gave the Indians the right to vote—a few of them have taken advantage of the right—placed the sick, indigent, old, and helpless in a perilous situation; it developed a wide difference of opinion in the matter of caring for them.

It is held, by some authorities, that the Indians, being wards of the Government, should be taken care of exclusively by the Government; that the Indians, being citizens of the State should be taken care of, exclusively, by the State; that as the Indians are both wards of the Government and citizens of the State they should be taken care of by both Government and State.

I found the popular idea to be that the Government and State should cooperate in the care of the sick, indigent, old, and helpless Indians. The difficult factor in this proposition is cooperation between the Government and local authorities, how can it be effected. There would be no trouble if the county authorities clearly recognized their responsibility in the matter. In some counties Indians are admitted to the county hospitals, poorhouses, and other institutions; in others they are not.

The Indian Office seems to take the view that since the Supreme Court of the State has definitely decided that the nonreservation Indians are citizens of California they should be recognized as citizens by county authorities and admitted to county institutions on the same footing as other citizens; that at least the County should be willing to pay half of the expense for their care in hospitals, poorhouses, etc.

The Indian Office may be right, but what if a sick, indigent Indian is refused medical and hospital attention by the county and the Government refuses to give him needed care because the county will not do its part and the Indian dies during the debate? This might happen, and probably will happen, unless a practical arrangement for active cooperation is effected between the Government and county.

Congress can appropriate money for the care of the sick and distressed Indians and the Indian Office can use the money for that purpose, but neither Congress nor the Indian Office can force the county authorities of California to do their part at the risk of Indians dying because neither party to the controversy pays any attention to him. Every Indian official in California told me his allotment of funds for the care of the old, destitute, sick, and helpless Indians never is enough; that every year the demand exceeded the allowance.

In this connection I respectfully direct your attention to some letters I wrote a number of county physicians and health officers in California with the purpose of developing their ideas in regard to the care of needy Indians. A number replied and their observations have been abstracted and are attached hereto as an exhibit. It will be noted that the health officials are about evenly divided between those who think the Government should take care of the Indians and those who are in favor of Government and county cooperation.

I feel certain that the white people of California are beginning to take a decided interest in their Indian neighbors; evidences of a change in public sentiment toward the Indians are found all over the State. Womens' clubs, social service organizations, churches, associations formed for the single purpose of helping helpless Indians, and men and women working on their own initiative are in the field, and there is small doubt, in my mind, that in a comparatively short time, the Indian Office will have the active and effective cooperation of some of the best people of California in any efforts to advance the welfare of all Indians, reservation and nonreservation, in the State.

Faithfully, yours,

MALCOLM McDOWELL,

Member, Board of Indian Commissioners.

The honorable the SECRETARY OF THE INTERIOR.

TREATY MADE AND CONCLUDED AT CAMP BELT, ON KINGS RIVER, IN THE STATE OF CALIFORNIA, MAY 13, 1851, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE TACHES, CAH-WAI, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1851, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having the full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit: The Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wis-chum-ne, Hol-cu-ma, To-e-neche, Tu-huc-mach, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the Government of the United States, and undertake and promise on their part to live on terms of peace and friendship with the Government of the United States and the citizens thereof, with each other, and with all Indian tribes.

ART. 2. It is agreed between the contracting parties that for any wrong or injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that a district of country between the Cah-wai River, or the first of the four creeks, and the Chou-chille River, to be laid off as follows, to wit: Beginning at the point in the Cah-wai River where the southwestern line of the land set apart for the Indians at the treaty made and concluded at Camp Barbour, on the San Joaquin River, leaves said river for the Chou-chille River; running thence down the middle of the Cah-wai River to the Tulere or Tache Lake; thence along the same in the direction of and to the mouth of Kings River thence up said river to a point 6 miles below where the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquin River as aforesaid, crosses said Kings River; thence a line to the Chou-chille River to be run parallel to the aforesaid line crossing the San Joaquin and Fresno Rivers, and intersecting the Chou-chille at the distance of 6 miles from said southwestern line; thence up the Chou-chille to said line and with it to the beginning, on the Cah-wai River, shall be set apart and forever held for the sole use and occupancy of said tribes of Indians; in consideration of which, and the further consideration of permitting said tribes to hunt wild game and gather wild fruit, nuts, etc., in the hills and mountains between the Cah-wai and Chou-chille Rivers the said tribes hereby forever quitclaim to the Government of the United States to any and all lands to which they or either of them may ever have had any claim or title.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years 1851-52, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them) with six hundred head of beef cattle, to average five hundred pounds each, and five hundred sacks of flour, to average one hundred pounds each, for each year.

ART. 5. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge with the following articles, to wit: Fifty brood mares and two stallions, sixty cows and five bulls, twenty-four plows, twelve sets of harness complete, twenty-four work mules or horses, twenty-four yoke of California oxen, two hundred axes, two hundred hoes, one hundred spades or shovels, one hundred picks, all the necessary seeds for sowing and planting for one year, three thousand pounds of iron and six hundred pounds of steel, two thousand blankets, two flannel shirts and two pair of coarse pants for each man and boy over fifteen years of age, three thousand yards of linsey cloth and the same quantity of cotton cloth, and the same of coarse calico for clothing for the women and children, fifty pounds of thread, five thousand needles, five hundred thimbles, and twelve dozen pairs of scissors, and one dozen good grindstones.

ART. 6. The United States agree further to furnish a man skilled in the business of farming to instruct said tribes and such others as may be placed under him in the business of farming, one blacksmith, and one skilled in working in wood (wagon maker or rough carpenter), one superior and such assistant school-teachers as may be necessary, all to live among and work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house and all other buildings necessary for the persons mentioned in this article to be furnished by the Government, and for the purpose the Government of the United States hereby retains and reserves to herself in the lands herein set apart for the Indians, not only the right to erect said buildings, but also the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the Government, and the right of way over any portion of said territory.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this 13th day of May, Anno Domini 1851.

G. W. Barbour. Taches: Quintin, chief; Jose Antonio, Sulio; Elarion, Gregorior. Notontors: Manuel, chief; Santiago, Inocente, Estanislao, Jose Quintin, Juan. We-mil-ches: Juliano, chief; Jose Martin, Pedro, Jose Antonio Nicolas. Choi-nues: Valentine, chief; Jose, Ebon, Francisco, Satronine. Intimpeaches: Antonio, chief; Sisto. Tu-huc-maches: Sylvester, chief; Cervantes. Tor-neches: Castro, chief; Jose Antonio. Holcumas: Hamuch, chief; Tomas. Wic-chum-nes: Eahal, Manuel, Ignacio, Chilo. To-lum-nes: To-hil-na, Joaquin. Cah-wais: Francisco, Bautista, Rafael. Yo-kols: Echa, Juan Tamato, Jose Maria.

Signed and sealed in duplicate, after being read and explained, in the presence of H. S. Burton, interpreter; N. H. McLean, secretary; W. S. King, assistant surgeon, United States Army; Y. Moore, second lieutenant, Second Infantry; H. G. J. Gibson, second lieutenant, Third Artillery.

QUESTIONNAIRE TO COUNTY SUPERINTENDENTS OF SCHOOLS IN CALIFORNIA.

Desiring to learn the sentiment of county superintendents of schools in California toward the Indians of that State letters of inquiry were sent to a number of them who were requested to answer the following questions:

How many Indian children, school age, in your county?

Do they attend public schools with white children?

If so, how many attend schools; what grades do they reach; what kind of scholars are they; name tribes, if possible; does the United States Government help your county by paying for Indian tuition; what is your candid opinion of Indian children as scholars?

If Indian children do not attend school, why? Is it really because of racial prejudice; is it because they are uncleanly; is it because white parents fear Indians may spread tuberculosis, or trachoma; is it because of difference in standards of morality?

How many Indians are there in your county and what is their general condition?

Please give your candid views on this query. Should the State of California take full care of the Indians in it or should the full responsibility be carried by the Federal Government or should State and Government cooperate in caring for the Indians who do not live on reservations?

Replies were received from a number. Following is a synopsis of the answers to the queries submitted and of observations made by the superintendents on the California Indian problem.

Roy Gord, superintendent of schools, Mendocino County:

"About two or three hundred children of school age in Mendocino County and about 70 attend school with white children. The Government pays tuition for them. They are not excellent scholars. They are slow to learn and lazy about their work. Seldom go beyond the sixth grade. Principally because their parents take them out to work on leaving school and also because they are backward. They have not the interest in schools which white children have and this I think is due to their inheriting a sluggish mind and the low standards of education and immorality held before them. Most children in Mendocino County do either attend a public school or an Indian school. I should judge there are between 1,000 and 2,000 Indians in this county.

"I think that the Federal Government should have complete care and full control of the Indians and should provide all money to pay for their tuition. States that have Indian children like California can not take care of the education of their white children because of so many small schools which necessitates paying a great number of teachers, making the cost of education very large as compared with the population or value of the assessable property. All money for educating Indians should be provided by the Federal Government."

Kate E. Horn, superintendent of schools, Siskiyou County:

"Number of Indian children of school age in Siskiyou County unknown, but they attend public schools with white children. They reach the eighth grade, are very good scholars and many finish the elementary schools.

"The State and Government should cooperate in the education of Indian children."

Mrs. Pearle Rutherford, superintendent of schools, Butte County:

"About 75 children of school age in this county and they attend public schools with white children; are supposed to finish the eighth grade. They are below the average of white children as scholars and belong to the Digger Tribe. The Government pays tuition; as a rule the children can not grasp the work of the higher grades and

lose interest; does not know the number of Indians in Butte County but considers their condition to be fair.

"The State and Government should cooperate in the education of Indian children."

John L. Dexter, superintendent of schools, Mariposa County:

"About 65 Indian children of school age in Mariposa County, and all attend public schools with white children; go as far as high school. As scholars they are usually slow; they belong to the Digger Tribe; the Government pays tuition in some cases. As a rule the Indians are poor scholars, but in some cases are bright; 225 Indians, full and mixed bloods, in Mariposa County. Their condition, in most cases, is not the best.

"The State and Federal Government should cooperate in the work of educating and caring for these Indians. The Government should provide an easy method for rural districts to secure some aid in educating children. It is impossible in some of the remote districts to have the three trustees go miles and miles to appear before a notary public to comply with all the requirements laid down by the Government."

G. P. Morgan, superintendent of schools, Tuolumne County:

"About 75 children of school age in Tuolumne County; some of them attend public schools with white children, possibly 25; they reach about the fifth grade; are fairly good scholars and belong to the Digger Tribe; the Government pays for tuition. Indian children do pretty good work; seem intelligent, but are slow and diffident; approximately 200 Indians in Tuolumne County; general condition fairly good; some have adopted many ways of the whites, have good homes and live well; others still live in shanties and are unclean. The children who do not attend school apparently do so for two reasons—some live too far from schoolhouses and some are indifferent.

"It seems to me that the Federal Government should assume the responsibility for the full care of Indians in California, but from another angle it would seem that State and Federal governments should divide the care and expense. It might be more equitable the latter way, as some States have very few Indians, and they could then contribute to the support of those States with large Indian populations. here is but one school district in Tuolumne County (Summerville district) that derives Federal aid for the Indians. These are supposed to live on the reservation near by."

Mrs. Nettie B. Harris, superintendent of schools, Modoc County:

"About 10 Indian children attend the public schools with white children; they make fair progress, but are not as good as a normal white child; usually reach the fourth or fifth grade; they are Pit River Indians; in some cases the Government pays 15 cents a day tuition; Indian children are obedient and studious; the principal objection to Indian children attending white schools is trachoma and uncleanliness; some are very clean; some have symptoms of tuberculosis; some racial prejudice can be found in some sections.

"It seems to me the State and Government should cooperate in the care of the Indians."

Craig Cunningham, superintendent of schools, Madera County:

"Approximately 100 Indian children of school age in Madera County; approximately 75 attend Madera County schools, reaching the third, fourth, and fifth grades as a rule, though there are exceptions where they reach the sixth and seventh grades and one or two cases graduated from the grammar schools; these are Digger and Chick-chansie Indians; the Federal Government has given substantial help in the way of tuition.

"As far as the schools of this country are concerned I believe that they add materially to the better living and enjoyment of life to the Indians. I have a few cases where trustees of school districts are part Indian blood. In my county there seems to be no prejudice against Indian children attending school. On the contrary my school boards in the mountain districts have encouraged them to attend. I could make only a guess at the Indian population in my county, it is probably 200. I think their general condition good. Most of the Indians secure employment in the vineyards in the valley in summer months. In most all cases they purchase winter supplies from moneys earned.

"I believe that the Federal Government should always bear a part of the responsibility for caring for and educating the Indians. I am heartily in accord where the Federal Government aids in giving tuition to Indians in the California public schools. Under the present plan the State and Nation are doing their part. I have encouraged my districts where Indian children are enrolled to enter into contracts with the Federal Government. Many districts have done so and material assistance has been received from the Indian Department. I want to express my appreciation for this aid as it has meant a great deal to my mountain schools."

Lucy M. Young, superintendent of schools, Trinity County:

"About 110 children of school age in Trinity County and about 95 attend public schools; most of them reach the eighth grade and are average scholars; they are Wintoon Indians; one school district is aided by the Government, paying tuition charges for four children; Indian children are average in scholarship, but not quite as ambitious and, generally, do not have the means to attend as regularly as the white children.

"The reason some Indian children do not attend school as a rule is because they live too far from school, and some of them must work and help support the family; nonattendance at schools is not on account of racial prejudice, disease, nor morality. There are about 250 Indians in Trinity County and all are comfortable, but none have more than a living excepting a few. I think the State and Government should cooperate in caring for the Indians who do not live on reservations."

Mrs. Eugenia M. Burns, superintendent of schools, Alpine County:

"There are about 25 Indian children of school age in Alpine County, and 20 attended school during the term 1918-19. They reach the fourth grade; scholarship is fair; Government pays Indian tuition; Indian children will be fairly good scholars in the future if proper interest is taken in them; the Indian children in this county are told they must either attend public schools or be sent to United States Government Indian school at Carson; they prefer to stay home, so start to the public school, but do not attend regularly; the white parents do not care to have the Indians attend school with their children because of the frequent cases of tuberculosis among them and their uncleanliness; there are about 75 Indians in the county, but there are possibly 300 Indians in the community just across the State line in Nevada.

"I think the State and United State Governments should cooperate in caring for the Indians who do not live on reservations. I have lived in this community for 20 years and have noticed an improvement in the Indians in as much as they are getting more anxious to take up the customs of the whites. The young Indians are losing the superstitions and customs of their fathers; so, for this reason, it will be an easier matter to educate them in the future. The question of tuberculosis and other diseases among them is very serious, and steps should be taken immediately by the Government to help eradicate them. I desire to call particular attention to the fact that the Indians of the Washoe Tribe need assistance to help eradicate tuberculosis.

"The farmers in this community depend almost entirely upon Indian labor for the farms. However, there is scarcely an Indian family of the tribe in which there has not been a death from tuberculosis in the last few years. So the disease not only spreads among them, but endangers the whites also. I would recommend that a village for Indians (such as the one to be started in Elko County, in Nevada) be established for the Washoe Indians in Alpine County in California, or just across the line in Douglas County, Nev., in which they could live in the wintertime. In the summer the Indians here sell their baskets at the mountain lakes or work on the farms; but in the winter they crowd into their insanitary huts and contract the diseases that are causing many deaths each year."

M. M. Gregory, superintendent of schools, Mono County:

"Part of the Indian children, number not given, attend public schools with white children, probably 30 of them; some are graduated from the elementary schools; as a usual thing Indian children are quiet, obedient pupils and are apt in any study not requiring much abstract reasoning. The Government helps the county by paying for Indian tuition.

"In reply to your inquiry, What is your candid opinion of Indian children as scholars? I fear I do not quite grasp the question. If you mean scholars as being able to profit by education I might refer you to Charles Light, Stockton, Calif., district attorney of San Joaquin County, who is a full-blood Indian of one of our mountain tribes. My opinion is that these children should receive an education to fit them for a place in the life of the age in which they live, as any other children should. The reason the Indian children do not attend school in this county is because of their indifference, lack of encouragement, some racial prejudice, more especially as we now have few pure blood Indians. Some are uncleanly.

"White parents do fear tuberculosis, trachoma, and social diseases. There is some prejudice because of the different moral standards, but perhaps more as a prevention of miscegenation. I can not estimate the number of Indians in this county. All have plenty of work, therefore food and clothing. They could be educated to manage much better. They gamble, and even in this dry country some manage to get drunk occasionally. Many are marrying Basques and Portuguese.

"My opinion is that Indians should be cared for by both State and Federal Governments—not as paupers, but as citizens, or, at least, as our other nonwhites are. The Indian should receive the sort of education which would fit him to earn a living.

His women should be protected from the lower class of the white race. They should be taught to care properly for their homes and their children."

QUESTIONNAIRE TO COUNTY HEALTH OFFICERS AND PHYSICIANS IN CALIFORNIA IN REGARD TO NONRESERVATION INDIANS.

In an effort to learn the attitude of county officials in California toward the Indians of that State, a letter was sent to each of a number of county physicians and health officers, who were requested to answer the following questions:

Are Indians admitted to your county hospital, poorhouse, or other county institutions?

If not, is it because (a) of racial prejudice, (b) Indians are not taxpayers, or (c) why?

What are the general health conditions among the Indians in your county (particularly as to tuberculosis and trachoma)?

How many Indians, exclusive of those on reservations, are in your county?

Is there any organized social service effort being made in your community in behalf of Indians?

Please give your candid views of this query: Should the State of California take full care of the Indians in it or should the full responsibility be carried by the Federal Government, or should State and Government cooperate in caring for the Indians who do not live on reservations?

Replies were received from a number. Following is a synopsis of the answers to the queries submitted and of observations made by the officials on the California Indian problem:

Dr. C. A. Curl, county physician, Trinity County:

"Indians are admitted to Trinity County Hospital, poorhouse, and other county institutions; very little tuberculosis or trachoma among the Indians: about seventy-five nonreservation Indians in the county, many of whom are indigent from age. No organized social service efforts to help Indians.

"In my opinion the care of the Indians should be entirely Federal. The Federal Government has taken from the Indians the best of their lands and should care for them as long as they need help.

"In addition to the questions I have answered, I would like to give my views on the Indian question. I served about five years as physician in the Indian Service and think that in that time I saw many of the injustices the Indians had to bear. Their best lands were taken from them and, in most instances, they were confined on reservations where they could have made but a poor living even if they were the best of workers. Being Indians and hereditarily disinclined to manual labor has made it doubly hard for them to get ahead in the world and have anything laid away for their old age, and now that they are old they must depend on the very small stipend allowed by the county. This county allows them \$5 a month when they are in an actual starving condition, and if they are thought to be dying the supervisors will send the county physician to see them. They would be admitted to the county hospital or poorhouse, but the whites do not like them and do not make it a pleasant place for them to stay.

"The question of the duty of the Federal Government is a large one and should take into consideration the psychology of the Indian as well as the expense to the taxpayer. We have taken from them most all they had and, for several generations to come, it is surely our duty to care for such of them as are old and helpless. I wonder if you will pardon me if I make a suggestion that has been in my thought many times. Why not establish a home for the aged, sick, crippled and helpless Indians at some rather central point, where the climate is not too severe and have all those needing the care of such a home sent to that place? Appoint an inspector to visit all places where there are Indians living at least once a year and gather in those who need to be sent to the institution and give them better food and living conditions than they have ever had in their lives and, in that way, pay to them a little of that we have taken from them.

"The younger Indians are glad to get rid of the old ones and during my service with the Government I have had the younger ones come to my office and ask for poison to put the helpless ones out of the way. I know positively that many of the helpless ones are actually starved when food is a little scarce and sometimes when it is not. An old, sick Indian gets little if any care from his relatives. I know of one case in this county, last year, when an old man was allowed to die out in the rain because it was too much trouble for the others to go out after him.

"Surely our great Government can afford to do something really helpful. It will do but little good to have things done locally for if money, food or shelter are given

them where they are living, the young and strong take from that which is given for their comfort.

"Pardon this long letter but the Indians have a lot of my sympathy and this is the first time I have had a chance to air my views, at least the first time I have had anything like an invitation to do so."

Dr. M. A. Craig, health officer, Lake County:

"Indians are admitted to the county hospital and other institutions; general health conditions are good; a small percentage have tuberculosis of the lungs, never knew of any to have trachoma; no organized social service efforts in behalf of Indians.

"Taking it from the broadest possible view probably the State and Government had better divide responsibility for the care of Indians. The California Indian question is a hard one to lay before you in a personal letter. What I may say on the subject is my view after talking the matter over with some of our county officials and reliable business men.

"From a broad point of view, remembering that the Federal Government has taken up their lands, it would seem that the Federal Government should take care of them, but considering it from an economic point and the quick dispatch of business it has proven too slow and expensive. The members of the Board of Indian Commissioners from the southern and eastern States are not familiar with our California and Pacific coast Indian affairs much more than they are with our Japanese question, neither are the members from California familiar with such questions in the south so that, viewing it from that point, I believe the different States are better qualified to care for their own Indians.

"The field matron idea here in California for each county I think is a mistake from an economic point of view and without adequate results. Whether they are to be cared for by the State or Federal Government it appears to me that the appointment of a male Indian agent for each county, instead of the field matron, would be productive of better results, the male agent to act in conjunction with the county health officer, the superior judge, or the board of supervisors, and all bills to be subject to the approval of them and be paid by the State if they are to be cared for by the State.

"The Indian children here in Lake County are admitted into the common or public schools with the whites and have all the advantages of white children, but it is an exception for any of them to complete the course in school. They seldom continue with their schooling until they graduate. I am of the firm opinion that the Indians should not be educated beyond the common public schools at the expense of State or Federal Government for the good and sufficient reason that they are not mentally capable of a higher education. Some of our reservations have Indian schools, the teachers being paid by the Government; where they do not have schools they attend school with the white children. The Indians here are as healthy as the white population; some of them are afflicted with tuberculosis, pulmonary in nearly every instance, and, owing to their habits of living, they never recover. It is absolutely impossible to teach them the importance of hygienic conditions; contagious diseases are more fatal with them than the whites because they will not follow instructions and be properly treated.

"Those on the reservations especially do not make the best of what is provided for them by the Government. They are naturally indolent, and, to a certain extent, the more that is done for them the more indolent they are. The field matron helps them some to the extent of her ability and finances. In cases of necessity our county board of supervisors make cash appropriations out of our county funds to help them in case of need and sickness, which I do not think is just toward our taxpayers. I think that should come direct from the State funds as above suggested to you. There is no need of an Indian being in want here if he is able to work. There is plenty of work for them of all kinds and wages are as good for them as is paid white labor, but the habit of our Indians is not to be constantly at work; they keep at it for a short time and then lay off to eat up and spend what they have made.

"To furnish a modern dwelling for each Indian family would certainly be a serious financial mistake. The Indians here in Lake County, Calif., who are not on reservations have no just cause for complaint; they can get work at the same pay for any unskilled labor on the same basis as a white man. Labor is scarce and wages are good, and if they are short of the necessities of life it is their own indolent habits to blame for it. Still there are isolated cases where they actually need help financially and be cared for otherwise, which they always receive by our supervisors.

"In our mountain counties we have a larger pro rata population of Indians than some other counties where there are large cities and towns, like, for instance, San Francisco and Sacramento, and for that reason I think it an injustice that they should be cared for by a county. It should be borne by the different individual States preferably,

or by the Federal Government. I think it entirely unnecessary, in fact, will say it is a mistake, for the commissioners to deal differently with those not on the reservations than those that are on them.

"To abstract the above opinion, I would say from an economic point of view, quick dispatch of business and results and for the better service to the Indians who are certainly entitled to much care and attention from the State and Government that:

"Preferably let each State handle its own Indian question; they are better qualified to attend to them more economically, quicker, and secure better and more satisfactory results.

"Do away with the field matron and have an Indian agent for each county, he to be elected by county vote and not to be appointed by commissioners or board of supervisors; let him have an annual salary, hold office for four years, get away from graft, political pull, and get down to business for the benefit of the Indians and welfare of the taxpayer.

"Let those who will not live on reservations care for themselves except in rare exceptional cases. The county physician looks after them as at present in our county hospital.

"As for their education, the State is doing that at present.

"Under present methods the Indian question is entirely too expensive for the results obtained.

"Trusting the above will meet with your approval, and if there is any other point that I could enlighten you on the subject let me know."

Dr. Sherman T. White, superintendent Shasta County Hospital:

"Indians are admitted to county hospital and other institutions; tuberculosis is quite prevalent; trachoma not much; other health conditions as good as their white neighbors; about 1,100 to 1,500 nonreservation Indians in Shasta County; no organized social service efforts to help Indians. Both Federal Government and State should care for Indians.

"Shasta County has no Indian reservation and all live either on their own lands or rented places. We admit Indians to our county hospital the same as we do white people. In fact, if one is sick and has no visible means of support and has no place to go, we admit any person regardless of sex or color.

"The general health of our Indians is on a par with our white people, except tuberculosis is more prevalent among them than among whites. We have from 1,100 to 1,150 Indians in our county, and in my opinion both Federal Government and State should care for these Indians, and as soon as possible make citizens of them. To do this, I would advise that physicians be furnished by the Federal Government and that a field matron or matrons be furnished, instructing them in better ways of living with more sanitary surroundings than they have; show them in their own homes the way to live, to keep house, and to keep their health. In case of illness furnish them with nurse or nurses; physicians, and field matrons, plus their property interests, should be cared for by the Federal Government.

"The county should give them their education, grammar, and high schools; and in case any of them should be too sick to be cared for at home the county should admit such to the county hospital.

"It should be impressed upon the Indian that as soon as he is able and fit to care for himself he will be made a citizen of the United States of America. This education can be done in from 15 to 25 years with the Indians we have in our county. The nurses and field matrons should constantly and continually impress Indians that they will soon become citizens and that they must be honest and industrious; that they will soon be expected to care for themselves, and that the Government will not aid them any longer."

Dr. E. M. Fine, Del Norte County, physician:

"Indians are admitted to county hospital, poorhouse, and other county institutions; but county usually gives them an allowance and they stay elsewhere; tuberculosis is more prevalent among the Indians than others; trachoma is confined to Indians; no organized social service efforts in behalf of the Indians.

"I think the Federal Government best to take care of work among the Indians, but the Government is more familiar by past experience and could improve on past experience."

Dr. William L. Hood, Tuolumne County, physician:

"Indians are admitted to county hospital and other institutions; tuberculosis common; trachoma rare; there is some organized social service efforts being made in the community in behalf of the Indians.

"Neither the State nor Government should take full care of nonreservation Indians. If an Indian elects to live on the reservation, he is a ward of the Government. If he does not, he should take care of himself, as they do in Tuolumne County."

Dr. O. T. Schulze, health officer, Napa County:

"If Indians are residents of the county they are admitted to county hospital and other institutions; general health conditions are good; no organized social service efforts in behalf of the Indians.

"There is no Indian problem in this county. The few Indians are well and contented. I am, therefore, unable to offer any suggestions."

Dr. G. S. Scott, Maricopa County, physician:

"Indians are admitted to county hospital and other institutions; general health conditions are good.

"There are no more than 25 or 30 (excepting in Yosemite) pure-blood Indians in the county but many half breeds; there are no social service efforts being made in behalf of the Indians. State and county cooperation would guarantee to the Indians the best protection of his interest."

Dr. L. L. Thompson, Butte County health officer:

"Indians are admitted to county hospital and other institutions; tuberculosis and trachoma are almost unknown among the Indians here; organized social service efforts are being made for Indians in the vicinity of Chico.

"I believe State and Federal Government should share this burden on the taxpayers."

Dr. G. W. Desrosier, Colusa County, physician:

"Indians are admitted to county hospital and other institutions; general health conditions very good except tuberculosis is quite prevalent; no organized social service efforts are being made for the Indians.

"The Indians in this county work out on the farms. Those unable to work have been cared for by the county. If there is any change, I think the Federal Government would take better care of them."

Dr. O. A. Eckhardt, Sierra County, physician:

"Indians are admitted to county hospital and other institutions; general health conditions good; no cases of tuberculosis or trachoma have been reported to the county physician; about 25 Indians are working in the eastern part of the county (Sierra Valley) during the summer; most of them go to Reno, Nev., for the winter; no organized social service efforts are made in behalf of the Indians.

"The Federal Government should take care of the Indians."

Dr. S. H. Rantz, Eldorado County, physician:

"Indians are admitted to county hospital and other institutions; general health is fair; there are more or less tuberculosis and trachoma; no organized social service efforts in behalf of the Indians.

"I believe the Federal Government should take full responsibility for the care of the Indians."

Dr. B. J. Laswell, Plumas County, physician:

"Indians are admitted to county hospital and other institutions; tuberculosis and trachoma are quite common; no organized social service efforts in behalf of the Indians.

"California Indians should be cared for by both State and Government."

Dr. Ernest E. Thompson, Tehama County, physician:

"Indians are admitted to county hospital and other institutions; very little tuberculosis and trachoma; no organized social service efforts in behalf of the Indians.

"The State and Government should cooperate in the care of the Indians."

Dr. F. O. Pryor, Sonoma County, physician:

"Indians are admitted to county hospital and other institutions; has no intimate knowledge of health conditions but thinks there is considerable tuberculosis and little trachoma; there is no organized social service efforts made in behalf of the Indians."

Dr. J. L. Butin, Madera County, physician:

"Indians are admitted to county hospital and poorhouse; some Indians have land and personal property and pay taxes; some have tuberculosis; very little organized social service efforts are being made in behalf of Indians and not along lines to give best results.

"I believe the Government would get best results in the care of Indians. If properly dealt with, I am sure much improvement could be made."

Dr. W. J. Blevins, Yolo County, physician:

"Indians are admitted to county hospital and poorhouse; general health conditions are good; no organized social service efforts are being made to help the Indians.

"Our Indians are all able to work, and there is plenty of work for them. They earn good wages and do not need any assistance from the State or Government.

"If they had assistance from the State or Government, it would only encourage them to idle away their time. We are glad to have their service, and pay them for it, and the county will take care of anyone who is sick and without funds."

REPORT OF THE SPECIAL AGENT FOR CALIFORNIA INDIANS TO THE COMMISSIONER OF INDIAN AFFAIRS.

MARCH 21, 1906.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In the matter of the condition of the California Indians, I have the honor to report as follows: The act of Congress approved June 30, 1905, contained the following provision:

"That the Secretary of the Interior is hereby authorized to investigate, through an inspector or otherwise, existing conditions of the California Indians, and to report to Congress at the next session some plan to improve the same."

Pursuant to the said provision the undersigned was duly appointed to make the investigation. The letter of instructions was received on the 6th day of August, 1905. Two days later the actual work in the field began and has been prosecuted uninterruptedly to the 8th of March.

The work necessary to secure complete and accurate data has proved to be much greater than was anticipated, and has required the services of your special agent practically day and night during the whole time. About December 25, 1905, your special agent received further instructions to investigate conditions pertaining to the southern California reservations, a duty which was duly performed. As there are marked differences in the situation there and in northern California, the northern and southern fields will be taken up separately in the order of official instructions.

Your special agent has visited and personally inspected almost every Indian settlement between the Oregon line and the Mexican border, and has used every effort to make his inquiry complete and exhaustive.

California has 57 counties, 50 of which have Indian settlements. It has required a little less than 12,000 miles' travel to visit these settlements, and as most of them are not near railroad lines, it proved impossible to hurry the inquiry beyond the speed of a horse.

The act of Congress which provides for this investigation requires a report at the present session. This allows less than three days per county, and some of the counties have hundreds of Indians. It is therefore to be regretted that time was not available to make a hut to hut canvass, as that seems the best way to insure complete accuracy.

Your special agent has made a family census of the Indians north of Tehachapi, which he believes to be as complete as possible under the circumstances. Working under a great pressure as to time and being of necessity dependent upon third persons in a large measure for information, it is not expected that every Indian in the State has been enumerated.

Your special agent finds an Indian population in California of a little more than 17,000, of which 5,200 are reported as living upon reservations. Thirty-five hundred of these are in southern California. There is thus a nonreservation population of about 11,800. Your special agent has examined their situation and can not see that their condition is such as to be a matter of satisfaction either to the Government of the United States or to the people of California. The Indian population of California a century ago can not be stated accurately, as data for an accurate estimate are wanting. The census estimate of 1850 was 100,000. The estimates for 1800 vary all the way from 100,000 to 750,000. No well-informed person estimates less than 150,000.

Dr. Hart Merriam, of the Biological Survey, whose opportunities for examination have been exceptional, estimates 260,000. Every locality has its tale of hundreds of Indians 50 or even 30 years ago, where there is one now, and making due allowance for exaggeration, your special agent is inclined to believe Dr. Merriam's estimate well founded. A decrease in the Indian population of 94 per cent in a single century, and mostly within 40 or 50 years, is certainly exceptional and would seem to be a fact in which we can neither take pride nor escape responsibility.

In order to understand the present state of affairs, it is therefore necessary to go somewhat briefly into the history of Indian matters in this State. California is a very attractive land to us to-day, and it was equally attractive to our aboriginal predecessors. The food supply was abundant and the population probably larger than all of the rest of the United States. There was also a conglomeration of Indian races. More than 200 more or less distinct dialects were spoken, classified by ethnologists into 22 or 23 distinct linguistic stocks, as distinct from each other as the Chippewas are from the Sioux, or the Iroquois from the Narragansetts. Two of these distinct stocks disappeared prior to the American occupation, and one other is now confined to Oregon. Representatives of all of the remaining stocks survive to this day, as shown in the census schedule accompanying this report. The different stocks are almost without exception antagonistic and were formerly in a state of perpetual warfare. The Cali-

fornia Indians were not very warlike, and their wars were very small affairs in comparison with those of the Indians of the plains. Indians speaking dialects of the same stock were usually friendly. Each California village was independent of all others, and there seem to have been but little idea of tribal organization.

The mission period began in 1769 and ended with the secularization of the missions by the Mexican Government in 1834. The region covered by the missions extended from the Mexican line to Santa Rosa, and from the Pacific Ocean to the San Joaquin Valley. The completion of the great work done by the Franciscan Fathers in civilizing the Indians was not allowed by the Mexican Government. The Indians had complained bitterly of their state of dependence, and yet when the dependence ceased they proved utterly unable to maintain themselves. Upon the spoliation of the missions, a scramble took place for lands, and a feeble attempt was made to reserve some land for the Indians, which proved ineffective.

In the year before the secularization, 1834, the mission records showed some 34,000 converts in the mission strip. There were probably some unconverted Indians termed gentiles. Only about 3,000 descendants of these mission Indians are alive to-day. Most of the decrease is understood to have taken place between 1834 and 1849. A few of the Indians who had come from the San Joaquin Valley returned there. In southern California those who were able to return to the mountains thus saved themselves from extinction, but the great body of the mission Indians undoubtedly perished where they had lived. Most of them died during the Mexican period, and not under that of the United States.

The treaty of Guadalupe Hidalgo, which ceded California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of the transfer. Under Spanish and Mexican law Indians had certain rights to the lands they occupied and could not legally be evicted from them. It would seem that this right was an interest in land and one entitled to protection under the provisions of the treaty of Guadalupe Hidalgo.

The act of Congress which provided for the settlement of the titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement the duty of first setting apart for Indian use all lands occupied by them. It may therefore be assumed that Congress considered that the Indians had substantial rights. It was the duty of the commission to investigate and confirm the Indian title wherever Indians occupied lands included within the limits of a Spanish or Mexican grant.

Your special agent has found but two cases out of several hundred grants where this was done, Pauma and Santa Ynez, and in the latter case the terms of the settlement were so uncertain that an action is now pending in the State courts in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to sustain the validity of their titles, but were prompt to appeal to the American law to evict the Indians, something they could not legally do under the terms of their grants. It is needless to say that the Indians were evicted, the most recent instance being Warner's Ranch.

Four-fifths of the California Indians, however, were not affected by Spanish grants, nor did they come under Spanish or Mexican influence, and their undoing began with the great gold excitement of 1849. When the United States came into full legal ownership of California in 1848, the Spanish or Mexican laws relating to Indians were not adopted, as has been erroneously stated. The policy of the United States adopted toward its new Indian wards in all the ceded territory was exactly the same as everywhere else. The Indian ideas of land ownership are radically different from ours. Our Government has never acknowledged that the Indians owned their lands in fee simple, and in view of the Indian idea of land ownership, this is correct. But the United States has always recognized, and the Supreme Court has held that the Indians have a right to occupy the land, which right is termed the Indian right of occupancy, a right which can be canceled only by mutual agreement. All Indian lands in the United States, except in a portion of California, have been acquired by the Government of the United States, and acquired only by payment therefor. Even the lands ceded by the Sioux after the great outbreak were paid for. The Indian right of occupancy was in the beginning recognized in California. The Government sent out a commission which made treaties with nearly all the Indian tribes in the State. Sixteen treaties were negotiated in northern California and two in southern California. These treaties were all very similar in text. The Indians agreed to cede their lands to the United States and to keep the peace, and to accept certain reservations described by metes and bounds in the treaties. The Government agreed to reserve forever for Indian use the lands described in the treaties, and to pay a certain specified price, payable in a great variety of things, such as provisions, live stock, and miscellaneous goods. The value of the goods thus promised the Indians in northern California was about \$1,500,000, and the land reserved was about 5,500,000 acres, worth at the Gov-

ernment price of \$1.25 per acre, about \$7,000,000. In southern California the goods promised were worth about \$300,000, and about 2,000,000 acres of land was reserved, worth, at \$1.25 per acre, about \$2,500,000. Some of these reservations were laid out in the mining districts and were strongly opposed by the miners. At that time, in 1851, Indian treaties were submitted to the Senate for ratification. As California had gathered men of influence from all over the land, the miners' protest carried such weight that the Senate rejected not only those treaties that affected the mining districts, but all the treaties. No effort seems ever to have been made to make new treaties, or in any way to acquire the Indian title from that day to this, nor have the California Indians ever received one cent for their rights in the lands which they have lost.

The Osages, Cherokees, and other eastern tribes have received millions for precisely the same rights in land, not nearly so valuable, and no reason has been advanced why the California Indians alone of all the Indians of America should receive no compensation for their lands, except that as Spain did not acknowledge the land rights of any Indians who had not accepted the sovereignty of the King of Spain, and as we have come into the Spanish title through Mexico, therefore the United States is not bound to acknowledge the land rights, though why the Indians should be bound by the laws of Spain now, when they never were during the period of Spanish dominion, is inexplicable to your special agent. The United States has, however, already acknowledged the Indian right of occupancy of nine-tenths of the Indians of the territory ceded by Mexico, and the Supreme Court seems to have settled the status for all the Indians in the said territory in the Pueblo cases. Moreover, the laws of Spain as to Indian land rights in the territory acquired via Mexico were precisely the same as in the territory of Louisiana in the lands acquired from Spain via France. The laws of France as to Indian lands in America did not differ essentially from those of Spain, or for that matter of England, though the English colonists early discovered the practical advantages of buying the Indian rights. Just why this comparatively small band of Indians in California should be selected as the only one in the United States to be deprived of their land rights is still unexplained. The Indians did not understand the intricacies of our Governmental system, or the meaning of senatorial ratification of a treaty. The Indians certainly understood that they had made a solemn agreement with the United States; and that they had sold their lands for a price. The Government has taken their lands and their reservations and paid nothing, and from an Indian standpoint this constitutes a deliberate breach of faith without palliation or excuse.

The consequences of this violation of faith have been disastrous to the Indians. The reservation system of today is an evil which we trust will be eliminated in time, but which had the merit of protecting the Indians from the first fierce on-rush of a frontier population. Deprived of such protection in California, the Indians were at a serious disadvantage, greatly increased by the fact that there was no legal way in which an Indian could acquire title to the land he occupied. For nearly 40 years after the American conquest of California, that is from 1846 to 1884, an Indian could not acquire land under the Federal land laws. He was not a citizen and therefore could not take up land. He was not an alien and therefore he could not be naturalized and become a citizen. Hence the settlers had what might be termed a "cinch" on the Indian, and by the time the Indian allotment act was passed in 1887, there was no land left to allot, except in the extreme northern and eastern parts of the State. Something concerning Indian allotments will be said hereafter in this report.

In 1849, the great gold rush began. Within a year or two a considerable portion of the State was overrun by probably 200,000 miners. They were mostly men of the strongest and most vigorous type, well armed and masterful. A majority of them had inherited the prejudices and the stories of 200 years of border warfare with the Indians. A large number of the Argonauts had come overland and had had desperate conflicts with the warlike Indians of the plains. They were, therefore, in no mood to acknowledge that Indians had any rights whatever, and as a rule acted consistently upon this theory. Opposed to the miners was a practically defenseless people (they had no fire-arms), and the entire Indian population of the mining regions could not have mustered 30,000 warriors. Under the circumstances, it is not strange that one of the most shameful chapters of American history ensued. Among the Argonauts there were some desperate characters, who were as willing to commit an outrage upon an Indian as upon any one else. The Indians would retaliate in the aboriginal fashion by killing the first white man they met. Then followed swift and sure retribution. The miners would organize and the offending village would be "wiped out." Sometimes, especially east of the Sierras, conflict would arise from attacks upon caravans. The most frequent cause of these conflicts was the accusation that the Indians had stolen stock.

The accusation was not always proved, but the nearest band of Indians usually suffered for it. Sometimes the charge was well founded and the Indians had made

away with the stock. The Indians had no conception of private ownership of domestic animals or of private ownership of food and did not realize at first that different rules prevailed among the whites. In time the Indians learned to let the white man's effects alone, and the miners began to understand the comparatively harmless character of the California Indian.

The modus operandi of these affairs was very much the same. The Indian camp would be surrounded and rushed, usually at dawn, and men in ambush would shoot every Indian that appeared.

At first few were spared, but as no one wished to kill the children, they were usually sold into slavery. Quite a number of raids are reported, especially into the coast range, their sole object, it seems, having been to secure slaves. Some Indians are reported to have been so held even after the legal extinction of slavery in the United States. More than 100 of these affairs between whites and Indians have been reported, and there is scarcely a locality from Yuma to Yontocket that has not its story of an Indian "battle." If all the stories told could be believed, they would indicate that more than 15,000 Indians were killed in these affairs, but the suspicion is strong that the white participants in telling the tale afterwards may have exaggerated the number of Indians involved as they did the dangerous character of the clubs and bows and arrows which constituted about the only weapons the Indians at that time possessed.

This state of affairs was not wholly unknown to the National Government. At first there were Government agents who made due reports to headquarters, and one of them issued a strong appeal to the people of California, but the agents were soon legislated out of office, and thereafter the Federal Government had little knowledge of the California Indians. The State Government also disclaimed any responsibility for them. An Indian could not sue in the State courts and his evidence was not admissible in a court of justice until 1872. As might be expected the Indian spirit was soon crushed, and no Indian now dreams of attempting to protect his own rights in any way. There are no legal discriminations to-day against the Indians in California, but the temper of white juries in many counties is such that an Indian can seldom obtain justice.

One noticeable effect of the white settlement of California has been the introduction of many diseases theretofore unknown to Indians, and from the effects of which they are not free to this day. Smallpox has been very destructive to them in the past, and tuberculosis is prevalent among them now. Thousands of Indians have died of all sorts of these imported diseases, and the sanitary and other conditions under which Indians live, and which will be referred to hereafter, are such that death usually follows closely upon the attack of disease.

Another feature of civilization unknown among Indians prior to their acquaintance with the white race is the use of intoxicating liquors, and as the thirst for liquor seems innate among Indians the problem of handling the liquor traffic among them is difficult.

The State of California has an excellent law against selling liquor to Indians, which law is enforced in some counties and disregarded in others. It is to be regretted that the recent decision of the Supreme Court of the United States has removed practically all the Indians in northern California from the scope of the Federal laws. A large increase in open liquor selling is noticed, and the remnants of some bands seem to be trying to drink themselves to death before the law is changed. It is a pleasure to find that a majority of the California Indians are sober. The Indians who are addicted to liquor are apt to hang around the towns, and thus fill a much larger place in the public eye than the sober Indians who usually stay at home and are seldom seen. If a recommendation upon this subject is allowable, your special agent would earnestly recommend that the act be amended so as to meet the suggestions raised by the Supreme Court. It may also be feasible to provide for the summary cancellation of the Federal liquor license when the holder thereof shall be convicted of the offense of selling liquor to Indians, in any court of United States, or of any State or Territory. It is not expected that this would put an end to illicit liquor selling, but it would tend to throw the traffic out of the hands of the saloon-keepers who have friends on juries and political influence, into the hands of go-betweens who are not usually so circumstanced. It is but fair to say that a majority of the California saloon-keepers obey the law, but there are usually one or two in each locality who are willing to take the risk.

But neither the open slaughter of the California Indians in the period of "war" nor the ravages of disease, nor the effects of drunkenness, considerable as they all are, can explain the tremendous decrease of 94 per cent in the number of California Indians in but a little over one generation. We are so familiar with the idea that the Indian race is fading away before our own that inquiry is seldom made into the details of the process by which we fade them. In the case of the California Indians,

the most potent factor has been, in the opinion of your special agent, the gradual and sure aggression on the part of the whites, the progressive absorption of the Indian's every means of existence. Perhaps this requires some explanation. In aboriginal days the California Indians were more nearly sedentary than any other Indians of the United States, other than the Pueblo Indians. Each tribe was restricted within narrow limits. Usually each band had a strip of territory reaching from the mountain tops down to some fish-bearing stream or the ocean, and they seldom or never went beyond these limits. Game was abundant but did not hold a very great part in their bill of fare, as they had no firearms, and were restricted to what they could kill by means of bows and arrows and pitfalls. Fish formed a much greater share of their diet, and all the California tribes were large fish eaters. Hardly a band was without its source of fish supply. The Indians also made a large use of edible roots. Grass seeds and larvae and pupae of some insects, and also grasshoppers were often on the bill of fare, and angle worms were resorted to in times of scarcity, as they are occasionally to-day. The largest single item in their menu was composed of acorns and other nuts. The Indians grind the acorns, leach out the bitter principle, and make various forms of mush and bread, both nutritious and palatable. These sources of food supply may be averaged about as follows: Acorns and other nuts 35 per cent, fish 25 per cent, game 15 per cent, roots, etc., 20 per cent; and grass seed and miscellaneous 5 per cent. Of course the proportions vary in different parts of the State, and the figures given are only approximate.

The first effect of the occupation of the land by the miners was the muddying of the streams by the mining operations and the killing or frightening away of the game, thus cutting off the Indians' fish and game supply. The mining population soon needed gardens, and about the only land suitable was that where the edible roots grew. The stock industry followed very soon, and even the oak trees were fenced in and forbidden to the Indians, as the acorns were needed for hogs. Later the area of wheat came and arable lands passed into private ownership. The Indians were thus reduced from a state of comparative comfort to one of destitution. Very few white families would not feel the pinch of poverty if they lost one-half or three-quarters of their subsistence, and it is not strange that the Indians suffered. This absorption of the Indian's means of making his living did not take place simultaneously all over the State, but everywhere there was the same steady, sure occupation by whites of everything that will yield a living to a human being. It is not to be expected that a savage people could at once adapt themselves to such changed conditions, or that they should at once see the necessity or reason for any change at all. There was little or nothing available to take the place of what the Indians had lost. Very few people in those days wanted Indian labor on any terms, and there was very little work to be done at that time which an Indian fresh from barbarism was competent to do. Generally speaking, the California Indians have been not far from the line of destitution ever since, and few have been able to rise above their environment.

All this could not have occurred had the promises made by the Government in the rejected treaties been given effect in any form, however modified. Why the Government never made any further attempt to require the Indian right of occupancy has not been stated. It is suspected that interested parties had more influence at Washington than the Indians did. The Indian Bureau did, it is true, attempt for a time to protect the Indians and several small reservations were set aside by Executive order. Some of these were decided to be within the limits of Spanish grants and thus not available for reservations. Others were occupied by settlers who had political influence enough to have the reservations canceled. One or two were abolished by act of Congress, apparently because they contained timber which was desired by some lumber concerns. Only four reservations in northern California were finally saved to the Indians. The Hupa Reservation and the Klamath strip became Indian land as a result of an expensive Indian war brought on by encroachments on their lands. The Round Valley Reserve was confirmed to the Indians as a result of similar trouble hardly important enough to be called a war. These two reservations have a total population of about 1,550 Indians. The Tule River Reserve and the reserve near Jackson, formed subsequently, have about 170 Indians. The rest of the northern California Indians who have kept the peace and killed nobody have received nothing but writs of eviction.

At first, and before the country was thickly settled, if a landowner objected to the presence of Indians, they could move to some adjacent tract, but very soon the land in the greater part of the State was practically all taken up. Then as the lands became more valuable there was less tolerance of Indian occupancy. Had it been possible for Indians to take up Government land, much misery would have been saved them. In many instances the Indian arranged with some white friend to take up the land, upon the promise that the Indian should remain there as long as he desired. This promise was usually kept by the white man as long as he lived. When

he died his successors were very apt to evict the Indian. Some of the evictions were from Spanish grants, and some distressing occurrences of this kind in southern California attracted the attention of Helen Hunt Jackson and others, and as a result of their agitation reservations were assigned to the Indians of southern California. Since that time the situation in southern California and the problems arising there have been different from those arising in northern California, and will be discussed hereafter in this report.

At first the Indians occupied pretty fair land and had usually neat little gardens and orchards, especially of peach trees. These tidy little places would attract the attention of some frontiersman who would then file on the place and summarily kick the Indian out. Several hundreds of these cases have been reported. One man still in middle life has been evicted seven times in this manner. It is not strange that the northern California Indians have ceased to try to have gardens, when any appearance of thrift is warrant for their ejection from the premises. Indeed, most of them at the present time are living on land where, for lack of water or worthlessness of the soil, gardens are impossible. Most of the Indians have now been crowded out of anything like good soil and are found in waste places not having value enough to attract anyone else. It is now a matter of difficulty for an evicted Indian to find any place of refuge, except in other Indian settlements already overcrowded.

The Indian allotment act did not come in time to be of much use to the greater number of California Indians, though its value has been great in the northern and eastern parts of the State, notwithstanding some defects in the application. There have been issued in California 2,058 Indian allotments, of which 261 have been canceled for one cause or another, leaving 1,797 now valid and outstanding. Of these 1,797 allotments now outstanding, 1,439 are in the counties of Modoc, Lassen, Plumas, Shasta, and Siskiyou in the northeastern corner of the State, leaving but 358 for the rest of the State. Every allotting agent sent out by the department seems to have visited this corner of the State and hardly any other. Two or three visited Humboldt County, and one is reported in the southern Sierras, but almost their entire attention seems to have been concentrated on this one section of the State.

The allotting agents first sent out were from the East, and to them California conditions were an insoluble enigma. Some seem to have come expecting a soft snap. When it became evident that allotting the lands to Indians required arduous labor in the mountains in all sorts of weather (there is a suspicion that some of them did not know how to run a section line), they preferred the much easier plan of making the allotments from the map.

The Golden State is widely known as a land of fruit and flowers and mild climate. It does not seem to be well understood that a considerable portion of the State of California, larger than most Eastern States, has a severe winter climate with heavy snow falls, and that there are also extensive deserts. The allotments referred to are in this portion of the State. Over 300 allotments are absolute desert, being sagebrush plains without water or the hope of water. Six hundred more allotments are located in the Sierra Nevada Mountains, where the land, or rather rocks, incline up at an angle 45 degrees or more, and the snowfalls often 30 or 40 feet deep and lies from October to June. It would seem that even a special agent from the Atlantic littoral ought to have known better than to allot either kind of land to anyone for a home, and yet that is just what was done. More than three-fourths of the allotments in that section are absolutely unfit for human habitation, and it is not strange that the Indians have been unable to do anything with them. The small number of allotments which are fit to live upon have been the salvation of the Indians there, and the distress, disease, and death which follows in the wake of eviction has been unknown among them. If the allotment act had nothing more to its credit than the saving of these Indians, its enactment would be justified. This, however, does not help those Indians who have received the worthless allotments. The present allotting agents in the field are competent, but they can not create land or undo the mistakes of their predecessors. The desert allotments have some scanty pasturage and could probably be sold to sheep or goat men. Five acres of good land with water (land without water is worth very little), is worth more than an entire quarter section of desert land. I would recommend that the Government buy enough land with adequate water supply to give each family 5 acres of land and exchange these 5-acre tracts for the quarter-section allotments of desert land. This would require a nominal appropriation of from \$25,000 to \$30,000, but it would be only nominal, as the value of the land received in return at the Government price of \$1.25 per acre would probably exceed the value of the land purchased.

The mountain allotments referred to, some 600 in number, are in much the same situation as the desert allotments, except that most of them have more or less timber, and some of them very good timber, indeed. This fact has kept the Indian allottees in hot water most of the time. There is a constant succession of squabbles over the

efforts of claim jumpers and timber syndicates to get hold of timber. All sorts of schemes have been devised, with as yet no very great success. The allotment act specifically provides that an Indian may select his allotment "upon any surveyed or unsurveyed lands of the United States not otherwise appropriated." Hence there seems little doubt but that the Indians are entitled to hold the land. If these allotments were fit for human habitation, your special agent would be inclined to stand by the Indians at all costs as against the timber speculators (who are usually eastern gentlemen with large experience in absorbing timberland) or their California agents, who sometimes seem to be selected for their supposed unfamiliarity with the Ten Commandments.

The time has gone by when either the desert allottees or the mountain allottees can secure other allotments from the public domain. Hence your special agent would recommend action in favor of the mountain allottees similar to that proposed for those on desert lands. The Government has held these lands at \$2.50 per acre. Those with timber on are worth much more. The Government would be a large gainer in exchanging the allotments in question for the small allotments. Land can be had in the mountain valleys much cheaper than in most of California. It would also require a nominal appropriation of an amount which can not be stated exactly without further examination, though probably not to exceed \$40,000. Of the mountain allotments referred to, about one-third are within the limits of the forest reserves, and none of the others are more than 3 or 4 miles from the reserve boundaries. Most of these lie in the territory between the Diamond Mountain and the Plumas Forest Reserves, which should, apparently, be included in these reserves. There would therefore seem to be no good reason why all the allotments over which so much controversy has arisen should not be put into the forest reserves and the Indians given something in exchange which they can use, or at least live upon more than three months in the year.

There is a defect, apparently, in the allotment system as developed in California in that no provision seems to be made for protecting an allottee after he has received the allotment either in the use of the land itself or, what is more important, the water supply when there is one. As it stands now, anyone can jump an Indian's allotment, and there seems no practical remedy, or anyone can move the fence over onto the Indian's land, or divert his water, and it is not even a misdemeanor. Theoretically, the Indian can appeal to the State courts. Practically such remedy is illusory. The Indian would have to pay court and attorney fees, often jury fees, and would have to put up a bond for costs, all beyond the power of most Indians. The same is true of encroachments upon an Indian's water supply. Many cases have been reported to your special agent where white men have deliberately diverted a stream of water from the Indian with full knowledge of the Indian's priority of right, but secure in the knowledge that the Indian was helpless, and that the offense could be committed with impunity. The Indian could do nothing but watch his trees die and his garden dry up, and be forced to abandon his holding.

There is very little use in giving an Indian an allotment if anyone who is a little loose in morals can deprive him of the use of it. The Indian has no confidence in the white man's courts, and it must be confessed that in times past he has had little reason to have any. The title to the land in these allotments is still in the United States, and it is the United States that is technically the party interested. It therefore seems entirely within the province of the Federal Government to interfere and to see that its interests are not wantonly injured.

Your special agent would therefore recommend additional legislation for the protection of Indian allottees; that trespassing or encroaching upon an Indian allotment be made a misdemeanor; and that it shall be made the duty of the United States attorney for the district to appear whenever the boundaries, title, or possession of the land or water appertaining to an Indian allotment is in question.

Very few Indians have been able to rise above the distressing conditions they live under and to acquire land by purchase. Still there are a number of Indian communities owning land in common. Indianola, Humboldt County, Upper Lake, Lake County, Potter Valley, Coyote Valley, Pinoleville, Guidiville, Carroll, in Mendocino County, are all inhabited by Indians who own their own land, though it was purchased by white friends in most cases. The conditions in these settlements are far from satisfactory. They are sadly overcrowded, and are becoming more so as the Indians evicted elsewhere join the communities. At Potter Valley 52 Indians are living upon 14 acres of land that would not support a single white family. At Coyote Valley 36 live upon 7 acres, and at Guidiville 59 live upon 5 acres. At Upper Lake they have 90 acres of land, of which but 25 is level enough to build a house on. The hill land is good grazing land, but the whole place would not be large enough for more than one white family. One hundred and seventy-seven Indians live there and there are more than 250 in the band. There are also three communities living upon

land owned by religious or private associations; one near Chico owned by the Presbyterian Board of Missions; one near Kelseyville owned by the Roman Catholic Church; and one near Manchester owned by the northern California Indian Association. In these three settlements conditions are much better, as they are not so overcrowded, and there is some attention paid to the welfare of the Indians themselves.

An interesting experiment has been under way at Fort Independence, Inyo County, which seems to be giving much better satisfaction than the allotments under the general allotment act. The old military reservation at Fort Independence has been turned over to the Indian Bureau and has been allotted or rather apportioned among the Indians of that settlement. There are 20 tracts of from 2½ to 5 acres per family, and 43 families, or 122 souls, have homes on the tract. The land is of good quality and the water supply ample. The Indians are making good use of the land and the conditions among them seem excellent. In fact the experiment is so successful that your special agent suggests it for consideration as a model in the proposed relief of the northern California Indians.

There are also quite a number of Indians located within the boundaries of the forest reserves. According to the figures of your special agent, they number 1,181. They have, of course, no title to the land they occupy, and since the establishment of the forest reserves, it is uncertain whether the lands within the boundaries can legally be allotted to them. These bands have mostly been in their present location from time immemorial, and there seems to be no occasion for any action in respect to any of them. The Forest Reserve officials do not seem to object to the Indians, though some of them desire to extend their hold by means of leases or permits which it is proposed to have the Indians secure to entitle them to reside upon the reserve. This seems hardly necessary, and any rules or regulations for Indians alone are objectionable. There is no apparent reason why the Indians should be upon any different basis from other people, and any attempt to enforce arbitrary rules is sure to result in friction. Your special agent would therefore recommend that no action be taken in respect to Indians on the forest reserves until action seems more necessary than at present.

In the matter of schooling for their children, the Indians in California have not been much favored. For many years all Indian children were refused admission to public schools, and today, in a majority of school districts where Indians live, public sentiment is against their admission. About the only districts in which Indian children are welcome are those small ones which are likely to lapse if the Indians do not attend. It is impossible to give exact figures as to the number of Indian children attending the public schools, as the school registers do not distinguish them and only partial statistics could be obtained. As near as can be estimated, the number is about 500 out of a possible school population of 2,700. The laws of California in regard to school matters make no distinction as to race or color. The trouble has been in local public sentiment. All counties have for years drawn the full quota from the State School Fund for the education of nonreservation Indian children, but most of the counties have refused the Indian children admission to the schools, seemingly with no conception of the morals involved in drawing money from the State treasury for one purpose and using it for another. The method of school apportionment has, however, been changed recently, and hereafter no money can be drawn for Indian children unless they actually attend the district school. The National Government has to a limited extent entered the educational field and is now maintaining reservation boarding schools at Hupa and Round Valley, training schools at Greenville and Fort Bidwell, and day schools at Bishop, Big Pine, Independence, Ukiah, and Manchester. These have a capacity of about 560, and the attendance of nonreservation children has not exceeded 350. Private schools have about 50 more nonreservation children. There are thus at least 1,800 Indian children without opportunity of any schooling whatever.

In endeavoring to ascertain the present condition of the Indians of northern California, your special agent has availed himself of all information offered from any and every source, but he has preferred to rely chiefly upon his own investigations, and for that purpose has visited almost every Indian settlement in Northern California. He feels in a position to speak with some degree of assurance in regard to what he has seen. The most surprising feature of the situation is the absolute ignorance of 90 per cent of the inhabitants of California in regard to the Indians in their own neighborhoods. Very few persons really know much about Indians in their person, or in their circumstances, or in their manner of living. Those who are best informed are usually the storekeepers with whom the Indians trade, and whose information is usually accurate.

Your special agent finds considerable diversity in the Indian conditions in different localities, they being usually in better condition in the northern part of the section,

and worse off in the central valleys and along the southwest flanks of the Sierras. The Indians are for the most part settled in little villages called in California rancherias. These little settlements contain all the way from 20 souls up to 250, the usual size being about 50. A schedule or census accompanying this report gives the location of each such settlement and the name of each head of a family and the number dependent upon him. These Indian settlements are for the most part located upon waste or worthless land as near as possible to their ancestral home. These remnants of each stock or tribe or band occupy to-day almost exactly the same territory their ancestors did a century ago.

In the native religion of the Indians, a sort of shamanism, intercommunion with the spirits of the dead is one of the chief features. The Indians continually make offerings to the names of their deceased ancestors and friends, especially at the annual feast of the dead, and they expect to receive in return protection from all manner of spiritual and earthly terrors. The desire of the Indian to remain by the bones of his ancestors is therefore much more than a mere sentiment, and the feeling is still strong; even among those who have been Christians for a generation or so. An Indian will endure great extremities rather than abandon his locality, a trait that has not always been given proper weight in attempting to handle Indians.

The sanitary condition of the Indian rancherias is bad, but the feeling of helplessness and despair is worse. Most of the Indians seem to have lost all hope of escape from their present situation and have become familiar with the idea that they will all die off soon anyway. It is evident that if the Indian is to keep alive he must have some means of making his living. He must do so by his own labor, either for himself or for others. Most of the northern California Indians being landless, the opportunity to work for themselves is wanting, and they must of necessity work for others. If the supply of labor for Indians was sufficient in all localities and well distributed during the year, the problem would be light, but in many localities the labor is not to be had in sufficient amounts, and the Indians thus suffer great straits in endeavoring to keep alive.

Your special agent estimates that 1,700 families with nearly 6,000 souls are dangerously near the famine line. This does not mean that they are all suffering at the same time, or all times, or every year, but each of the landless bands is liable to suffer a time of famine, and during such a season the old people and children die. The healthy and able-bodied can survive a period of starvation, but in the weakened state caused by insufficient nutrition, almost any disease, even common colds, will carry off most of the children in the settlement. North of Tehachapi there are hardly any of the old people left, and the proportion of children is small, although births are numerous. The people of almost any locality who do not know the Indians well are apt to deny that their Indians ever suffer. Other Indians do, but theirs do not, and it is a striking fact that the less work there is for an Indian in a locality, the more firmly convinced his white neighbors are that he has all the work that any well-regulated Indian could desire. The storekeepers, however, generally know better, and quite a number have told me that in employing an Indian it was necessary to feed him up for two or three days before he was able to work satisfactorily; and that the Indian scale of living was so low that the Indians were often weak from lack of proper food. The Indian is not competent for all kinds of work and usually is restricted to the roughest labor. The need of industrial instruction is great, and the need of field matrons to teach ordinary household economy and common sanitation is even greater.

Your special agent will take pleasure in recommending 25 or 30 places as proper locations for industrial instructors or field matrons.

It can hardly be expected, however, that either can teach very much while the Indians are subject to eviction at any time or are being harrassed from place to place. It can hardly be claimed that the nonreservation Indians are advancing very much, or that any very effective steps are being taken to improve their condition or to teach them anything that an Indian must know if he is to take any part in our civilization. There are missions at Fall River, Chico, North Fork, Kelseyville, and Carroll. These with the Government work at the schools altogether do not reach 20 per cent of the nonreservation Indians. The reservation Indians are all fairly well cared for. Your special agent would therefore recommend an increase in the number of day schools in northern California, and especially an increase in the number of field matrons and industrial instructors. He will, if desired, submit reports hereafter, specifying locations and giving more details than seem proper in this report.

The California Indian both north and south has a good reputation as a hard-working, trustworthy, honest laborer. His greatest defect is that he will sometimes leave his work without regard to the position in which it leaves his employer. In some localities the Indians have all the work they can do. In more localities a very curious race prejudice, different from that against Asiatics, militates against their employment.

In other places there is very little work of any kind to be had, and the Indians often have to go 50 or 100 miles to work. Then he can work but a short time, picking fruit or hops. This is often all the work they get in the year, and how these bands live is a mystery to their neighbors.

In making the family census of the Indians of northern California, a very puzzling question was the status of the half-breeds or mixed bloods. The number recorded by the census is much fewer than had been expected. It has been found impossible to classify them strictly according to blood. With those half-breeds who are brought up, educated, and acknowledged by their white fathers, little trouble is experienced, but the majority of the mixed bloods never knew their white ancestors and have grown up in the Indian camps. They are more intensely Indian in sentiment than the Indian themselves. They consider themselves Indians, and it is difficult to deal with them upon any other basis. About two-thirds of the half-breed men marry full-blood Indian women and 20 per cent of the half-breed women marry Indian men who are full-bloods. Where the children are thus three-fourths Indian they are Indians to all intents and purposes, and are so recorded in the census. A considerable number of half-breeds intermarry among themselves. These form a class apart, not being recognized by whites and looked upon with suspicion by the Indians. The mere statement of mixed blood therefore does not indicate whether or not they are to be considered Indians, and a separate list has been made for mixed bloods, status undetermined. Just what ought to be done with them your special agent is not able to decide, as it will take a more minute examination of each individual case than he has had time to give. People of mixed blood more than half white are not usually enumerated at all.

The responsibility of the National Government for the present condition of the nonreservation Indians of California seems clear. Had the Government given these Indians the same treatment as it did other Indians in the United States their condition to-day would be very different. Those Indians of California who have received land, if not increasing in numbers, are at least not decreasing very fast. Most of the landed bands are about stationary in numbers. The entire Indian population of northern California has decreased as closely as your special agent can estimate by about 1,100 in the last three years, most of the decrease being in the landless bands.

It should be remembered that the Government still owes these people considerable sums of money, morally at least, but the Government owes more than money. No amount of money can repay these Indians for the years of misery, despair, and death which the governmental policy has inflicted upon them. No reason suggests itself to your special agent why these Indians should not be placed in the same situation as all other Indians in the United States; why they should not receive a minute portion of the lands which they have not as yet ceded to the United States. It seems clear to your special agent that the northern California Indians have not had a "square deal" and that it is not too late to do belated justice. The landless Indians can not be placed in status quo ante, but they can be given what is sometimes expressed as "a white man's chance." It ought to be possible to put an end to the periodical wiping out of the Indian children. It seems that we are under the necessity of civilizing the Indian whether we like the job or not, or whether the Indian wants to be civilized or not. We are therefore under obligation to make at least a decent effort to accomplish the task without injury to the Indian.

Your special agent is inclined to object strongly to anything in the nature of reservations for these people. The day has gone by in California when it is wise to herd the Indians away from civilization, or to subject them to the stunting influences of reservation life. Some of the past reservation experiences in California have been so harrowing that the Indians fear reservations above all things. Moreover, the expense of establishing reservations, and more especially maintaining them, would be enormous. Reservations, therefore, seem out of the question. It should, however, be feasible and comparatively inexpensive to give these Indians allotments, and there would be no expense connected with the allotments after they are once made. It would, however, be necessary to buy a considerable amount of the land, as there is very little land in the public domain left to allot them. Almost everything relied upon for this purpose has been included in the forest reserves. The expense of buying land to allot these Indians is not so great as would appear at first sight. Your special agent is not in favor of giving them farms. They would be unable to use farms. Small tracts, not exceeding 10 or 15 acres, if the land is good land, will be ample, and in many places 5 acres per family, or less, will be sufficient. It is not necessary that the Indians should be made rich. All that is proposed is that they shall have mere footholds with fixity of tenure. This will not change their present status as laborers, but will give opportunity to teach them some of the common every-day lessons which they need so much. I would therefore recommend the appropriation

of a sufficient sum for the purchase of land in the immediate localities where the Indians live, to be allotted or assigned to them in small tracts under such rules as the Secretary of the Interior may prescribe. It may take several years to complete the work. Hence it is not necessary that the entire appropriation shall be available the first year.

It seems to be the belief of many persons that there has existed in California a considerable body of "citizen" Indians. This is an illusion. Until allotment times there never were any citizen Indians in California. There are none now except of comparatively recent make. The Indians who were supposed to be citizen, or most of them, were so neither in law nor in fact, and were for all those years unable by reason of legal restrictions to appeal to the courts of either State or Nation. Their rights and their citizenship were denied by both State and Nation, and to speak of anyone in such position as a citizen is absurd.

There are now, however, some really citizen Indians in California. At the present time about 1,250 Indian men are, by virtue of the allotment act, entitled to vote, or would be if they could pass the educational qualifications imposed by the constitution of California. Comparatively few of them have ever voted, and those few are usually educated mixed-bloods. The 1,250 men may be said to represent an Indian population of about 4,000. These may be fairly considered citizens. It should be understood that for these citizen Indians no relief is asked and in the opinion of your special agent none is needed other than some readjustment of allotments mentioned heretofore in this report.

SOUTHERN CALIFORNIA.

Although the troubles of the Indians of southern California arise from the same initial wrong as those of the northern part of the State, yet, the Government has here attempted to repair the wrong, and has assigned more or less barren reservations to substantially all the Indians in the southern section of the State. This action came late, as usual, and there was very little land of any value remaining in the public domain which could be given to the Indians. The unsatisfactory conditions on some of the reservations arise from the character of the reservation, and therefore require remedies different from those to be applied in northern California.

Your special agent has visited nearly all of the reservations in southern California, and has had a bird's-eye view of some of the others, and has made a careful investigation of the situation there. Those reservations which seem to require attention will be considered in order:

CAMPO.

Campo has occupied a considerable place in the public mind for the past 18 months by reason of reports current as to conditions there. It is to be regretted that the sensational press has exploited the matter in such shape as to give the idea that all Indians in southern California were in the last stages of starvation. The situation at Campo was bad enough without exaggeration. There is no question as to the extremity to which the Indians of the Campo Reservation were reduced. Your special agent has no doubt as to the fact that the Indians were in great straits, and that only the timely relief saved them, or most of them from death by starvation.

There are five reservations usually known as the Campo Reservations, as follows: Campo proper, area 240 acres, population 25, elevation about 2,500 feet; Manzanita, area 640 acres, population 59, elevation 3,000 feet; La Posta, area 239 acres, population 19, elevation about 3,200 feet; Cuyapipe, area 880 acres, population 44, elevation about 3,800 feet; and Laguna, area 320 acres, population 5, elevation about 4,500 feet. The areas given are their areas on paper. Most of the land is the most barren description. The actual areas of arable lands are as follows: Campo, 40 acres; Manzanita, 35 acres; La Posta, 30 acres; Cuyapipe, 30 acres; Laguna, 70 acres.

There are about 20 of these Indians not living on any reservation. The rainfall is scanty, and grain and hay are about the only crops that can be raised without irrigation. There is no water for irrigation on any of the reservations, and barely enough water for household use. The entire five reservations would not support more than one or two white families, and yet 40 Indian families are expected to make their living there. The surrounding country for 50 miles in every direction is thinly settled, and is mostly a cattle country where there is very little work for Indians outside of the reservations.

Now, Indians require some means of making a living the same as anyone else. To place Indians upon a reservation where they can not make a living, either by working for themselves or for others, is to invite exactly what occurred at Campo, starvation. The immediate cause of the hard times at Campo was a succession of three or four bad years when crops failed.

Your special agent saw no evidences of present suffering at Campo. The relief extended by the people of southern California was timely and generous. Since the Government has taken charge of the situation there has been no occasion for suffering. Last year was a favorable one, and the present promises to be likewise, but so far no remedial steps have been taken to prevent a recurrence of the trouble which any bad year may bring forth.

In relieving the distress, the people of southern California have contributed two four-horse wagon loads of supplies, the value of which can not be less than \$2,000. There was also contributed in cash through the Sequoyah League, which also handled the contribution of foods, the sum of \$3,075, and through other persons, \$333.17. The Government has itself spent \$748.80 in cash, a total of \$4,156.97 in cash, and at least \$2,000 in goods. This for 165 Indians. Starving our Indians seems to be quite expensive both for the Government and the surrounding people. The amount of cash alone spent in the last 18 months is the interest on \$83,219 at 5 per cent, and at the rates the Government pays, the principal would be much larger.

All humanitarian questions aside, it would seem to be cheaper as a business proposition to put these Indians in a position where they can earn their own living than to allow present conditions to continue and have a scandal of this kind every few years.

Your special agent estimates that a proper place can be secured in a neighborhood with a proper water supply, and would recommend an appropriation to provide more and better land for the Indians of the five Campo reservations. It is not expected that all the Indians will wish to remove from the old reservations, and I therefore recommend that the present reservations be retained and used in connection with the proposed new tracts.

The amount contributed by the people of southern California and by the United States seems a large one for the purpose and yet it is not quite as large as it appears at first sight. \$4,156.97 is only \$1.40 per month per head for the 18 months. A report has gained considerable currency in the public press that the Campo Indians are being supported in idleness and luxury. \$1.40 per month per head will not buy many luxuries for anyone, nor will it buy an undue quantity of necessaries. The relief was not all doled out by the month to be sure, but was given in the nick of time when needed. Yet it is still evident that the Campo Indians, notwithstanding the considerable assistance received, have themselves, by their own labor, furnished the major portion of their subsistence.

PALA.

The new reservation at Pala is undoubtedly the best in southern California. There is a large area of good land and a fine water supply. Some 450 or 500 acres are now being irrigated. The land under the new ditch, about 400 acres, is subirrigated, well drained, free from alkali, and with the surface irrigation from the new ditch ought to be very productive. The situation is certainly much better than that formerly occupied by the Indians on Warner's ranch. It is not to be expected that the old people will ever be satisfied with any other place than Warner's ranch, but the able-bodied young men are finding the value of the new location. They probably would not be so willing to return to the old site, if it were possible. Your special agent has no desire to criticize severely those Government officials at Pala who did the best they could in a time of great stress, yet, there are certain things in connection with the making of the Pala reservation that are valuable in showing what to avoid in trying to improve the situation at Campo and other places. There seems to have been a considerable waste of Government funds, and, as usual, no one is willing to shoulder the responsibility.

The new irrigation ditch has cost nearly \$18,000, or about \$45 per acre of land irrigated. It can not be used to irrigate any other land anywhere. The ditch is well built, with a proper grade and fine curves. About three-quarters of a mile of it is cemented. There are some criticisms that might be made as to money spent in a diverting dam of which very little is to be seen now and to other expenses necessitated by locating the upper end of the ditch parallel to the torrent. The capacity of the ditch is given as 1,700 inches of water, and the land to be irrigated about 400 acres. The duty of water under the San Diego Ditch & Flume Co., the largest irrigation enterprise in that part of San Diego County, is 1 to 6, that is, 67 inches of water would irrigate 400 acres of land. If we take the lower duty of 1 to 4, 100 inches of water would be sufficient. Or to put it another way, the ditch of 1,700 inches capacity would irrigate from 6,800 to 10,200 acres of land. These are minimum figures, however. It would be perfectly proper to make the ditch larger than necessary for the minimum amount of water. Four times the minimum or from 300 to 400 inches would have been ample as the capacity of the ditch.

Your special agent has in former years visited Pala in the summer time, and he has seen the amount of water in the San Luis Rey River at that point. He doubts very much if the said river ever carries one-fourth of the capacity of the ditch in question during the irrigation season. The commission which examined the various sites prior to the purchase of Pala, state in their official report to the Secretary of the Interior that they measured the San Luis Rey River at the point of diversion, and found a flow of 142 inches. Just why it should have been necessary to build the ditch a dozen times larger than there is land to irrigate, or water to irrigate with, is a query which an inspection of the premises does not enable one to answer. This big ditch contrasts strongly with the ditch recently completed on the Rincon reservation under the direction of the agent, planned to irrigate 200 acres of land, and which cost a little less than \$800.

The matter of houses for the Indians who removed from Warner's ranch to Pala was a vexed question of the times immediately after the removal. The suggestion was made that the Indians be at once set to work building adobe houses. This particular band had been making adobe, building adobe houses, and living in adobe houses for more than 100 years, and the adobe house was the one kind of house they knew all about. Adobe as a building material has some defects, but it also has some excellent qualities. It is suited to the climate, being warm in winter and cool in summer. It is wind proof, dust proof, and even when the roof was of thatch, the Indian houses were usually waterproof. But for some reason the adobe idea did not meet with favor. It was said to take too much time. This objection was also made against the project of buying rough lumber for the Indians to build into houses, and things were rather at a standstill until the brilliant idea was evolved of getting temporary houses for the Indians to live in permanently. The Indians were inclined to be mutinous and openly threatened to return to Warner's ranch. There was evident need for haste, so 50 portable houses were ordered by telegraph from New York. The order seems to have been filled in due course of business, and the delay in coming by freight, more than 4,000 miles, was no greater than usual with transcontinental freight, but as a time-saving device it was hardly a success. It was nearly six months before the Indians got into the houses. The expense was double what wooden cabins built on the spot would have been, and about four times the cost of adobes. There would be less room to cavil at this purchase if the houses were fairly adapted to the purpose for which they were bought. The houses are well enough constructed for the purpose for which they are advertised and sold, that is, for a temporary house or wooden tent. As a permanent dwelling place for human beings they are far from satisfactory. Being composed of but a single thickness of board three-quarters of an inch thick, they are hot in summer and cold in winter. The California sun has sprung the narrow strips composing the panels and made cracks in about every panel. The sun has also warped the roof panels and injured the tarred paper which constitute the rain-shedding part. The houses are neither dust proof, wind proof, nor waterproof, and are far inferior to the despised adobes.

California has no winds comparable to the eastern cyclones, and yet not long ago a stiff breeze unroofed 14 houses and made kindling wood of another. Nearly every house in the settlement is more or less wracked and twisted.

In moving the Indians to Pala, one mistake was made which, though of small dimensions, is illustrative of a class. The Indians of Agua Caliente village speak a dialect of the Shoshonean stock. The little village at San Felipe, also evicted at the same time and moved to Pala, are of Yuman stock. Not a single word is alike in the two languages. Between these two diverse races of Indians there are generations of warfare and hatred, and though there has been no open war between them for a long time, a great deal of the old animosity still survives. The San Felipe removed to Pala number but 34, a mere handful, surrounded by an overwhelming number of their hereditary enemies, and among whom they are unwelcome. The San Felipe are outraged in their feelings, or possibly in their prejudices, and will never be satisfied at Pala. They have said little on the subject, for they have all of a child's helplessness of making anyone understand. The Government seems to learn very slowly that Indians are not all alike, and that different stocks or races of Indians ordinarily can not be put together. We may consider their ideas or antipathies to be childish, yet, if we wish to be successful in dealing with them we must necessarily take some account of the human characteristics of the Indian. I would therefore recommend that the San Felipe Indians be allowed to remove to Santa Ysabel, where most of their friends and relatives are. More than half have left Pala already.

PACHANGA.

The Pachanga reservation is one of the poorest in southern California. On paper it has 3,360 acres, which looks large. Actually, there is less than 300 acres that can be plowed, and this is so dry and sandy that the grain crop, about all that can be raised, is very scanty and often a failure. There is no water supply even for domestic purposes. At the Government school there is a well which furnishes some water for two or three months during the rainy season. The rest of the year all water has to be hauled from three to five miles, and at the school they have not even water enough to wash the children's faces. The contrast is strong between Pachanga and Pala with its good land, abundant supply of water for irrigation, and water for household purposes piped to each Indian house. There is a fine spring two or three miles up the canyon from Pachanga which can be brought down in pipes at an expense estimated by the agent as \$4,000. The land the spring is on is Government land, and that and the land between it and the reservation should be added to the reservation. The Pachanga Indians really ought to have some land that is good enough for gardens. The expense would not be great, probably less than \$5,000. I would therefore recommend the purchase of such land.

SAN PASCUAL.

The maps show an Indian reservation named San Pascual, but actually there is no such reservation. A reservation was selected for these Indians comprising certain descriptions of land in township 12 south, range 1 west, in San Diego County. By some inexcusable error, the land was actually reserved in township 11 south, range 1 west. None of the San Pascual Indians ever lived on the land actually reserved, as that was considered to be Shoshonian territory, and the San Pascual are Yuman. Both pieces of land are barren and of little value. The Indians actually occupied the land in township 12. In the years that have passed all the land in the intended reservation worth filing on has been taken up by whites in the usual manner, it being open to settlement. The result is that the San Pascual Indians have no reservation, and all through errors not of their own making. I would, therefore, recommend an appropriation to buy a small tract of land for the San Pascual Indians.

LOS COYOTES.

Los Coyotes is a large reservation on paper, being nearly a township of land. It is quite elevated, being from 4,500 up to 8,000 feet. The reservation is nearly all barren mountain tops, and the agricultural land is confined to narrow strips in the San Ysidro and San Ygnacio Canyons, about 275 acres. A large part of this is owned in all by a white man and was patented before the reservation was established. There are also two valleys or hollows in the mountains which have some feed for cattle, and are also patented land. The Indians say that the Government promised them to buy this patented land. Whether such a promise was made your special agent does not know. It is a fact that the Government did buy out one white homesteader in the San Ysidro Canyon. These Indians are the only ones I have found in California who are inclined to be belligerent. They have been frightened by the fate of their neighbors on Warner's ranch, and have determined to allow no white man on their reservation. They have occupied the patented lands and show a disposition to hold them by force. If the owners insist upon their rights, a small sized Indian war is likely to result. It seems to your special agent that the Indians' demand for this land is just. It was a rancheria site, and as such could not be filed upon without something closely approaching perjury. The patents are now issued, however, and the title has passed to parties who have acquired it in a legitimate manner—I believe upon a mortgage. I would, therefore, recommend an appropriation to buy this land.

SAN MANUEL.

This reservation of 640 acres is about the most absolutely worthless that I have seen anywhere in California, being steep, barren dry hills, and yet it immediately adjoins one of the most fertile pieces of land in Southern California. The Indians should have a little land fit for gardens.

The little reservation of Pauma has the use of a fine stream of water from the Pauma Creek, but the stream is apt to be very scanty in summer, when it is mostly needed. Some means of conserving the supply is much needed. The reservoir site is so gravelly and sandy that cementing is necessary. The Indians have promised to do all the work if the Government will furnish the cement. I would recommend that they receive the cement.

CAHUILLA.

On the Cahuilla reservation a storage reservoir and irrigation system is about half completed. It is estimated that \$1,000 will complete it. Without the irrigation system the Indians can raise very little, as their reservation is mountainous and contains very little agricultural land, and that little needs water to produce anything.

MORONGO.

The Morongo reservation, near Banning, has quite an area of arable land, but the land is desert and without water will raise nothing. There is also a fair water supply if it were developed and brought to the land. The water comes from two cienegas, or spring spots, the sources of which are upon the reservation. But one of these cienegas is at present used. It is likely the flow from these cienegas could be increased. The water brought from this, the upper one, has sufficient fall to pump water from the lower cienega into the ditch for irrigation. The water supply could thus be largely increased and the area of land cultivated, it is believed, could be more than doubled. I recommend an appropriation for this improvement.

DESERT RESERVATIONS.

On the Colorado Desert are several small reservations known as Torres, Martinez, Alamo Bonito, San Augustine, Agua Dulce, 29 Palms, and Cabazon, the latter being near Indio.

On two or three of these reservations artesian wells have been bored by the Government, the water from which is used by the Indians for irrigation. They make good use of the water. I would recommend the boring of more wells. The cost is from \$300 to \$500 per well, and the benefit is great. With the water the Indians are self-sustaining, and without it they are perpetually menaced by famine. I recommend an appropriation for this purpose.

At the Palms Springs reservation, sometimes called Agua Caliente No. 2, there is a small stream of water, the right to which is claimed by outside parties. It would seem that the Indian rights are prior and should be supported. If the white contestants are willing to sell for a reasonable price, it would probably be cheaper to buy them out. I would recommend an appropriation to determine the water rights or buy out the contestants, as may be found the more advisable.

RINCON.

The Rincon reservation, 14 miles from Pala, has 400 or 500 acres of arable land, more than there is water to irrigate. A ditch has recently been constructed taking its water from the San Luis Rey River and expected to irrigate about 200 acres. A syndicate is making preparations to build a large dam across the San Luis Rey River a few miles above the Rincon for a storage reservoir and power plant. Steps should be taken to protect the Indian rights to their water. It is believed that if the matter is attended to now the matter can be amicably arranged without in any manner embarrassing the great enterprise.

BOUNDARIES.

One of the most troublesome questions in regard to southern California reservations arises from the looseness with which the reservation boundaries are laid down. From every reservation comes a complaint as to the boundaries and of encroachments upon the boundaries of Indian reservations. One reservation line is said to have been moved in over 1,100 feet. Another is said to have been moved over onto the reservation three separate times. It seems as if each successive owner of land adjoining a reservation is unable to resist the temptation to grab a little Indian land, and they seem able to work this kind of a graft with impunity. The farcical character of some of the California surveys plays directly into the hand of this class of land-grabbers. If a man steals \$50 it is a penal offense. If he steals \$5,000 worth of Indian land he gets the land as a reward for his nerve. Encroachments upon Indian lands are likely to continue until it is made a penal offense for anyone to establish the boundary line of an Indian reservation except in conjunction with a duly appointed officer of the Government. There is one thing which, in the opinion of your special agent, should be done, and at once; a commission of competent surveyors should establish the boundaries of every California reservation, and mark the boundaries so as to endure for all time. Fence them if necessary. Your special agent would earnestly recommend an appropriation to determine and mark the various reservation boundaries.

Two reservations, Inyaba and the Conejos division of Capitan Grande, should, in the opinion of your special agent, be enlarged by the addition of certain adjoining

tracts of Government land. This is advisable chiefly to protect their water rights. The little reservation called Cosmit I found fenced in and used as part of a cattle ranch. There is said to be a deed extant from a senile old man belonging to the tribe, purporting to convey the property to a white man. The deed is worthless, of course, but such attempted transfers are met with in various places in California. The Indians do not care to live on the Cosmit reservation, as the village of Cosmit was, by one of the usual mistakes, not located upon the description set aside as the reservation. The Cosmit Indians can be taken care of on the Inyaha reservation.

The Indians on the remaining reservation in southern California are in fair condition. At least no facts were observed which require special attention in this report. No other southern California Indians have been shown to your special agent as having been in as bad a state as those at Campo, but several other bands must have been very close to the line as a result of the bad years. The present year is a favorable one, and no Indians are reported to be destitute, other than a few old people who are without relatives to support them and for whose support the Government makes a small contribution.

The plan of relief for the Indians of California which your special agent ventures to recommend is briefly:

SOUTHERN CALIFORNIA.

That those Indians who have been placed by the Government in such position that they can not earn their own living shall receive such pecuniary aid as to put them in shape so that they can do so; that this aid take the form of land of good quality with ample water supply, the same to be held in the same manner as their present lands; that this land shall be purchased by a commission appointed by the Honorable Secretary of the Interior, and a majority of which shall be experienced in southern California land conditions; and that provision be made to extend the irrigation facilities of the reservations mentioned in the body of this report.

NORTHERN CALIFORNIA.

That those Indians who are landless through past acts of omissions of the National Government, shall receive land in lieu of any claims they may have against the Government, moral or otherwise; that the land shall be of good quality with proper water supply, and shall be located in the neighborhoods in which the Indians wish to live; that this land shall be given under some such plan as that pursued at Fort Independence, each family being assigned not exceeding 10 acres of land, or such smaller tract as the conditions may warrant; and that this land be purchased and assigned by a commission appointed by the honorable Secretary of the Interior, a majority of whom are expert in northern California land conditions.

That those Indians who have received worthless desert allotments shall have the privilege of exchanging them for allotments of the same size and character as proposed for the landless Indians of Northern California, and that the allotments so surrendered shall be restored to the public domain; that those Indians who have received mountain or timber allotments shall have the privilege of exchanging them for allotments of the same size and character as those proposed for the landless Indians of northern California, and that the allotments so surrendered be added to the forest reserves, that the exchange of allotments and the purchase of the land for exchange where necessary be placed in charge of the same commission as that which handles the other proposed northern California allotments, and that the unexpended portion of the appropriation for the support and civilization of the northern Indians of California, 1906, be reappropriated in such form that it may be used in the purchase of land.

RECOMMENDATIONS COMMON TO BOTH NORTHERN AND SOUTHERN CALIFORNIA.

That further legislation be passed for the protection of the land and water rights of Indian allottees; that provision be made for an increase in the number of field matrons and industrial instructors; that the number of day schools be increased; that additional legislation be passed placing Indian allottees within the scope of the laws against selling liquor to the Indians, and that the boundaries of the various reservations of California be determined and marked.

Respectfully submitted.

C. E. KELSEY,
Special Agent for California Indians.

The CHAIRMAN. It is now 12 o'clock, and the hearing is closed.
(Whereupon, at 12 o'clock noon the committee adjourned.)

COMMITTEE ON INDIAN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH CONGRESS, FIRST SESSION

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THE PIMA INDIANS AND THE SAN CARLOS IRRIGATION
PROJECT

EXTRACT FROM THE PROCEEDINGS OF THE COMMITTEE
ON INDIAN AFFAIRS OF THE HOUSE OF REPRESENTATIVES
ON THURSDAY, APRIL 3, 1924

Mr. HAYDEN. Mr. Chairman, during most of the evenings of the past winter I have devoted my time to a study of the history of the Pima Indians of the Gila River Reservation in Arizona, with special reference to their water supply for irrigation. From many books obtained from the Congressional Library and other sources I have copied extracts which I am sure will be of interest to this committee, particularly in connection with a bill to authorize the construction of the San Carlos dam, that I trust will soon be before us for consideration. I ask authority from the committee to have printed for its information the material that I have gathered. Since it will consist principally of quotations, I request that all of the pamphlet, except the footnotes, be printed in 10-point roman type, in order that it may be easier for the Members to read it.

The CHAIRMAN. The committee has heard the motion of the gentleman from Arizona. Is there objection? The Chair hears none, and it is so ordered.

THE PIMA INDIANS

The Pimas of the Gila River are the most northern branch of a race of Indians who were the principal occupants of an area extending from the Sea of Cortez or Gulf of California to the Sierra Madre in the Spanish province of Sonora. The Spaniards called the country that they inhabited *Pimeria* or Pimaland. It was later divided into two parts. *Pimeria Baja*, or Lower Pimaland, consisted of portions of the valleys of the Mayo, Yaqui, San Jose, and Sonora Rivers and the Indians were called *Pimas Bajos* or *Nevome*. *Pimeria Alta*, or Upper Pimaland, extended from the Magdalena and Altar Rivers northward to the Gila and included the Santa Cruz, San Pedro Valleys, and the headwaters of the San Miguel and Sonora Rivers.

All of these Indians called themselves *O-o-tam*, meaning "people," and were divided into various tribes who spoke the same language with slight variations. The *Papah-Ootam*, or Bean people, sometimes called *Frijoleros*, lived on the desert south of the Gila and are now known as Papagoes. The extinct Sobaipuris resided on the Santa Cruz and San Pedro Rivers in what is now southern Arizona and northern Sonora. The Pimas of the Gila call themselves *A-ki-mult O-o-tam* or "river people," a most appropriate name, for, according to their traditions, they have always lived near that stream.

The origin of the name "Pima" is thus explained by Frank Russel: "The tribe known as the Pimas was so named by the Spaniards early in the history of the relations of the latter with them. The oldest reference to the name within the writer's knowledge is that by Velarde: 'The Pima Nation, the name of which has been adopted by the Spaniards from the native idiom, called themselves *Otama*, or in the plural *Ohotoma*; the word is repeated by them to express negation.' This 'negacion' is expressed by such words as *pia*, 'none,' *piatc*, 'none remaining,' *pimatc*, 'I do not know' or 'I do not understand.' In the last the sound of *tc* is often reduced to a faint click. The Americans corrupted this to 'Pimos,' and while this form of the word is now used only by the illiterate living in the neighborhood of the tribe, it is fairly common in the literature referring to them."¹

THE MARICOPA INDIANS

For more than two centuries a band of Maricopa Indians, or Coco-Maricopas, as the Spaniards called them, have been allied with the Pimas of the Gila. The villages of these Maricopas were located below the Pima settlements and a remnant of the tribe still lives at the western end of the reservation near the junction of the Gila and the Salt Rivers. They are of Yuman stock and speak a different language from the Pimas. The Maricopa chief, Juan

¹ Twenty-sixth Annual Report, Bureau of American Ethnology, 19.

Chevaria, told my father that their tradition was that after a quarrel they left the Yumas on the Colorado and moved up the Gila to join the Pimas, with whom they have since been good friends and neighbors.

The first census of the Indians of the Gila River Reservation was taken in 1858 by Lieut. A. B. Chapman, of the First Dragoons.² He counted 4,117 Pimas and 518 Maricopas. The report of the Commissioner of Indian Affairs for the last fiscal year states that there are now 4,629 Pimas and 267 Maricopas on the Gila River Reservation. The total number of allotments of land to Indians on the reservation is 4,894.

ESTABLISHMENT OF THE RESERVATION

The first legislative reference to the Pima and Maricopa Indians is found in the Indian appropriation act approved February 28, 1859, and reads as follows:

"SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to cause to be surveyed, and the boundaries thereof permanently marked, the tract or tracts of land lying on or near the Gila River, in the Territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians, and the sum of one thousand dollars is hereby appropriated to defray the expenses of the said survey.

"SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to set apart the tract or tracts of land aforesaid as a reservation for the confederated bands of Pimas and Maricopas: *Provided*, That the said reservations shall not exceed one hundred square miles in extent."³

SURVEY OF THE ORIGINAL RESERVATION

How the original reservation on the Gila was established is stated in a report by Sylvester Mowry, as a special agent of the Indian Bureau, dated November 21, 1859.

"On my first visit to the two tribes I was accompanied by Col. A. B. Gray, C. E., to whom I had intrusted the survey and demarcation of the reservation for the Pimas and Maricopas. Colonel Gray's previous knowledge of the country from surveys in connection with the Boundary Commission and Southern Pacific Railroad made his selection especially judicious, and I regard his doing the work, in view of the absurdly inadequate compensation, as a personal favor. I had some difficulty in making the chiefs understand the motive of this survey.

"Antonio repeatedly stated that the Pimas and Maricopas claimed as their own property the entire Gila Valley on both sides, from the Pinal Mountains to the Tesotal (the foot of the so-called little desert), a distance of upward of 100 miles. I explained to them that the survey was intended to inclose their present villages and planting grounds, and mark them with boundaries to prevent

² Senate Ex. Doc. 1, pt. 1, #599, #35th Cong., 2^d sess., 1859.

³ United States Statutes at Large, vol. 11, p. 401.

encroachments by American settlers and others, and that if they held a valid title to any lands beyond the present survey it would be a matter for future consideration by the Government, and that full justice would be done them by the United States Government in this and every other respect. This view seemed to please them.

"Before leaving the villages, in company with Colonel Gray, I established the initial points of the reservation, and indicated the lines to be established on both banks of the Gila. The reservation as laid out includes the villages now occupied and the cultivated lands."⁴

The reservation as surveyed by Colonel Gray contained 64,000 acres, but by Executive orders dated August 31, 1876, January 10 and June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, and June 2, 1913, the size of the reservation has been increased to 371,422 acres.

ALWAYS FRIENDS OF THE WHITE PEOPLE

Two things have often been asserted with respect to the Pima Indians: First, that they have always been friends of the white people. Second, that they had an adequate supply of water for the irrigation of their lands until the Americans came to Arizona. By a host of witnesses I am going to prove that both of those assertions are literally true. After the proof is made I hope that this committee will conclude the only way in which we can pay our debt of gratitude for their unvarying friendship and, at the same time, do justice which has been long delayed respecting their water rights, is for Congress to authorize the construction of the San Carlos Dam.

I said that I would call upon a host of witnesses, but they can not appear in person for most of them have long since gone to their reward. In their time they put down on paper the things that they saw when they visited the peaceful and industrious Pimas of the Gila. Their words have been preserved and I offer the same in evidence. I shall quote wherever possible the writings of men who recorded their own personal observations and shall insert a reference to the book and page where each statement may be found.

EUSEBIO FRANCISCO KINO

I have read translations of all the accounts of the travels of Cabeza de Vaca, Marcos de Niza, and of the Coronado expedition to Cibola, and am convinced that the first white man to visit the Pima villages on the Gila was Eusebio Francisco Kino, a Jesuit priest and pioneer missionary. Beginning in 1687 Father Kino made his headquarters at the mission of Dolores in Northern Sonora and for the next 24 years devoted his life to the conversion of the Indians to Christianity. In his "Memoir of Pimeria Alta," written between 1699 and 1710, this apostle to the Pimas says:

"In November, 1694, I went inland with my servants and some justices of this Pimeria, as far as the Casa Grande, as these Pimas call it, which is on the large River of Hila that flows out of Nuevo Mexico and has its source near Acoma. This river and this large

⁴ S. Ex. Doc. 2, pt. 2, 36th Cong., 1st sess., pp. 725-727.

house and the neighboring houses are forty-three leagues beyond and to the northwest of the Sobaipuris of San Francisco Xavier del Bac. The first rancheria, that of El Tusonimo, we named La Encarnacion, as we arrived there to say mass on the first Sunday in Advent; and because many other Indians came to see us from the rancheria of El Coatoydag, which was four leagues further on, we named the latter San Andres, as the following day was the feast of that holy apostle. All were affable and docile people." * * *

"The Casa Grande is a four-story building, as large as a castle and equal to the largest church in these lands of Sonora." * * *

KINO'S SECOND ENTRADA

With a military escort Padre Kino made a second visit to the middle Gila Valley in November, 1697, which he describes as follows:

"Travelling always by the valleys of the Rio de Quiburi, (San Pedro River) we arrived at the large river, or Rio de Hila. And following its bank and its very large cottonwood groves, after travelling three days' journey to the west, we arrived at the Casa Grande, and its neighboring rancherias. As we journeyed we always had on the right hand and in sight but on the other bank of the river, the very extensive Apacheria.

"The soldiers were much delighted to see the Casa Grande. We marveled at seeing that it was about a league from the river and without water, but afterward we saw that it had a large aqueduct with a very great embankment, which must have been three varas high and six or seven wide, wider than the causeway of Guadalupe at Mexico. This very great aqueduct, as is still seen, not only conducted the water from the river to the Casa Grande but at the same time, making a great turn, it watered and enclosed a champaign many leagues in length and breadth, and of very level and very rich land. With ease, also, one could now restore and roof the house and repair the great aqueduct for a very good pueblo, for there are near by six or seven rancherias of Pimas Sobaipuris, all of whom in all places received us very kindly, with crosses and arches erected and with many of their eatables, and, with great pleasure to themselves, gave us many little ones to baptize. On one occasion, when several of our horses had been scattered and lost, they at once went in search of them, nor did they give up until they had collected them all for us.

"We very promptly passed on by the rancheria of La Encarnacion and arrived at that of San Andres, where the excellent Captain Juan de Palacios (who had been at Santa Maria de Baseraca, traveling in going and returning four hundred leagues) welcomed us with all affection, and with so many arches and crosses that they reached for more than two leagues."⁵

JUAN MATEO MANJE

My second witness is Captain Juan Mateo Manje, who accompanied Father Kino on many of his journeys of exploration. Manje wrote an account of his travels under the title of "Light on Unknown Lands," and in which he gives the first detailed description of the

⁵ Kino's Historical Memoir of Pimeria Alta, edited by H. E. Bolton, vol. 1, pp. 127-128, 171-173

Casa Grande ruin. Of what occurred on November 18, 19, and 20, 1697 he says:

"On the margin of the river, distant one league from the Casa Grande, we found a settlement in which we counted 130 souls. * * * They were afraid of the horses and soldiers, never having seen any before."

"On the 19th, after mass, we continued to the west. * * * Having traversed four leagues, we arrived at a town, Tusonimon, which is so named from a great heap of horns, from the wild or sylvan sheep, which appears like a hill, and from the numbers that there are of the animals they make the common subsistence of the inhabitants. From what can be seen from the highest of their houses, there appears to be more than a hundred thousand horns in it.

"The heathen Indians received us with jubilee, giving of their provision to the soldiers; and we counted two hundred persons, who were gentle and affable. Remaining there to sleep, the father and I instructed them, through the interpreters, in the mysteries of our holy faith; on which they besought us that there might be baptized fifteen of their children and seven sick adults.

"On the twentieth we left the horses under the care of Corporal Francisco Barcelon and soldiers to recover on the acceptable pasture that we found. We continued with twelve soldiers through the plain and bank of the river, going down toward the west, and after seven leagues we reached, with the purpose of sleeping there, another settlement which we called San Andrés. The principal Indian who governs it came out with his people to meet us at more than three leagues before our arrival, erecting arches, canopies of foliage, and having the roads cleaned. He lodged us in a log house covered with mats, where he gave provisions to the soldiers. These gifts were repaid by other little gifts. Forty souls were counted. Talks of our holy faith were made to the Indians and the father baptized twelve infants and I was godfather of some of them, and rods of justice were given to them for their government."⁶

CRISTOBAL MARTIN BERNAL

Another account of this same journey was written by Capt. Cristobal Martin Bernal in a report on the condition of the Pima region which he sent to Father Inspector Horatio Polici. The following references are made to the Pimas of the Gila:

"Being in such house (Casa Grande), three non-Christian Indians arrived who were chiefs of a settlement existing on this river, and with great affection they embraced our Father Kino and all the companions, asking us to go where their people were waiting to receive us. We left in their company and found their people in two lines—men, women, and children—and they paid me obeisance. They had for us much ground mezquite (pods) and bread and water. This finished, we came to the bank of the river to spend the night. There we could not find pasture, and that night many of them came and slept in our camp.

⁶ Documentos para la Historia de Mexico, Serie 4, Tomo I, 284-286.

Also see Manje, "Luz de Tierra Incognita," Libro II, p. 58 and H. R. Schoolcraft, "Indian Tribes of the United States," Vol. III, p. 303.

"The following day I left, and with me came the three chiefs and all the people to a house which they had built for our Father Kino, and the distance from the place where we slept to such house is four leagues * * *. This settlement has two hundred inhabitants. I was obliged to sleep in this place in order that the horses might eat, because there was pasture. There had been none the three days we were traveling, and on account of this some animals were very weak; and because the next settlement is very far I decided to postpone my travel until the following day.

"On the following day—the twentieth of this month—after attending mass, I decided to go with the lieutenant and the sergeant and ten companions to the settlement of Juan de Palacios, leaving Corporal Francisco Javier de Barcelona with the other companions and horses. Capitan Choro (a Sobaipuri of the San Pedro) and some of his men came in my company, and about three leagues before reaching the settlement arches had been erected and on each one a cross, and the already-mentioned Juan de Palacios came to receive me. Having arrived, I found all the people in two lines, and they did me obeisance—men and women and children, making a total of four hundred people.

"They had made a house of straw mats for our Father Eusebio Francisco Kino, and they had for us pinole, mezquite, and pumpkins; and in order to give them some *tlatoles* and to offer baptism and to establish judges among them I decided to remain this night, keeping with care and watchfulness the ready weapons, as it was necessary, because the place is on the border of the land of the Apaches, with whom they are at war. And the following day—the twenty-first of this month—after mass they brought twelve infants to our Father Kino to be baptised, and the other companions and I were godfathers. A very good exhortation was made to them, for which they were very pleased, and we and our Father Kino promised to return, and we took leave of them. This settlement is called San Andres, and the distance to the place mentioned above where the horses remained and where we did not stop, which is called Santa Isabel, is about three leagues without water." * * *

The report ends as follows:

"This is all that happened in the entire trip, and in order to have a record of it I write this and certify and sign it, with witnesses and my notary appointed, December 4, 1697."⁷

(Signed)

"CRISTÓBAL MARTIN BERNAL,

"FRANCISCO DE ACUÑA,

"EUSEBIO FRANCISCO KINO,

"JUAN DE ESCALANTE,

"FRANCISCO JAVIER DE BARSEJON,

"BARTOLOMÉ DE BARRIOS,

"Appointed Notary."

KINO'S LAST JOURNEYS

Accompanied by Capt. Diego Carrasco, the good Padre Kino made another journey to the Gila in 1689. He says:

"On the twenty-second of September, day of the most holy name of Most Holy Mary, we set out from this pueblo of Nuestra Senora

⁷ Documentos para la Historia de Mexico Serie 3, Tomo 2, 884-886, Translation by Guillermo A. Sherwell, of the Department of Commerce.

de los Dolores (Our Lady of Sorrows) with the governor of this place and seven other persons, my servants, and with more than sixty pack animals, going inland toward the north and northwest, to the Rio and Casa Grande, a journey of more than one hundred leagues. In the rancheria of La Encarnacion, that of San Andres, and in those near by we were received with all kindness, with crosses and arches erected, and with many of their eatables, by more than one thousand souls, men and women. In the rancheria of San Andres there came to render us obedience the Opas and Cocomaricopas, who are a people of very distinct dress, features, and language, though connected by marriage with the Pimas, and very affable and docile. They desire to be Christians like the Pimas."

Of his last visit to the Pimas of the Gila in March, 1699, Father Kino says:

"After 80 leagues' journey along the river we arrived at San Andres, La Encarnacion, and Casa Grande, having received in all parts all kindness and many of their provisions, with almost the same courtesy as if we had journeyed among Christians. * * * They guided us and accompanied us, and came many days journey to meet us, with the utmost friendship, loyalty, and courtesy."⁸

Captain Manje, who was Kino's companion in journeys of exploration aggregating 3,000 leagues, was with him on this occasion and writes as follows:

"On the third (March, 1699), after taking leave of the Indians, we advanced up river to the east, through sterile plains, and at a distance of ten leagues we slept at the settlement of San Andres de Coata—the place at which we had arrived in the year 1697 with the soldiers.

"From now on I will not make a record of inhabitants because the other settlements through which we have to pass have already been discovered and seen.

"On the fourth we continued toward the east and passing through the settlement of Encarnacion, nine leagues after this, we slept in a pasture and broad fields, abundant in grass, where our horses ate well. We were informed that the other side of the river is much better for a cattle ranch and for horses; but I pass judgment on what I saw."⁹

IGNACIO JAVIER KELER

Through the courtesy of Dr. L. S. Rowe, Director General of the Pan American Union, I have secured the following translation from a book containing an account of the labors of the Jesuits in Mexico written by Padre Jose Ortega and published in Barcelona in 1754.

"SEVERAL LONG AND HAZARDOUS JOURNEYS OF FATHER IGNACIO KELER WHICH SERVED ONLY TO PROVE HIS ARDENT ZEAL

"In the year 1736 this zealous Jesuit reached the Casa Grande and a number of villages in the vicinity of the Gila River. Having visited Ler, Guevavi, and San Xavier, he returned by the same route without any incident worthy of remark, finding things in the same state and circumstances in which Father Eusebio Kino had left them.

"During July and August of the year 1737 this apostolic man made another journey through the country of the Sobaypuris, following the

⁸ Memoir of Pimeria Alta, vol. 1, 186-7-197.

⁹ Documentos para la Historia de Mexico, serie 4, Tomo 1, 306-307.

course of the river (San Pedro) which, beginning in the neighborhood of Terrenate, extends through nearly two hundred leagues in reaching its confluence with another river called the Gila, he beheld the fertile lands of that valley.

"When in the course of his travels Father Ignacio reached the Casa Grande he beheld a lofty cliff, which sloped to a broad plain; and because of the insistent tradition that here had formerly existed a village which with all its inhabitants, their belongings and horses, had been turned into stone, he made the ascent, not without great labor, which consumed a whole day, and so verified beyond the shadow of a doubt that the tradition was simply the fantastic imaginings which those barbarians spread as truth. Farther on he found the rivers called the Verde and the Salado, this latter being indeed salt. The two rivers come together forming the Assumpcion, which later flows into the Gila; and although he visited the Cocomaricopas, who were at war against certain enemies, he returned by way of other villages to his district of Santa Maria Suameca (near Nogales).

"Here he rested, working with his Indians until the year 1743, when, toward the end of July, having provided himself with the necessaries for a long journey and an enlistment of four months for his soldiers and an equal amount for their children, he undertook another important and dangerous journey. He reached the Gila River, whence he traveled onward, directing his route toward the Moqui or thereabout; but, either for the lack of guides or because of excess of fervor, he penetrated these unknown regions without knowing whether the inhabitants were friendly or hostile. He was well equipped and did not lack courage to continue his quest; but in the grey of the dawn not a few of the infidel Indians fell upon his forces, more from a desire to steal than to injure or kill; no sooner had his followers recovered from their surprise and terror than they fell upon the barbarians, who had seized all the horses, putting forth every effort to regain them, in order to avoid finding themselves in a hostile country without the means of returning. They succeeded in recapturing only a few, which, however, were sufficient to enable them to withdraw and return to the Mission."¹⁰

JACOBO SEDELMAIR

In a "Report made by Father Jacobo Sedelmair of the Company of Jesus, a missionary in Tubutama (on the Rio Altar) on the occasion of his going to Mexico some time in February of the year 1746, for laborers to establish missions on the Gila and Colorado Rivers, which he had discovered in two trips he made to the heathens at the north of his mission," the following passages are found:

"They are now living on the Gila lowland not very far from Casa Grande a branch of the Pima Nation distributed in three settlements. That most easterly is called Tuquisan, four leagues below Tusonimo, and farther down the river sinks in hot weather and where it comes out again lies the large settlement Sudacson. All these settlements on both banks of the river and on its islands have much green land. The Indians sow corn, beans, pumpkins, watermelons, cotton, from which they make garments, and the Indians of Sudacson plant wheat with irrigation canals.

¹⁰ "Apostolicos Afanes de la Compania de Jesus," pp. 348-350. Also reprinted in Mexico in 1887 as "Historia del Nayarit, Sonora, Sinaloa y ambas Californias."

"From those settlements starts a road straight for the province of the Moqui towards the north, but there is very near in the east a ranch inhabited by the Apaches, enemies, who in 1743, attacked Father Ignacio Keler of the Company of Jesus, who was on the way to Moqui, took his horse away from him, and his Reverence had a good deal of difficulty in returning.

"These Pimas of the Gila River are the enemies of the Apaches, and it has already been reported on other occasions that a flourishing mission could be established in those three settlements, for the Pima Indians have been domesticated by the Fathers for more than fifty years, and for that reason and with the hope that they would soon be given a pastor, I baptized them and the Fathers baptized the small ones that were brought to them.

"After leaving the Pima settlements, five leagues downstream, one reaches several large patches of reed and willow land and a charming stream of water with its meadows. I stopped at a spot called Santa Teresa and then traveled five or six more leagues, constantly in sight of the river and its vegetation, and after going five or six leagues more, keeping the river and its vegetation in sight, one reaches its junction with the Asuncion River, consisting of the Salado and Verde Rivers, which confluence makes a most charming country, with its meadows, moores, reed lands, and large areas planted with willows and cotton-wood trees.

"From that confluence begins the large bend of the Gila River running towards the northwest and backing towards the south, and then runs towards the west, a bend which I discovered and explored during the year 1744. From the confluence to the first settlement the distance is about 12 leagues. The rancharia is one thickly populated * * * with Pimas and Cocomaricopas, who for the most part know both languages."

WHY THE PIMAS AND MARICOPAS DESIRED TO BE CHRISTIANS

"The reasons why those nations readily accepted our holy faith are, first, they are mild, affable, kindly, industrious, enemies of our enemies, friendly to the Spaniards, fond of dealing and contracting with Christians; homelike and very peaceful on their lands. It is now nearly fifty years since they have been peacefully allowing the monks on their lands, showing them most respect and receiving judicial appointments at the hands of the fathers, waiting for the arrival of the royal minister who will confirm them.

"They have on several occasions shown their desire to be Christians like the Pimas (of Sonora), as witness the papers of Father Eusebio Kino and Augustine de Campos and D. Mateo Mangue, mainly about the Pima settlements on the Gila, whose head Indian went three hundred leagues both ways, as far as Santa Maria Basarac, just to ask to be baptized and to have a minister of the gospel, and also the Pima Indians of the said settlements brought their small ones to be baptized, and that in '44, when I discovered the Colorado River and wanted to go on to the Moqui, those Indians said to me: "If you want to go, Father, first teach us."¹¹

¹¹ Documentos Para La Historia de Mexico, Serie 3, Tomo 4, 843, 848, 858-859, translation by Division of Latin American Affairs, State Department.

MIGUEL VENEGAS

In an old book, printed in London in 1759, "translated from the original Spanish of Miguel Venegas, a Mexican Jesuit, published in Madrid in 1758," and entitled "A Natural and Civil History of California," I have found the following statements:

"The following year, 1744, orders were sent to Father Jacob Sedelmayer, missionary of Tubutama that being less exposed to the barbarians he should proceed on this discovery. Accordingly, in October, the father set out from his mission, and after traveling eighty leagues, reached the River Gila, where he found six thousand Papagos, and near the same number of Pimas and Cocomaricopas dwelling in different rancharias. Here he was well received, having before contracted a friendship with them. Among these, as before, he met with several axes and knives, distributed among them by Father Kino."

"The banks near the source of the Gila are inhabited by the Apaches; at some distance below which that river is joined by the Azul, which is thought to issue from the mountains and waters the pleasant and fruitful country of the Nujoras till its influx into the Gila. Afterwards on both sides of this river there is an uninhabited tract of about twenty leagues, at the end of which are three large rancharias of Pimas, the greatest of which, called Judac, occupies fourteen leagues of a pleasant fertile country, well watered by means of trenches which, the country being level, are easily carried from the Gila."¹²

THE RUDO ENSAYO

The "Rudo Ensayo," which is a geographical description of the Province of Sonora, written in 1761-62 by a Jesuit Father, who at that time had lived eleven years in Sonora, contains the following:

"Between these Casas Grandes the Pimas, called Gilenos, inhabit both banks of the River Gila, occupying ranches on beautiful bottom land for ten leagues further down, which, as well as some islands, are fruitful and suitable for wheat, Indian corn, etc. So much cotton is raised and so wanting in covetousness is the husbandman that after the crop is gathered in more remains in the fields than is to be had for a harvest here in Sonora—this upon the authority of a missionary father who saw it with his own eyes in the year 1757.

"The most important of these ranches are, on this side, Tusonimo, and on the other, Sudacason or the Incarnation, where the principal of their chiefs, called Tavanimo, lived, and further down, Santa Theresa, where there is a very copious spring. Having passed out from among these ranches, the Gila, at a distance of ten or twelve leagues, receives the waters of the Assumption River."¹³

IGNATZ PFEFFERKORN

All of the Jesuit priests were expelled from Mexico in 1767 by decree of King Carlos III. Among them was Father Ignatz Pfefferkorn, who had been in charge of the mission at Guevavi. Upon his return to Germany he published a description of Sonora, based upon

¹² Vol. II, pp. 181-184.

¹³ Records of the American Catholic Historical Society, Vol. V, pp. 128-129.

his eleven years' residence there, which was printed in Cologne in 1794. I am indebted to Hon. Edward Voigt, of Wisconsin, for the translation from the German of the following extracts:

"From here on we find along the course of the Gila the unconverted Pimas, who live on both sides of the river. This tribe is divided into three populous divisions; the strongest of these occupies a beautiful stretch of land 14 miles long, well planted with trees. The land is irrigated by a water system or irrigation ditches. The water may be distributed to the land with a small effort, as the land in this locality is level.

"From the dwelling place of the Pimas one figures 12 miles to the Rio de la Assumcion. In the region where this river flows into the Gila conditions are very agreeable; it is perfectly level, the soil very good and calculated to bring forth all kinds of grains and plants. On both sides of these two rivers we find the Cocomaricopas."¹⁴

FRANCISCO GARCES

Father Francisco Garces, a Franciscan friar, arrived at the Mission of San Xavier del Bac, near Tucson, on June 30, 1768. From that place he made a number of entradas or journeys as a missionary to the Indians. It is known that he visited the Pimas on the Gila in 1768, 1770, 1771, and 1774. The following is from Padre Garces's diary for the year 1775, which has been translated into English by Elliott Coues:

"Nov. 1. We departed from the laguna and having marched 4 leagues west-northwest we arrived at the Rancheria de San Juan Capistrano, where we were received by about a thousand Indians drawn up in two ranks. They had built a large bower in which to entertain us, in front of which had they set up a cross. Soon as we dismounted they passed from one to another to kiss our hand, and saluted us in the name of God, as do all the other Christian Pimas. Since whenever I have been among these poor gentiles they have received me with equal kindness, I have felt grief to find that I could not gratify such great desire as they manifested to become Christians, but on this occasion particular was my pain to see so many people unite in begging us to remain here to baptize them, who in plenty of affability and mode of living together in their pueblo surpass all others of their nation, as it does not appear that the time has come to gather these sheep into the fold of the church. May God do that which may be to his greater pleasure! They waited upon us and were obsequious to the whole expedition. They possess flocks very like those of Moqui, or much the same, as I will tell in the final reflections on the diary. They have poultry and horses, some of which they bartered with the soldiers for red baize. They brought water for the party to drink, and served us in all respects as well as the most faithful Christian vassals of the king could have done. They were given tobacco and glass beads.

"Nov. 2. After the three padres had celebrated nine masses, which some Indians attended, we traveled four leagues west $\frac{1}{4}$ northwest, and halted on the bank of the Rio Gila near the pueblo called La Encarnacion del Sutaquison.

¹⁴ Beschreibung der Landschaft Sonora, vol. 1, p. 6.

"There came forth to receive us the Indians of the pueblo with demonstrations of much joy, and methought that they might be about 500 souls. In all these pueblos they raise large crops of wheat, some of corn, cotton, calabashes, etc., to which end they have constructed good irrigating canals, surrounding the fields in one circuit common (to all) and divided (are) those of different owners by particular circuits. Go dressed do these Indians in blankets of cotton which they fabricate and others of wool, either of their own sheep or obtained from Moqui. Not is this portion of the river abounding in pastureage but in this last pueblo called Sutaquison there is abundance, even to maintain a presidio, as has reported Señor Capitan Don Bernardo de Vreera, having passed personally to inspect the situations most fit for founding missions.

"In this pueblo de Sutaquison and in San Juan Capistrano I manifested to the Indians the image of Maria SSma and that of the damned and explained them in their language, which is the same as that of my pueblo of San Xavier del Bac."¹⁵

PEDRO FONT

The following is a translation from the diary of Padre Pedro Font, who accompanied Garces in 1775:

"First of November, Wednesday: I said mass, which was attended by some Gilenos Indians who happened to be there and who gave evidence of considerable attention, good behaviour, and silence. They sought to imitate the Christians in crossing themselves, which they did awkwardly enough, and in other things. We left the Laguna (Lagoon) at half past nine in the morning, and at one o'clock in the afternoon we reached the town of San Juan Capistrano de Uturituc, after having travelled four leagues towards the west-northwest. This town consists of small lodges of the kind that the Gilenos use.

"We were received by the Indians, whom I estimated to be about a thousand in number. They were drawn up in two rows, the men on one side and the women on the other. After we had dismounted they all came in turn to salute us and offered their hand to the commander and the three fathers, men and women, children and adults. Indeed, they all gave token of much satisfaction at seeing us, touching their breast with their hand, naming God, and using many other expressions of benevolence. In short, their salutation was most lengthy, for almost every one of them bowed to us, saying 'Dios ato m'busiboy,' as do the Pimas Christians of Pimeria Alta, which signifies 'May God aid us.' We, on our part, must needs return their salutations.

"They lodged us in a large hut, which they constructed to that end, and in front of it they placed a large cross, pagans though they were. The river being somewhat distant, the governor ordered his wives to bring water, which they straightway carried to his lodge for the people. These Pimas Gilenos are gentle and kind-hearted Indians. In order to fete our arrival they sought permission of the commander to dance, and soon the women were moving from mess to mess, dancing after their fashion with hands clasped.

"In short, the whole people gave token of great pleasure at seeing us in their country, and some of them even offered us their little ones

¹⁵ "On the Trail of a Spanish Pioneer," 102-109.

to be baptized. This we did not do, being desirous of proceeding with circumspection, although we sought to comfort them with good hopes. In the afternoon I went to the town with Father Garces and the governor, Papago de Cojat, to see the fields. These milpas are enclosed by stakes, cultivated in sections, with five canals or draws, and are excessively clean.¹⁶

"November 2. This being All Souls' Day, we, the three religious, said nine masses. We set out from the town of Uturituc at eleven o'clock in the morning, and, about three in the afternoon, halted at the banks of the Rio Gila, near the town of Encarnacion de Sutaquison, having travelled some four leagues, west by north. The Indians of the town, whom I estimated at about five hundred souls, came out to receive and salute us with demonstrations of great pleasure. On the way we passed through two other towns."¹⁷

ALEXANDER VON HUMBOLDT

In his "Political Essay on the Kingdom of New Spain" Alexander von Humboldt says:

"Fathers Garces and Font found the Indians to the south of the Rio Gila clothed and assembled together, to the number of two or three thousand, in villages which they call Uturicut and Sutaquison, where they peaceably cultivate the soil. They saw fields sown with maize, cotton, and gourds. The missionaries, in order to bring about the conversion of these Indians, showed them a picture painted on a large piece of cotton cloth, in which a sinner was represented burning in the flames of hell. The picture terrified them; and they entreated Father Garces not to unroll it any more, nor speak to them of what would happen after death. These Indians are of a gentle and sincere character. Father Font explained to them by an interpreter the security which prevailed in the Christian missions, where an Indian *alcalde* administered justice. The chief of Uturicut replied: "This order of things may be necessary for you. We do not steal, and we very seldom disagree; what use have we then for an *alcalde* among us?"¹⁸

Very little can be found in print relating to the history of the Pima Indians of the Gila from 1775 to 1845. The missions in Sonora were secularized in 1813, the decree was confirmed by the Cortez in 1821, and the Franciscans were finally compelled to abandon them in 1824. The Mexican revolution, which began in 1810 and ended with independence from Spain in 1821, greatly disturbed the country.

JAMES O. PATTIE

In a very rare book printed at Cincinnati in 1833, entitled "The Personal Narrative of James O. Pattie of Kentucky," I have found what is undoubtedly a reference to the Pima Indians. Pattie and a number of other trappers "traveled down the river Helay" in January, 1826. He says:

"Though it was late in the evening, we resumed our march, until we had reached the point where the river runs between mountains,

¹⁶ H. R. Doc. No. 825, 60th Cong., 1st sess., 29.

¹⁷ Academy of Pacific Coast History, vol. 3, No. 1, 23.

¹⁸ Translation by John Black, New York, 1811, vol. 2, 206-207.

and where I had turned back the year before. There is here little timber beside musqueto-wood, which stands thick. On the 25th we arrived at an Indian village situated on the south bank of the river. Almost all the inhabitants of this village speak Spanish, for it is situated only three days journey from a Spanish fort in the Province of Sonora, through which Province this river runs. The Indians seemed disposed to be friendly to us. They are to a considerable degree cultivators, raising wheat, corn and cotton, which they manufacture into cloth."¹⁹

EARLY AMERICAN TRAPPERS AND EXPLORERS

It is known that Kit Carson, the noted scout, returned to New Mexico by way of the Gila in 1829 and found the Pimas friendly. He passed over the same route in 1846 with 15 men carrying dispatches from Fremont, with whom he had been in California, and returned as a guide for General Kearney.

James H. McClintock, former State historian of Arizona, gives the following account of a period of Arizona history about which but little has been written but during which the Pimas and Maricopas were invariably kind to the white people who passed through their country:

"In 1827 a Doctor Anderson passed down the Gila Valley to California, leading a considerable party. The expedition had no trouble whatever with Indians, and noted particularly hospitable treatment at the hands of the Pimas and of the Maricopas.

"In 1832 Isaac J. Sparks led an expedition down the Gila River to Yuma, and made his way through to Los Angeles. This party had much trouble with the Apache Indians. In one encounter about fifteen Indians were killed of a band that had been accidentally encountered while on its way to Sonora on a horse-stealing expedition.

"A party of nearly fifty trappers passed through Arizona in 1844, including Francois de van Coeur, who was one of Kearney's scouts two years later. This party had continued encounters with hostile Apaches and lost one man on the trip.

"A number of parties of trappers, hunters, and prospectors drifted into Arizona during the score of years following, before the Mexican régime had passed, while many New Mexicans passed through to California. Pauline Weaver, a French trapper, early established personal relations with the Indians of several tribes and made comprehensive trips throughout the southwestern part of the present Arizona. He is said to have visited the Pima villages as early as 1832."²⁰

THE PIMA CALENDAR STICKS

In 1902 Frank Russell, of the Bureau of American Ethnology, discovered five notched calendar sticks among the Pimas, two of which were "told" to him by their possessors. The record covered a period of 70 years from which the following extracts are taken.

¹⁹ "The Narrative of James O' Pattie," 83.

²⁰ Arizona, the Youngest State, 84-85.

1833-34

(Date determined by the well-known shower of "falling stars" which occurred on November 13, 1833.)

"During the moon preceding the meteoric shower the Yumas armed with clubs, bows, and arrows attacked the Maricopa village. The Yumas surprised the Maricopas and captured their women, whom they surrounded and tried to take away with them. They were about to cross the Gila with their captives when the Pimas arrived and attacked them. The women took advantage of the confusion to escape into the chaparral. The Yumas fought bravely, but they were overpowered by numbers and few escaped to tell of their defeat."

1834-35

"This year was long remembered because of the bountiful crops of wheat, corn, squashes, pumpkins, and watermelons that were raised. The desert mesas were carpeted with flowers and the bloom of cacti further transformed them into gardens. 'Our people worshiped the gods in grateful recognition for their protection; we danced unmolested by the murderous Apaches; we looked after the welfare of our households.'"

1835-36

"One summer afternoon, when only women and old men were at home, the Apaches came and killed two Pimas, a man who was irrigating his field and a boy who was hunting doves."

1836-37

"A year passed without a visit from the marauding Apaches. We tilled our fields, danced our war dances, sang songs, kept up target practice, and exercised in the use of the shield."

1837-38

"One cold night in the spring a Pima at Rso'tuk was irrigating his wheat field by moonlight. Without thought of enemies he built a fire to warm himself. This the Apaches saw and came about him in the thicket. Hearing the twigs cracking under their feet, he ran to the village and gave the alarm. The Pimas gathered in sufficient numbers to surround the Apaches, who attempted to reach the hills on their horses. Two horses stumbled into a gully and their riders were killed before they could extricate themselves. The others were followed and all killed."²¹

Prof. A. J. McClatchie induced a very old Pima to tell the story of his calendar stick to a stenographer. The following statements are from the record thus made:

1839

"I was watching one night and heard something splash in the water. It was Apaches, and one was riding a mule. We shot them with bows and arrows, and got horses and followed them.

²¹ Twenty-sixth annual report, 1905, 38, 39, 40.

"One Apache on a gray horse rode into the stump of a tree and fell off. He got in the bushes and got away. The one on the mule was lame and we caught him. Another Pima came with a rope and we tied him and took him home. When we untied him we saw he was lame—his leg was sore.

"The day before the Apaches came I was at home irrigating my wheat."

1840

"While a Pima man named Mewh was in his field, Apaches came. The fence was very high and the man could not see how many, so he ran home. Two other men were working in the field, and they ran home and told the rest of the Pimas.

"The Apaches could not get in the field. They came back to fight. The Pimas got ready and went across the river. They saw the tracks of the Apaches' horses and found them hitched to mesquit trees, back toward the mountains.

"Before the Pimas got to the horses, the Apaches were ready to fight. A Pima named Enas killed one Apache. The rest got afraid and tried to run away, when the Pimas killed two more. In the dark the Apaches got away."²²

WILLIAM H. EMORY

During the Mexican War an expedition was organized under the command of Brig. Gen. Stephen W. Kearny for the conquest of California. After crossing the plains from Fort Leavenworth and passing through New Mexico the American troops marched down the Gila.

Lieut. Col. William H. Emory, of the Topographical Engineers, in his "Notes of a Military Reconnaissance from Fort Leavenworth to San Diego, Made with the Advance Guard of the Army of the West" says of the Pimas in November 1846:

"Where we encamped, eight or nine miles from the Pimos village, we met a Maricopa Indian looking for his cattle. The frank, confident manner in which he approached us was in strange contrast with that of the suspicious Apache. Soon six or eight of the Pimos came in at full speed.

"Their joy was unaffected at seeing we were Americans and not Apaches. The chief of the guard at once dispatched news to his chief of the result of his reconnaissance. The town was nine miles distant, yet in three hours our camp was filled with Pimos loaded with corn, beans, honey, and zandias (watermelons). A brisk trade was at once opened.

"We came in at the back of the settlement of Pimos Indians, and found our troops encamped in a corn field, from which the grain had been gathered. We were at once impressed with the beauty, order, and disposition of the arrangements for irrigating and draining the land. Corn, wheat, and cotton are the crops of this peaceful and intelligent race of people. All the crops have been gathered in, and the stubbles show they have been luxuriant. The cotton has been picked and stacked for drying on the tops of sheds. The fields are

²² "Pima Record Rod," by Sharlot M. Hall, Out West May, 1907, 417-418.

subdivided, by ridges of earth, into rectangles of about 200 by 100 feet for the convenience of irrigating.

"The camp was soon filled with men, women, and children, each with a basket of corn, frijoles, or meal, for traffic.

"To us it was a rare sight to be thrown in the midst of a large nation of what is termed wild Indians, surpassing many of the Christian nations in agriculture, little behind them in the useful arts, and immeasurably before them in honesty and virtue. During the whole of yesterday our camp was full of men, women, and children, who sauntered amongst our packs unwatched, and not a single instance of theft was reported.

"In the houses were stowed watermelons, pumpkins, beans, corn, and wheat, the three last articles generally in large baskets; sometimes the corn was in baskets covered with earth and placed on the tops of the domes. A few chickens and dogs were seen, but no other domestic animals, except horses, mules, and oxen.

"This peaceful and industrious race are in possession of a beautiful and fertile basin. Living remote from the civilized world, they are seldom visited by whites, and then only by those in distress, to whom they generously furnish horses and food."²³

ABRAHAM R. JOHNSON

Capt. Abraham R. Johnson, who was killed in action with the Californians at San Pasqual on December 6, 1846, also kept a journal, from which the following extracts are taken:

"November 10. Leaving the Casa Grande, I turned towards the Pimos, and traveling at random over the plain, now covered with mesquite, the piles of earth and pottery showed for hours in every direction. I also found the remains of a sicia, which followed the range of houses for miles. It had been very large. When I got to camp I found them on good grass, and in communication with the Pimos, who came out with a frank welcome. Their answer to Kit Carson, when he went up and asked for provisions was, 'Bread is to eat, not to sell; take what you want.'

"The Maricopa messenger came to ask the General what his business was, and where he was going. He said his people were at peace with all the world, except some of their neighbors, the Apaches; and they did not desire any more enemies. He was, of course, told to say to his chief that our object was merely to pass peaceably through their country; that we had heard a great deal of the Pimos, and knew them to be a good people.

"We were all struck with their unassumed ease and confidence in approaching our camp—not like the Apaches, who bayed at us like their kindred wolves, until the smell of tobacco and other (to them) agreeable things, gave them assurance enough to approach us. The Pimos and Coco Maricopas live alongside of each other, but are distinct people, speaking different tongues. The latter once lived near the mouth of the Gila. The Pimos have long lived at their present abode, and are known to all the trappers as a virtuous and industrious people. They and the Maricopas number over 2,000 souls.

²³ S. Ex. Doc. 7, 30th Cong., 1st sess., 83-86.

"November 11. The Indians are still in camp with their melons, corn, beans, and petiza molasses; they spent the night in our camp, by the camp fires, without sleeping—talking and laughing incessantly.

"We returned towards the village, and found the camp in some of their corn fields, which are separated by fences, and are all cultivated by irrigation, apparently with care; the cotton was still standing in some of the patches, but the frost had killed everything. The General had a talk with Ivan Antonio, the chief, and was welcomed by him. The people soon filled our camp, trading went on, and we got provisions enough, but only one beef and no mules, two thin mules being disdained for one fat one. The Indians, although they were crowding about our tents and everything was exposed to them, made no effort to steal anything.

"November 12. Awoke this morning to hear the crowing of the cock and the baying of the watch dog, reminding me of civilization afar off in the green valley of our country; we waited until 9 before starting; left some mules with the chief, Don Antonio, whose Indian name is Banbutt, and marched down through the settlements of the Pimos and Coco Maricopas, which are all south of the Gila, and encamped beyond them (distance 15 miles) under the base of a mountain lying west of the villages.

"The chief of the Pimos said to the general that God had placed him over his people, and he endeavored to do the best for them, he gave them good advice, and they had fathers and grandfathers who gave them good advice also; they were told to take nothing but what belonged to them, and to ever speak the truth; they desired to be at peace with everyone; therefore would not join us or the Mexicans in our difficulties. He shook hands with and bid us welcome and hoped we might have good luck on our journey. He said we would find the chief of the Maricopas a man like himself, and one who gave a similar counsel to his people.

"November 13. Laid in camp until 12, preparatory to taking the journey of 40 miles without water. The second chief of the Coco Maricopas visited the General, the first being lame; he said we had seen his people, that they did not steal, they were probably better than some the General had seen, all his people had sold us provisions, it was good to do so, as people should exchange when they had articles to trade, but if we had come here hungry and poor, it would have been his pleasure to give us all we wanted without compensation. Afterwards the first chief came in, and offered like expressions of friendship and peace. After making the chief a small present we prepared to start, bringing our animals up and watering them at a well which we had dug, some of them drinking three pails full of water, as if in anticipation of a long reach without it, we started at 12 to cross the Tesotal, or forty miles without water or grass."²⁴

THE MORMON BATTALION

On July 16, 1846, at Council Bluffs, Iowa Territory, there was mustered into the service of the United States a battalion composed of men who were members of the Church of Jesus Christ of Latter Day Saints. The history of the renowned Mormon Battalion is replete

²⁴ S. Ex. Doc. 7, 30th Cong., 1st sess., 559-602.

with instances of hardships and privation on the long march to California as a part of General Kearny's Army of the West.

From Santa Fe westward the battalion was under the command of Lieut. Col. Philip St. George Cooke, who, in an order issued at the Mission of San Diego, Calif., on January 30, 1847, said:

"History may be searched in vain for an equal march of Infantry. Half of it has been through a wilderness where nothing but savages and wild beasts are found, or deserts where, for want of water, there is no living creature. There, with almost hopeless labor we have dug deep wells, which the future traveler will enjoy. Without a guide who had traversed them we have ventured into trackless tablelands where water was not found for several marches. With crowbar and pick and axe in hand, we have worked our way over mountains, which seemed to defy aught save the wild goat, and hewed a passage through a chasm of living rock more narrow than our wagons. To bring these first wagons to the Pacific, we have preserved the strength of our mules by herding them over large tracts, which you have laboriously guarded without loss. The garrison of four presidios of Sonora, concentrated within the walls of Tucson, gave us no pause. We drove them out, with their artillery but our intercourse with the citizens was unmarked by a single act of injustice. Thus, marching half naked and half fed and living upon wild animals, we have discovered and made a road of great value to our country."²⁵

PHILIP ST. GEORGE COOKE

On December 21, 1846, the Mormon Battalion arrived on the Gila with General Kearny's wagon train. In his official report Colonel Cooke says:

"I halted one day near the villages of this friendly, guileless, and singularly innocent and cheerful people, the Pimos. I traded the Indian goods and every spare article for corn. After feeding it several days, I brought away twelve quarts for each public animal.

"The Pimos and Maricopas * * * wonderfully honest and friendly to strangers, raise corn and wheat, which they grind and sell cheaply for bleached domestics, summer clothing of all sorts, showy cotton handkerchiefs, and white beads. They also have a few mules and cattle. I gave them some breeding sheep."²⁶

In his book describing the march to California, Colonel Cooke writes as follows:

"Before we arrived here, although eight miles above the Pimo village, there were many Indians on the ground, and they have since flocked into camp, some mounted, and bring small sacks of corn, flour, beans, etc. One brought me letters from General Kearny and Major Swords, quartermaster, which mention eleven broken-down mules and two bales of Indian goods left for me with the Pimos.

"A few speak the Spanish, and I was surprised to see one, who spoke it well, have recourse to his fingers to explain the subtraction of five mules, dead, from the eleven left for me.

"I have conversed with the chief, Juan Antonio, and he and another have supped with me. He said the commander of Tucson,

²⁵ History of the Mormon Battalion, 254-255.

²⁶ H. R. Ex. Doc. 41, 30th Cong., 1st sess., 557, 558, 561.

Captain Comaduran, sent to demand the mules and Indian goods left with him; that he refused, and declared he would resist force with force. He said I could see they were poor and naked, but they were content to live here by hard work on the spot which God had given them; and not like others to rob or steal; that they did not fear us, and run like the Apaches, because they made it a rule to injure no one in any way, and therefore never expected anyone to injure them. In fact the Apaches do not molest them; but it is owing to experience of their prowess.

"I have spoken to the two senior captains of the battalion on the subject of their settling near here; they seem to look upon it favorably. Captain Hunt asked my permission to talk to the chief on the subject, and I approved of it.

"The Pimos, large and fine looking, seem well fed, ride good horses, and are variously clothed, though many have only the center cloth; the men and women have extraordinary luxuriance and length of hair. With clean white blankets and streaming hair they present, mounted, quite a fine figure. But innocence and cheerfulness are their most distinctive characteristics. I am told the Mexican officers used every persuasion and promise of plunder to excite hostility toward us.

"A few bushels of sweet corn were bought and issued as rations.

"December 22d the march was resumed. Several miles short of the village, groups of men women, and girls were met, coming to welcome the battalion.

"The camp is full of the Indians, and a great many have some eatables, including watermelons, to trade; and they seem only to want clothing or cotton cloth and beads. I am sorry they will be disappointed. It reminds me of a crowded New Orleans market. There must be two thousand in camp, all enjoying themselves very much; they stroll about, their arms around each other, graceful and admirable in form; their language certainly sounds like ours; their honesty is perfect.

"The march was resumed the 23d. At the chief's house I stopped a few minutes; I told him I had seen many tribes, and that the Pimos were the happiest and most prosperous I had ever seen; that as long as they adhered to their principles of industry, honesty, peace, and cheerful content, they would continue so; that while they never injured their neighbors, their true safety lay in uniting to resist vigorously every aggression; that wishing them well, I desired to add to their comfort and welfare by introducing sheep among them, by giving him for the ultimate use of his people three ewes with young, which was the best I could do.

"The march was fifteen miles. The whole distance was through cultivated grounds and a luxuriantly rich soil; there is a very large zequia well out from the river; the plain appeared to extend in every direction fifteen or twenty miles. The camp was made at the village of the Maricopas; notwithstanding a different language, all that has been said of the Pimas is applicable to them. They live in cordial amity, and their habits, agriculture, and manufactures are the same, as also their religion, which consists in a simple belief in a great overruling spirit. This seems to have proved a foundation for a most enviable practical morality. Don Jose Messio is their governor. A few exchanges for fatter animals were made; the pack saddles in

excess of twelve to a company were disposed of. Eight mules, abandoned by the General, had been picked up by the Maricopas and were delivered to me.

"The hospitality and generosity of these allied tribes is noted; they feed and assist in every way travelers who are in need.

"They have the simplicity of nature and none of the affected reserve and dignity characteristic of other Indians before whites."²⁷

DANIEL TYLER

Sergt. Daniel Tyler, of Company C, of the Mormon Battalion, wrote the following:

"On the 22nd, we marched ten miles and arrived at the Pima village, supposed to contain about 4,000 inhabitants. They were quite a large-sized, fine-looking race of people and very industrious and peaceable. They engaged in agriculture and manufactured blankets and other fabrics by hand. The poison of the civilized asp is unknown among them, and our American and European cities would do well to take lessons in virtue and morality from these native tribes.

"Long before we reached the village we were met by the Indian women and children, many of whom were quite pretty and graceful, and walked generally by twos, with arms lovingly entwined around one another, presenting a picture of contentment and happiness that was very pleasing to look upon."²⁸

CHRISTOPHER LAYTON

Another soldier in Company C, Christopher Layton, afterwards a very distinguished citizen of Arizona, said this of the Pimas:

"When we reached the Gila River we made a halt, and while here hundreds of Pima Indians came into our camps. They seemed to be honest and industrious and glad to see us. We went through one village of them containing near four thousand inhabitants, peaceable and contented, engaged in agriculture and making blankets.

"Here we traded buttons (cut from our clothes) for cakes of bread—and also some old clothing for corn, beans, molasses, squash, etc.—but in the evening our colonel ordered all private provisions which could not be carried by the owners to be left on the ground. This seemed pretty hard when we were on only half rations, but a great deal was left.

"On the 23rd and 24th of December we camped at a village of Maricopa Indians, having traveled over a beautiful plain of rich, cultivated land. Here it was that Colonel Cooke suggested to our senior officer that this vicinity would be a good place for the exiled Saints to locate, which suggestion was very favorably received by the Indians."²⁹

²⁷ "The Conquest of New Mexico and California," 159-165.

²⁸ History of the Mormon Battalion in the Mexican War, 234.

²⁹ Autobiography of Christopher Layton, 83-84.

HENRY STANDAGE

The State historian of Arizona, George H. Kelly, has kindly furnished me with the following extract from the unpublished journal of Henry Standage, another member of the Mormon Battalion who later became a resident of Arizona:

"Dec. 21, 1846. Struck tents early and traveled till 10 a. m., when we came to a point from which we could see the Ela River and, on the other side, the long-looked-for country of California, the river running west and Sonora being on the south side and California on the north. About 2 p. m., when near the river, the Pemose Indians, some 200 in number, came to trade with us, bringing meal, corn, beans, dried pumpkins, and watermelons, which they readily exchanged for old shirts, etc. They really seem glad to see us, many of them running and taking us by the hand. The weather is very warm, like unto April in Illinois. Camped on the Ela River.

"22. To-day I traveled as rear guard. Quite warm, so much so that the brethren when stopping to rest were glad to seek a shade. Camped at the Pemose village. A great many Indians here, well provided for with grain, etc. Purchased some beans and meal from them so that we have full rations once more, though at our own expense.

"23. Traveled down the Ela. A great many Indians waiting by the roadside to look at us; fell in with General Kearney's trail; saw a loom and some Indians weaving blankets of cotton; see some spinning very curiously. Bought a cake for a button. Called at an Indian hut, where they gave us some stewed pumpkin. Traveled 15 miles. Camped on the river. General Kearney sent three pilots to guide us through to San Diego. They said we were a month ahead of the General's expectations.

"24. To-day we laid by to rest, there being good food for our teams, the Colonel also wishing to trade with the Indians. Early this morning they began to come into camp; probably at one time there were 1,000 in camp. Much trading was done by the Colonel and the men. I ate some watermelon to-day, which was a great rarity for Christmas time. Molasses, pumpkin, corn meal, flour, beans, buckskins, ponies, and various other things were brought in for sale.

"25. Struck tents at 10 a. m. and left the river and the Pemose villages to strike across a bend. Traveled till 10 o'clock p. m. Roads bad. I drove pack mules to-day."

FREDERICK TOWNSEND

Gen. Frederick Townsend, of the United States Army, likewise testifies to the friendliness of the Pima Indians.

"I passed through their villages in 1849 and found them the most interesting and friendly Indians I had yet encountered. They seemed to be gratified to have us among them and could scarcely do enough for us and, for Indians, appeared already to be pretty well up in the scale of civilization.

"They have at various times since the occupation of Arizona by our troops furnished to the military commanders large scouting parties for forays against the Apaches, while yearly they supply the

Government troops with all their surplus grain, and generally have hitherto in many ways evinced their desire to cultivate the most friendly relations with our people."³⁰

OLIVER M. WOZENCRAFT

To escape from an epidemic of yellow fever in 1849, Dr. Oliver M. Wozencraft organized a party in New Orleans for an overland journey to California. These were the first emigrants who traveled over the southern route to the Golden State, and it is estimated that 60,000 later went that way, all of whom received kind treatment and food from the Pimas. In an account of the journey Doctor Wozencraft says:

"Nothing of note followed until we reached the Gila River. There I met with a great misfortune in the loss of my fine horse. Having traveled over the long desert stretch between Tucson and the river without water or rest, the animals wearied, the men sleepy, I told them to dispense with the guard duty for the first time. There was an encampment of Sonorans near by, and the Pemos Indians below us were honest and friendly. In the morning my horse was gone. I could not realize it for some time. As the faithful creature would not have left by his own free will, I concluded the Pemos Indians were the culprits; some of them had passed the evening before, returning from a raid on the Apaches, and had looked at my fine horse. They assured me, however, of their innocence, and when I sent men in search it was found that some of the Sonorans had taken the back track and my horse with others."³¹

JOHN R. BARTLETT

The treaty of Guadalupe Hidalgo provided for a commission to locate the boundary between the United States and Mexico of which the Gila River formed a part. John R. Bartlett was appointed as the American commissioner. He wrote a most interesting account of his experiences, in which he mentions his visit to the Pima villages in July, 1852:

"The valley or bottom land occupied by the Pimos and Cocomarcopas extends about fifteen miles along the south side of the Gila and is from two to four miles in width, nearly the whole being occupied by their villages and cultivated fields. The whole of this plain is intersected by irrigating canals from the Gila, by which they are enabled to control the waters, and raise the most luxuriant crops. On the northern side of the river there is less bottom land, and the irrigation is more difficult. There are a few cultivated spots here, but it is too much exposed to the attacks of their enemies for either tribe to reside upon it.

"The villages consist of groups of from twenty to fifty habitations, surrounded by gardens and cultivated fields, intersected in every direction by acequias, which lead the water from the Gila. Their mode of irrigation is the same as that practised in various parts of Mexico. Their cultivated fields are generally fenced with crooked stakes, wattled with brush, the thorny mesquit predominating;

³⁰ "Among the Pimas," 98.

³¹ Through Northern Mexico in "49," Overland Monthly, Vol. VI, No. 35, 426.

although I noticed large patches of wheat a long distance from any village that were not inclosed.

"I have not cited the agriculture of these tribes as superior to that of all other Indians; although I may be safe in saying that the system is more extensively and methodically practised than elsewhere. Their lands are better irrigated, their crops are larger, and the flour which they make from their wheat and maize is quite as good as the Mexicans make, except in their gristmills.

There are no tribes of Indians on the Continent of North America more deserving of the attention of philanthropists than those of which I am speaking. None have ever been found further advanced in the arts and habits of civilized life. None exhibit a more peaceful disposition or greater simplicity of character, and certainly none excel them in virtue and honesty."³²

JOHN C. CREMONY

As interpreter for the boundary commission in 1852 and again as major of California Volunteer Cavalry in 1862, John C. Cremony became well acquainted with the Indians of the Gila River Reservation. He says:

"The country inhabited by the Pimos and Maricopas is a dead flat with clayey soil, which is extremely tenacious when wet, and sparsely covered with mesquit trees. It is a fine wheat land, and the Indians raise very abundant crops of wheat, melons, pumpkins, and corn; but their supplies are almost wholly limited to these articles. As before recited they manufacture a very superior quality of cotton blanket, which will turn rain, and is warm, comfortable and lasting.

"The Pimos have ever been most friendly to Americans and I have yet to learn of a single instance in which they ever harmed a white man. These Indians are not nomads. Their villages have remained in the same localities for hundreds of years. As their country affords no game, and they are by no means a warlike tribe, they maintain themselves in comfort and abundance by tilling the ground, and limit their warlike propensities to punishing the raids made upon them by other tribes."³³

A. B. GRAY

In a report relative to his services as surveyor with the Mexican Boundary Commission, dated May, 1853, Col. A. B. Gray, says:

"The public, I think, has been misled from misrepresentations made in regard to the resources of the region of country lying along the Gila and upon the line proposed for a railway at or near the parallel of 32° north latitude. Upon the Gila River grows cotton of the most superior kind.

"Its nature is not unlike that of the celebrated Sea Island cotton, possessing an equally fine texture, and, if anything, more of a silky fiber. The samples I procured at the Indian villages, from the rudely cultivated fields of the Pimas and Maricopas, have been spoken of as an extraordinary quality.

"Wheat, corn, and tobacco, together with beans, melons, &c., grow likewise upon the banks and in the valleys bordering the Gila and its tributaries.

³² Personal Narrative, pp. 232-233, 262-264.

³³ Life Among the Apaches, 89-106.

"A sort of candied preserve and molasses, expressed from the fruit of the *cereus giganteus* and agave *Americana* by the Indians was found by our party in 1851. The candied preserve was a most excellent substitute for sugar."³⁴

In his report dated February, 1855, to the president of the Texas Western Railroad Co. of his explorations along the thirty-second parallel, Colonel Gray says of the Pima Indians:

"They are unlike the Indians of Texas, or the Apaches, living in villages and cultivating the soil, besides manufacturing blankets, baskets, pottery, etc. Quiet and peaceful, they have no fears except from their enemies, the Apaches, and are very industrious, much more so than the lower order of Mexicans and live far more comfortably. It is astonishing with what precision they construct their *acequias*—irrigating canals—some of them the *acequias madre* of very large size and without the use of leveling apparatus, but simply by the eye. Their gardens and farms too are regularly ditched and fenced off into rectangles and circles with hedges and trees planted as if done by more enlightened people."³⁵

N. MICHLER

By the Gadsden treaty negotiated in the City of Mexico on December 30, 1853, the United States purchased an area of land extending southward from the Gila River to the present Mexican boundary. The principal Pima villages were located on the south bank of the Gila, and this treaty brought them under the jurisdiction of the American Government.

In May, 1855, Lieut. N. Michler, of the Corps of Topographic Engineers of the Army, traveled up the Gila Valley in charge of a survey party which later located the new boundary line between the United States and Mexico. In his report Lieutenant Michler says:

"Here the river makes a large bend to the north, and the road pursues a direct course over a *jornada* of forty miles without water, until you reach the Maricopa wells. After leaving these wells you again travel for twenty-nine miles along and occasionally touching the river; you also pass through several Indian villages of the Pimas and Maricopas. The former are further advanced in the art of agriculture and are surrounded with more comforts than any uncivilized Indian tribe I have ever seen. Besides being great warriors, they are good husbandmen and farmers, and work laboriously in the field. The women are very industrious, not only attending to their household duties, but they also work superior baskets, cotton blankets, belts, balls, &c. Their huts are very comfortable, being of an oval shape, not very high, built of reeds and mud, and thatched with tule or wheat straw. They are the owners of fine horses and mules, fat oxen and milch cows, pigs and poultry, and are a wealthy class of Indians.

"As we journeyed along this portion of the valley of the Gila we found lands fenced in, and irrigated by many miles of *acequias*, and our eyes were gladdened with the sight of rich fields of wheat ripening for the harvest—a view differing from anything we had seen since leaving the Atlantic States. They grow cotton, sugar, peas, wheat,

³⁴ S. Ex. Doc. 55, 33d Cong., 2d sess., 33.

³⁵ Southern Pacific R. R. Survey, 85

and corn; from the last two, parched and ground, they make a meal, which, mixed with water, forms a cooling and palatable drink. From the large emigration passing through they have learned the value of American coin, and you can use it in the purchase of anything. Encamping one day at the village of their principal chief, 'Cola Azul,' a swarm of them soon infested the camp bringing different articles for sale or barter. In a short time we had laid in a large supply of corn, much needed for our poor worn-out mules.

"A little hillock stands near the villages, used as a lookout, from which you have a beautiful view of rich cultivated fields. As I sat upon a rock, admiring the scene before me, an old grey-headed Pima took great pleasure in pointing out the extent of their domains.

"They were anxious to know if their rights and titles to lands would be respected by our government upon learning that their country had become part of the United States."³⁶

A. W. WHIPPLE

In his report on explorations for a railway route near the thirty-fifth parallel of latitude, dated July 31, 1854, Lieut. A. W. Whipple says:

"The southern banks of the Rio Gila, lately acquired by treaty from Mexico, contains large tracts of land capable of being irrigated and of producing excellent crops. Pima Indians from time immemorial—certainly since they were first visited by Coronado in 1542—have cultivated cotton of excellent quality. Specimens, which I showed to gentlemen in Texas, were pronounced nearly equal to the best Sea-island cotton of South Carolina. Tobacco, maize, wheat, beans, and melons are also cultivated by Pimas and Maricopas upon the Gila."³⁷

SYLVESTER MOWRY

In compliance with a request made by the Commissioner of Indian Affairs, Lieut. Sylvester Mowry submitted a report under date of November 10, 1857, on the Indian tribes of the Gadsden Purchase, from which the following is extracted:

"The Pimas and Maricopas are undoubtedly the most interesting and docile tribes of Indians on the continent. They occupy a beautiful portion of the Gila Valley, about twenty miles in length by four in width. They live in villages, raise luxuriant crops of corn, wheat, millet, melons, and pumpkins, and also cotton of excellent quality, resembling the sea island. It is from the black seed. They grind their corn and wheat and make palatable bread. They also spin and weave their cotton, by hand, into blankets of a beautiful texture, an art not acquired from the Spaniards.

"The district occupied by the Pimas and Maricopas is intersected in all directions by 'Acequias,' or irrigating canals, through which water from the Gila is drawn for purposes of cultivation. The Pimas, though not an aggressive, are a brave and warlike race. They are the dread of the Apache, who always avoids them.

³⁶ H. R. Ex. Doc. 135, 34th Cong., 1st sess., 117. ³⁷ House Doc. 129, pt. 2, 33d Cong., 3d sess., 27-28.

VICTORY OVER THE YUMAS

"The late battle between the Pimas, their allies, the Papagos and Maricopas, and the Indians of the Colorado River combined, with the Apaches, is probably the greatest Indian battle fought on this continent for many years past.

"The following account of the fight is from a letter received by me from an officer of the 3rd artillery, now at Fort Yuma:

FORT YUMA, September 16, 1857.

The Yumas have been most dreadfully beaten by the Maricopas, Pimas, and others. They have lost no less than two hundred of the flower of their chivalry. The opposing parties were, on one side, the Yumas, Mohaves, Yampais, and the Tonto Apaches, and one or two Dieganos; on the other, the Maricopas, Pimas, and Papagos.

"The former party commenced the attack by burning some wigwams and killing women and children belonging to the Maricopas. The grand battle was fought near the Maricopa wells, about one hundred and sixty miles above the mouth of the Gila. There were probably about fifteen hundred engaged on each side. The Yumas and allies were completely routed.

"We have not heard full accounts and know nothing of the losses of any tribe except the Yumas—scarce one of them left to tell the story; in fact, here they knew nothing of the affair until we told them. We learned it from the Texas mail party. All the Yumas are in mourning."

Another letter says:

"The Yumas and Mohaves suffered severely. Our old friend Soll Francisco, who acted as our agent in rescuing Olive Oatman from the Mohaves a year since, was killed. Out of about one hundred Yumas who went to battle only some six or seven returned."

"The Pimas have retained their wonted superiority and inflicted a blow upon their enemies which their children and their children's children shall recount and mourn around the camp fire.

"Until the late battle, a wholesome dread of the Pimas and Maricopas, on the part of the Colorado River Indians, had kept them at home, while the Pimas, content to mind their crops, remained peaceably in their villages.

"Antonio, chief of the Pimas, since dead, gave the number of his tribe at ten thousand in 1850. This is much too large, but I am unable to estimate their true force. In their intercourse with the whites the Pimas have always been friendly.

"Their stores of wheat and corn have supplied many a starved emigrant and restored his broken-down animals."³⁸

In 1857 Mowry also made this statement:

"The Pimos Indians, who live in villages on the Gila, one hundred and seventy miles from its mouth, raise large crops of cotton, wheat, and corn, and have for years supplied the thousands of emigrants who traverse the Territory en route to California. These Indians manufacture their cotton into blankets of fine texture and beautiful pattern, which command a high price. They also grind their corn and wheat, and make bread. In fact, the Pimos realize in their everyday life something of our ideas of Aztec civilization."³⁹

³⁸ S. Ex. Doc. 11, pt. 1, 35th Cong., 1st sess., 587-589.

³⁹ Memoir of the Proposed Territory of Arizona, 8.

DISTRIBUTION OF PRESENTS

The Indian appropriation act of February 28, 1859, provided as follows:

"SEC. 5. *And be it further enacted*, That the sum of ten thousand dollars is hereby appropriated to enable the Commissioner of Indian Affairs to make suitable presents to the Pimas and Maricopas, in acknowledgment of their loyalty to this Government and the many kindnesses heretofore rendered by them to our citizens."⁴⁰

The \$10,000 "for suitable presents to the Pimas and Maricopa Indians" was expended by Lieutenant Mowry as a special agent of the Indian Bureau in the purchase of agricultural implements, seed, cloth for women, etc. Under date of November 21, 1859, he reported as follows:

"The Pimos and Maricopas are divided into pueblos (villages) each of which has its own chief. I assembled the entire people of the two tribes, with the exception of a war party, which had gone out against the Apaches. The sight was at once novel and interesting; men, women, and children, the number could not have been less than 3,500, and by some of the spectators it was estimated much higher. In pursuance of my instructions, I explained the motive of the Government in making this munificent donation; that it was a mark of the President's approbation of the good conduct of the tribes since they had passed under the control of the United States Government; that the continuation of such friendly behavior would insure for them the favorable notice and a continuance of the bounty of the Government, while a departure from their hitherto good conduct would not only deprive them of all consideration but would subject them to speedy and severe punishment.

"In reply Antonio, the chief of the tribe, expressed his gratitude and that of his people for the kindness of the Government; desired me to say to the President "that they would teach their young men to use the implements sent to them, and would try to deserve the friendship of the Americans."⁴¹

In an address before the American Geographical Society in New York City on February 3, 1859, Mowry said:

"The Pimos and Maricopas occupy a beautiful and fertile tract on the Gila, one hundred and eighty miles from its junction with the Colorado. They are a brave and hospitable race; they live in villages and cultivate the arts of peace. Their regular fields, well-made irrigating ditches, and beautiful crops of cotton, wheat, corn, pumpkins, melons, and beans have not only gladdened the eye but also given timely assistance to the thousands of emigrants who have traversed Arizona on their way to the Pacific. Much as we pride ourselves upon our superior government, no measures have been taken to continue our friendly relations with the Pimos; and to our shame be it said it is only to the forbearance of these Indians that we owe the safety of the life of a single American citizen in central or western Arizona or the carriage of the mails overland to the Pacific."⁴²

⁴⁰ U. S. Statutes at Large, vol. 11, 401.

⁴¹ S. Ex. Doc. 2, pt. 2, 36th Cong., 1st sess., 725.

⁴² Arizona and Sonora, 30.

G. BAILEY

G. Bailey, a special agent of the Indian Department, submitted a memorandum to the commissioner on November 4, 1858, which, in part, is as follows:

"The Pimos and Maricopas, one of the most interesting tribes of Indians within our limits, occupy a strip of land, some fifteen miles in length, upon the Gila River, their principal village being distant one hundred and eighty-one miles from Fort Yuma, and ninety-nine from Tucson. Originally distant tribes, they have become so intimately allied by intermarrying that they may now be considered one people. According to a census table, furnished me by Lieutenant Chapman, a copy of which (marked A) accompanies this report, they number altogether four thousand six hundred and thirty-five, of whom one thousand three hundred and forty-four are warriors.

"These Indians are partially civilized and have some knowledge of agriculture. Lieutenant Chapman, in the report before referred to, describes their settlements as follows:

"Their pueblos extend along this stream (the Gila) some fifteen miles, some of them at a distance from the river proper of more than five miles, these being supplied with water by acequias. This valley, occupied by the Pimos and Maricopas, is to a great extent cultivated, and I have never seen richer soil or more beautiful fields. The acequias of crystal water, running from pueblo to pueblo all over the valley, make it present an appearance of beauty and civilization that is truly pleasing. The principal products of their labors are corn, wheat, pumpkins, beans, peas, and melons, &c., in great abundance.

"Although engaged in agriculture, and naturally peaceable, the Pimos and Maricopas are still a brave people, and formidable in the field. This is partly the result of their proximity to the Apaches, with whom they wage an unceasing war: I was informed, while passing through their territory, that they keep a force constantly in the field, and that three hundred of their young men were then absent on an expedition against their hereditary enemies.

"These Indians have strong claims upon the consideration of the United States Government, the prompt recognition of which not only justice and humanity but sound policy renders a matter of prime necessity. From the time they refused to assist the Mexicans in cutting off Colonel Cook's command, in 1847, they have ever been loyal to us; supplying grain and forage to emigrant and mail parties; aiding them in recovering their cattle strayed or stolen by the Apaches, and manifesting in every possible mode their desire to maintain friendly relations with us. Their chief recently boasted that 'the Maricopas had not yet learned the color of the white man's blood,' a remark which could not, I think, be predicated of any other tribe on the continent."

LETTER IN THE ALTA CALIFORNIA

Mr. Bailey further quotes with entire approval a letter printed on June 28, 1858, in the *Alta California*, a newspaper published in San Francisco:

"About ninety miles from Tucson, and directly on the route from Fort Buchanan to Fort Yuma, are the Pima villages, occupied by

the Pima and Maricopa Indians, who number some 1,500 warriors. These Indians, even before their country came into possession of the United States, were exceedingly friendly to the Americans, and being upon the direct route of the southern emigration, they were constantly called upon to aid in relieving the sufferings of the emigrants; they furnished grain and other provisions for reasonable prices and bestowed charity with more than Christian generosity.

"They were assured from time to time that when their country came into the control of the United States they would be bountifully rewarded with abundant agricultural implements. Trusting to these specious promises, they remained satisfied, and, since the year 1849, they have acted in the capacity of, and with even more efficiency than, a frontier military. They have protected American emigrants from molestation by the Apaches, and when the latter have stolen stock from the emigrants, the Pimas and Maricopas have punished them and recovered their animals; yet, in all this time, nothing has been done for them by our Government."⁴³

JOHN WALKER

John Walker was the first agent appointed for the Indians of the Gadsden purchase. In a report dated Tucson, New Mexico, September 29, 1859, he says:

"On my arrival here from Santa Fe I found it necessary to visit the Pima villages, as there were several little difficulties existing, and it appeared necessary that I should remain several days longer than was intended, as Mr. St. John seemed to have but little influence with them as yet. I remained and witnessed, on the arrival of Lieutenant Mowry, the distribution of various articles of clothing, farming implements, &c., which were all very gladly received. They are certainly now in a very prosperous condition, and, while remaining among them, I discovered that they nearly all had money, in amounts varying from fifteen to twenty-five dollars, which was additional proof of their ability to clothe their families. They also have fine stock in cattle and horses, &c.; and this year, as I stated in a former communication, their surplus has increased to a much larger amount than I had anticipated."⁴⁴

H. S. WASHBURN

H. S. Washburn, a United States deputy surveyor, wrote the following:

"It was on the 2nd day of July, A. D. 1856, that I crossed the Rio Colorado, about one mile below the mouth of the Rio Gila, for the purpose of examining in person so much of that country, generally known under the title of 'Gadsden Purchase,' as my limited time would permit. * * *

"At one hundred and fifty miles, I came to the Maricopa villages; ten miles further are the Pima villages, and twelve miles further the road leaves the river and turns south toward Tucson.

"We were well treated by the Maricopas and Pimos. They raise corn, pumpkins, beans, and melons in great abundance; also cotton,

⁴³ S. Ex. Doc. 1, 35th Cong., 2nd sess., 554-555.⁴⁴ S. Ex. Doc. 2, 36th Cong., 1st sess., 719.

from which they weave cloth and make their own clothing. With them ignorance is bliss. They have nothing, to all appearances, to disturb them, but are the embodiments of contentment—strangers to trouble and vice; they know nothing of the pangs and misery produced by hankering, craving, and striving after the almighty dollar. If our every-day fault-finders, grumblers, and chronic growlers at their hard lot would but pay these simple natives a visit and apply the lesson, it would certainly pay them an hundredfold to take the journey.”⁴⁵

SAMUEL W. COZZENS

In an account of his travels in Arizona in 1859 Samuel W. Cozzens says:

“This reservation is about twenty-five miles long and seven miles wide, and is situated on both sides of the Gila.

“Nearly the whole of the land thus set apart has been cultivated by these Indians for more than three hundred years, and still without dressing of any kind yields full thirtyfold crops. Colonel Grey, whom we met here, and who had surveyed the reservation, assured us that they had at least four hundred miles of acequias already constructed upon the reservation, and for many years had raised fine crops of wheat, corn, tobacco, and cotton.

“They have nearly a thousand separate enclosures, which are divided by very excellent fences, made of crooked sticks and mesquit. During the year of our visit they had sold the mail company more than four hundred thousand pounds of wheat, besides large quantities of corn, beans, pumpkins, and melons.”⁴⁶

ABBE EM. DOMENECH

In a work by Abbe Em. Domenech, apostolical missionary, entitled “Seven Year Residence in the Great Deserts of North America,” “written to make known the wildernesses of the New World and their inhabitants,” and published in London in 1860, this passage occurs:

“The Pimas are very industrious. They cultivate their land; they have excellent farms, which yield them wheat, Indian corn, cotton, and vegetables, and they also rear poultry, sheep, and horses. They wear woolen or cotton blankets of their own manufacturing. Their arms are like those of other Indians, and they often make use of them against the Apaches and other tribes of the Colorado. Yet this is not owing to any quarrelsome inclination, as the Pimas are, above all, sociable and laborious, and united amongst themselves.”⁴⁷

THOMAS EDWIN FARISH

That the crops grown by the Pimas and Maricopas attracted traders is shown by the following extracts from the History of Arizona by Farish:

“Maricopa Wells was never embraced within the boundaries of Maricopa County, but, being so closely identified with the prosperity of the settlements along the Gila and the Salt Rivers, its history is not

⁴⁵ Cincinnatus, Travels on the Western Slope, 338-341.

⁴⁶ “The Marvelous Country,” 186-187.

⁴⁷ Vol. 2, 51.

out of place here. It was a point in central Arizona from which all parts of the Territory were reached. Here came the shipments from California to be distributed to the different military posts of Pima County, and here was marketed great quantities of grain and other produce, raised by the Maricopa and Pima Indians. It was one of the stations built by the old Butterfield Stage Company, which ceased operations and abandoned its posts throughout Arizona at the beginning of the Civil War.

“Here Mr. John B. Allen established a small store and grain station, which he conducted for some time, and later on Grinnel & Co. also started a similar establishment. Not far from the Wells, Henry Morgan, afterwards one of the early Phoenix merchants, had a small trading post, where he bought wheat from the Indians in return for the necessaries of life. At an early day the large mercantile establishment of George B. Hooper & Co., of Arizona City, now Yuma, maintained a branch store at the Wells, where they purchased quantities of grain for their trade.”⁴⁸

S. HUNTER

At the outbreak of the Civil War the small number of Federal soldiers stationed in Arizona were withdrawn and the country left to be ravaged by the Apaches. It was in June, 1861, that Maj. Isaac Lynde issued his order to the commanding officer at Fort Buchanan, Ariz., to “abandon and destroy your post, burn your commissary and quartermaster stores, and everything between the Colorado and the Rio Grande that will feed an enemy.”

Confederate troops, under command of Gen. H. H. Sibley, occupied the Rio Grande Valley late in 1861. Capt. S. Hunter, commanding Company A of Colonel Baylor's regiment of Texas Mounted Rifles, was sent with a detachment into Arizona. The following is taken from a report written by him at Tucson, April 5, 1862:

“Immediately after the departure of Colonel Reily on March third for Sonora, accompanied by an escort of twenty men under Lieutenant Tevis, I started with the rest of my command for the Pimas villages, where, after my arrival, I negotiated friendly relations with the Indians; arrested A. M. White, who was trading with them, purchasing wheat, etc., for the Northern troops, and confiscated the property found in his possession, a list of which I send you. Among the articles confiscated were one thousand five hundred sacks of wheat, accumulated by Mr. White and intended for the Northern Army. This I distributed among the Indians, as I had no means of transportation and deemed this a better policy of disposing of it than to destroy or leave it for the benefit (should it fall into their hands) of the enemy.

“While delaying at the Pimas villages, awaiting the arrival of a train of fifty wagons, which was reported to be en route for that place for said wheat (which report, however, turned out to be untrue), my pickets discovered the approach of a detachment of cavalry, which detachment, I am happy to say to you, we succeeded in capturing without firing a gun. This detachment consisted of Captain McCleave and nine of his men, First California Cavalry. The captain

⁴⁸ Vol. 6, 64-65.

and Mr. White I sent in charge of Lieutenant Swilling to the Rio Grande." ⁴⁹

THE CALIFORNIA COLUMN

To repel this Confederate invasion 5 troops of Cavalry, 10 companies of Infantry, and a light battery of Artillery were recruited in California under the command of Col. James H. Carleton. The following is an account of the only battle of the Civil War which took place on Arizona soil:

"The troops composing the 'column' were assembled at Fort Yuma in April, and early in that month information was received at that post that the Confederates, under Hunter, were on their way down the Gila, when a reconnoitering party, under Captain William P. Calloway, consisting of his own company, I, First California Infantry, a detachment of Company A, First California Cavalry, under Lieutenants James Barrett of Company A and E. C. Baldwin, of Company D, and a detachment of Company K, First Infantry, under Lieutenant Jeremiah Phelan, with two mountain howitzers, was sent out with orders to proceed along the overland route as far as Tucson. This command reached the Pimos villages with no other signs of the Confederates than a number of burned haystacks at the different stations.

"Upon approaching the Picacho, April 15, 1862, the Indian scouts brought information that a detachment of Confederates was in the immediate front. The detachment of Cavalry was ordered to make a wide detour, so as to strike them on the flank, while the captain, with the main party, was to attack them in front. The enemy was not found in the immediate front, but, after traveling several miles, rapid firing was heard in advance, and arriving upon the spot, it was found that Lieutenant Barrett had located the Rebel pickets, and the first information they had of the Union force was there charging in among them. Lieutenant Barrett and two men were killed and three men wounded. These were the first California Volunteers killed or wounded during the war. The Rebel loss was two men wounded and three prisoners. The graves of the Union lieutenant and his men may now be seen within twenty feet of the Southern Pacific Railroad as it goes through Picacho Pass.

The Union force remained on the ground that night, and the next morning the captain, against the protests of all his officers, ordered his party to fall back. Near Stanwix Station they met the advance of the 'California column,' under Colonel West, when all proceeded to the Pimos villages, where a permanent camp was established, an earthwork thrown up about the flouring mill of Mr. Ammi White, who had been carried away prisoner by Captain Hunter a few days before. This earthwork was named Fort Barrett, in honor of the young lieutenant who had been killed in the skirmish at the Picacho. A halt was made here to allow the different detachments of the 'column' to close up, as not over four companies could move together over the desert on account of the scarcity of water."

⁴⁹ Records of the Rebellion, series 1, vol. 9, 708.

J. R. WEST

Without the wheat and other supplies obtained from the Pima Indians it would have been impossible for the California Volunteers to have marched across Arizona. That these supplies were cheaply obtained is shown by the following extract from a report written by Col. J. R. West, of the first California Infantry:

"The following scale of prices has been agreed upon with the Indians:

"Four quarts of flour, weighing four and one-quarter pounds, for one yard manta (white cotton cloth).

"Seven quarts wheat, weighing thirteen pounds, for one yard manta.

"Four quarts pinole, weighing five and one-half pounds, for one yard manta.

"Fifty pounds hay or one hundred and fifty pounds of green fodder, for one yard manta.

"These prices are much for the interest of Government, and it is to be hoped that the facilities for purchasing of the Indians will enlarge. Manta may be called the staple article with them, but such goods as were asked for by the colonel commanding, in his letters of December, 1861, on the Mojave expedition, are indispensably necessary for the practice of an economy of great advantage. The daily consumption of the present demand for forage is as follows:

280 horses, wheat 12 pounds, 3,360	} 3,945 pounds, equals.....	Yds. manta
65 mules, wheat 9 pounds... 585		303½
345 animals, hay 14 pounds, 4,830 pounds, equals.....		96½
Daily consumption of manta.....		400

Colonel West also states:

"I am, however, trading under every disadvantage. It is difficult to make this people understand the magnitude of our demands, and further, I have nothing but promises to offer them in payment."

JAMES H. CARLETON

After his arrival at the Pima villages, Colonel Carleton wrote a report which, in part, is as follows:

"The Pimas and Maricopa Indians have already sold to us for manta and on credit one hundred and forty-three thousand pounds of wheat. Of the new crop, it is estimated that they will have for sale, say, two hundred tons of wheat. I held a council with them to-day, and promised to have sent down from San Francisco the additional supply of manta and the Indian goods asked for in my letter of the tenth instant.

"The Pimas and Maricopas are the finest Indians I have ever seen, and will be of great service to us and to the Overland Mail Company, which eventually is certain to run over this route. The Apaches are their hereditary enemies. The Apaches have murdered people on the route and possessed themselves of arms, with which they now, for the first time, successfully assail the Pimas. The latter pray to be furnished with arms, not only to defend themselves, but to punish the Apaches. I beg to respectfully request

that the general will cause to be sent to my address, at Fort Barrett, one hundred stand of the old muskets (percussion) with ten thousand rounds of buck and ball cartridges and with a supply of bullet molds for the muskets. These can be issued direct to the chief, who will be responsible for them, or which would not be as well, to the commanding officer, at Fort Barrett, for the use of the Indians when necessary."

"The general may rely upon it, this would be a great favor to this worthy people, who have always been our best friends."⁵⁰

JAMES M. McNULTY

In a letter to the Suregon General of the Army written at Santa Fe, N. Mex., in October, 1863, Surg. James M. McNulty, of the California Vounteers, makes the following statement:

"It was ascertained that Tucson was still in the hands of the Texans. Their pickets extended down the Rio Gila till within 50 miles of Fort Yuma. Hay deposited at different points by Colonel Carleton's agents was burned. The Pima Indians are an agricultural people, and cultivate large quantities of wheat. Knowing this fact and the importance of securing as much as possible, Colonel Carleton had for some time been in communication with an American living at these villages. He was directed to purchase all the wheat the Indians had. A considerable quantity was thus accumulated; but before the advance of the column reached that point the Texans had destroyed it all, with the exception of a small quantity the Indians had cached. This was a serious loss, but the growing crops had not been molested, and Colonel Carleton was enabled to secure a considerable amount for his animals."⁵¹

MILITARY SERVICES OF THE PIMAS AND MARICOPAS

Thomas Edwin Farish has written the following regarding the services of the Pimas and Maricopas at the close of the Civil War period:

"The records are very 'imperfect' * * *. It appears that four companies were organized, one being of Pima Indians and another of Maricopa Indians, the other two companies being largely made up of Mexicans. John D. Walker, who afterwards became identified with many industrial interests in the Territory, was captain of the Pima Indians company; Antonio Azul, a Pima chief, was their first lieutenant; and W. A. Hancock, who afterwards located in the Salt River Valley and became identified with the early settlement of that portion of the Territory, was made second lieutenant. The only records of Indian fighting by these companies that I have been able to obtain are as follows:

"PIMA VILLAGES, A. T.,
"April 5th, 1866.

"GENERAL: In compliance with your circular of March 30, I have the honor to state that my company is now on detached service at this place per S. O. No. 27, Hd. Qrs., Fort McDowell.

"The company left this place on the 27th ult., accompanied by two hundred and sixty volunteers Pimas and forty enlisted men of Company B, 1st Inf. A. V. Had a fight with the Apaches on the morning of the 31st, killing twenty-five

⁵⁰ "Record of California Men in the War of the Rebellion, by Richard H. Orton. 47-51.

⁵¹ H. R. Mis. Doc. 41, 47th Cong., 2d sess., 597.

Apaches, taking sixteen prisoners and eight horses. Had three Pimas wounded, one of whom died on the 1st. My company are armed with Mississippi rifles, worn, and are at present well clothed, but during the first six months' service they were not. If the Territory could furnish two hundred carbines and pistols for two companies of mounted Pimas, it would be of great service in ridding this country of Apaches. The arms could be stored here and given to the men when going on campaigns and returned here again on returning without danger of being lost.

"Yours respectfully,

"J. D. WALKER, Lt. 1st, Inf. A. V.

"W. H. GARVIN, Adjt. Genl., Ty. Arizona.

"When Captain Walker received his discharge from the service, he settled among the Pimas at Sacaton, and, being part Indian himself, was adopted into the tribe. He was descended from one of the Illinois tribes. He was a natural linguist and soon mastered the Pima language."⁵²

MEMORIAL BY THE LEGISLATURE

In a memorial to Congress adopted by the second legislature of the Territory of Arizona in December, 1865, it was particularly requested that the services of these Indian troops be continued:

"Your memorialists further pray that the companies of volunteers recruited in the Territory during the present year, under authority of the War Department, and particularly those composed of the Pima and Maricopa Indians—who are familiar with the homes and haunts of the Apache, and are eager to punish him for accumulated wrongs—may be continued in the service for the term of two years from the time of their mustering in."⁵³

RICHARD CUNNINGHAM M'CORMICK

Hon. Richard C. McCormick, Delegate to Congress from the Territory of Arizona, in a speech delivered in the House of Representatives on July 11, 1870, said:

"The people of Arizona have long been of the opinion that a force recruited in the Territory, composed of men familiar with the country and with the habits and haunts of the hostile Indians, would be the most economical and effective. Their judgment in this matter is sustained by indisputable evidence. In 1865 the governor was given authority to raise such a regiment, but when he had four companies mustered in he was prohibited from recruiting more on account of the stoppage of hostilities at the East, the Government seeming to lose sight of the fact that there was no cessation in Arizona. These four companies, although, according to the report of the adjutant general of the Territory, they were poorly provided for and suffered many privations, punished the Apache most severely.

"General McDowell, commanding the department of California, including Arizona, referring to them in his report of October 18, 1866, uses the following language:

"They were the most effective troops for the service in that country that we have had, and have done more than all the others together. In fact, it is not too much to say that they only within the last year have inflicted any considerable injury on the hostile Apaches. The regular troops, unused to a different kind of warfare, unused to the kind of life necessary to obtain any results against the Indians in Arizona, seem to acquire very slowly the experience necessary to enable them to be effective for offensive operations.

⁵² History of Arizona, vol. 4, 96, 97, 117.

⁵³ Congressional Globe, vol. 43, 618.

"Major General Halleck, in his report of the same year, refers to the efficiency of these troops, and says:

"It is greatly to be regretted that they could not be retained in the service.

"As governor of the Territory in 1866, in a communication to the Secretary of War, I urged the employment of such a force and showed its importance as a measure of economy."⁵⁴

PENSIONS FOR INDIAN VETERANS

I am glad to say that as a tardy recognition of their services the House on March 14, 1924, passed a bill which I introduced granting pensions of \$20 per month to the five surviving members of Company B, First Arizona Volunteer Infantry. These old men are all Maricopa Indians and their names are Cheroquis, Katok, Mosak, Wamett Shom, and Machie Gulack.

JOHN NOBLE GOODWIN

The Territory of Arizona was created out of the western half of New Mexico by the act of Congress approved February 24, 1863, and John N. Goodwin, of Maine, was appointed by President Lincoln as the first Governor of Arizona. In a message delivered on September 30, 1864, to the first Territorial legislature Governor Goodwin said:

"Our isolated and remote situation, the large number of Indians in our midst that might be combined against us, the long hostility and brutal ferocity of some tribes, compel us to avail ourselves of all means for self-defense and protection. The Pimas, Papagoes, and Maricopas, our well-trying and faithful allies, maintain the same friendly intercourse that has always existed between them and us. I hope that nothing will be left undone on our part to strengthen and perpetuate amicable relations with them and other friendly tribes by removing all just causes of complaint and promptly redressing all grievances."⁵⁵

CHARLES D. POSTON

Hon. Charles D. Poston, the first Delegate to Congress from the Territory of Arizona, delivered a speech on Indian affairs in the House of Representatives on March 2, 1865. Of the Indians of the Gila River Reservation he said:

"The Pimas and Maricopas are a confederated tribe, living on the Gila River one hundred and eighty miles from its confluence with the Colorado. They are an agricultural people, living entirely by the cultivation of the soil, and number some seven thousand five hundred souls. They have always been friendly to the Americans and boast that up to this day they do not know the color of the white man's blood. They hold one of the strongest positions on the continent, accessible only after crossing deserts in every direction, and have here defended their homes and fields against the barbarous Apaches from time immemorial.

"They have a very good tract of land, set apart by metes and bounds plainly marked, have their irrigating canals in good condition, and present every evidence of a thrifty population, producing more than they consume.

⁵⁴ Congressional Globe, vol. 43, 616.

⁵⁵ Farish, History of Arizona, vol. 3, 111.

"They deserve the highest consideration of this Congress. It would have been impossible for the Government troops in that Territory to have subsisted there but for the supplies furnished by these Indians. They are in fact the laboring population of that Territory. They produce supplies both for the Army and for the miners. They were colonized by the Spanish Jesuits a hundred and fifty years ago, and they are monuments of the civilization and prosperity of that country at that time. They have cultivated the land there from time immemorial. When the Spaniards entered that country three hundred and forty years ago, they found these Indians in a high state of civilization. It is a good country for agricultural purposes, and during my administration of Indian affairs in that Territory the last year I had the pleasure of contributing something to the improvement of those Indians by giving them cottonseed, hoes, spades, shovels, etc."⁵⁶

Colonel Poston later wrote the following:

"The Pima Indians have lived in their villages on the Gila River from time immemorial; at least they have no tradition of the time of their coming. The water from the Gila River to irrigate their lands is obtained by canals constructed by the common labor of the tribe. Their subsistence is wheat, corn, melons, pumpkins, vegetables, and the wild fruits. They have herds of cattle, plenty of horses, and great quantities of poultry.

"The Americans are indebted to the Pima Indians for provisions furnished the California emigration, and for supplies for the early overland stages, besides their faithful and unwavering friendship.

"At the time of our first exploration (1854) there was virtually no civilized population in the recently acquired territory. The old pueblo of Tucson contained probably three hundred Mexicans, Indians, and half breeds. The Pima Indians on the Gila River numbered from seven to ten thousand, and were the only producing population."⁵⁷

My father and Colonel Poston were great friends and he was a frequent visitor in our house when I was a boy. He gave my father a copy of a poem which he says "was written in a mud hut, on a dirt floor; without the advantage of a single book of reference, with no more knowledge of metrical composition than a donkey has of a vardstick; and goes into the world a simple child of the desert, like the author."

The following extracts will, I trust, be of interest:

The Indians here are called Pimos—
In writing, it is spelled Pimas;
For Jesuit fathers undertook
Of Pima tongue to make a book,
And composed a Pima dictionary
For acolytes about to carry,
The text of which, sent back to Spain,
Is preserved in convent San Augustine.⁵⁸

⁵⁶ Congressional Globe, vol. 36, pt. 2, 1319-1320.

⁵⁷ Overland Monthly, July, 1894, 90-91.

⁵⁸ See "Grammar of the Pima or Nevome, a language of Sonora" (Arte de la Lengua Nevome qui se dice Pima), from a manuscript of the eighteenth century, obtained in Toledo, Spain. Edited by Buckingham Smith, New York, 1862.

The Pima's name's much controverted,
 And many remain still unconverted
 To this or that man's theory,
 As we learn naught of history.
 You ask a Pima how to go,
 Or something that he does not know,
 He's sure to answer you "pima'-ch,"
 If favor's asked, he says "pia'-ch."

The Pimas took us in their hands,
 Like good and kind samaritans;
 Fed us with dainty chicken broth,
 And gave us clothes of cotton cloth,
 Of fiber woven by their hands,
 From cotton raised upon their lands.

From here above for twenty miles
 The Pima cultivation smiles.⁵⁹

J. ROSS BROWNE

J. Ross Browne, in his day a famous world traveler, accompanied Poston, who had been appointed Indian superintendent, on a tour through southern Arizona. Anton Azul, who, as chief of the Pimas, had been to Washington to see the Great White Father, returned to his people with them. In January, 1864, Browne and Poston stopped for several days at the flour mill and trading post of Ammi White on the Gila River Reservation. In his much-quoted book Browne says:

"The length of the reservation is about twenty-five miles—breadth, four; and the River Gila runs through it from one end to the other. Three large acequias take their head near the upper boundary; one on the south side of the river two miles below Sacatone, and the other on the north side. Their villages have afforded the only protection ever given to American citizens in Arizona. If it were not for the Pimas and Maricopas it would now be impossible to travel from Fort Yuma to Tucson."

Mr. Browne probably obtained the following information from Ammi White:

"In 1858, the first year of the Overland Mail Line, the surplus crop of wheat was 100,000 pounds, which was purchased by the company; also a large quantity of beans, called taperis, and a vast quantity of pumpkins, squashes, and melons. In 1859 Mr. St. John was sent among them as a special agent with a supply of seeds and some agricultural implements. That year they sold 250,000 pounds of wheat and a large supply of melons, pumpkins, and beans. In 1860 they sold 400,000 pounds of wheat—all the Mail Co. would purchase. They had more, and furnished the Government and private teamsters all that was necessary for transportation from Fort Yuma to Tucson. Beyond this they had no market, except for about 40,000 pounds of wheat which Mr. White purchased for the supply of Fort Breckenridge. In 1861 they sold to Mr. White 300,000 pounds of wheat, 50,000 pounds of corn, 20,000 pounds of beans, and a large amount of dried and fresh pumpkins, which was all intended for the supply of the California column. The greater part of this crop was destroyed or given back to the Indians by the Texans under

⁵⁹ Apache Land, 34, 35, 88, 124.

the guerrilla, Hunter, who arrived at the Pima villages that year, robbed Mr. White of his property, and took him prisoner in their flight to the Rio Grande. The Pimas sold, during the same year, 600 chickens and a large amount of other stuff, showing a gradual increase of production under the encouragement of an increased demand. In 1862 they sold to the Government over a million pounds of wheat, included in which was a portion of the previous year's crop, returned to them by the Texans. They furnished pinole, chickens, green peas, green corn, pumpkins, and melons for the entire California column, subsisting nearly a thousand men for many months. In 1863 they furnished the Government with 600,000 pounds of wheat and disposed of about 100,000 pounds made into flour and sold to miners and traders."⁶⁰

RICHARD C. M'CORMICK

In a letter to the editor of the New York Tribune dated June 1, 1865, and published on the 26th of the month, Hon. Richard C. McCormick, then secretary of the Territory of Arizona, says:

"A portion of the Gila Valley is occupied by two tribes of Indians noted for their good traits, the Pimas and Maricopas. The lands cultivated extend from 16 to 20 miles along the river, centering at the Pimas villages. Irrigating canals conduct the water of the Gila over all the district. The Indians raise wheat, corn, millet, beans, pumpkins, and melons in great abundance. They also raise a superior quality of cotton, from which they spin and weave their own garments. There is a steam grist mill at the Pima villages, and a large quantity of excellent flour is annually made. I have no doubt that the Gila bottoms alone afford arable land sufficient to raise food for a densely populated State."⁶¹

HERMAN ERHENBERG

Herman Erhenberg says in a letter to the Commissioner of Indian Affairs written under date of November 1, 1866:

"The Pimas and Maricopas have a reservation of 100 square miles, part of which they cultivate with extraordinary diligence and success. They not only supply their own wants, but also those in a great measure of the military and mail departments, the mining districts north of the Gila, and the capital of the Territory. They are semi-civilized, docile, and honest."⁶²

LEVI RUGGLES

The report of Levi Ruggles, agent for the Pimas in 1866, contains the following:

"The Indians are able and willing to make all the necessary improvements upon lands needed by them for cultivation; and I think it a much better policy that they be required to make all their own improvements than that the Government should pay for them, thereby encouraging them in idleness. My policy, while conducting

⁶⁰ Adventures in the Apache country, 107, 110, 111.

⁶¹ Arizona: Its resources and prospects, 15.

⁶² Report of Indian Commissioner, 1866, 109, 110.

matters in this agency, has always been to encourage the Indians in industrious habits, and with this view I have asked for all their presents to be made of farming implements.

The wheat crops of the Pimas are this year abundant and they are now nearly through harvesting it. Their sales of wheat alone to the various trading posts amount to about 15,000 pounds daily at this time, for which they receive 2 cents per pound in coin, silver coin being shipped here for the purpose of buying their grain."⁶³

JAMES F. RUSLING

Under orders from the Quartermaster General, directing a tour of inspection of the military posts in the West, Brig. Gen. James F. Rusling traveled up the Gila Valley in 1867. He gives the following account of the Indians:

"The Maricopas and Pimas have a reservation here together, some 25 miles long by 4 or 5 wide, embracing both sides of the Gila, and live in 12 different villages scattered over it. Two of these are occupied wholly by Maricopas, the rest by Pimas. Both tribes are a healthy, athletic, vigorous looking people, and they were decidedly the most well-to-do aborigines we had yet seen. Unlike most Indians elsewhere, these two tribes are steadily on the increase; and this is not to be wondered at, when one sees how they have abandoned a vagabond condition and settled down to regular farming and grazing. They have constructed great acequias up and down the Gila, and by means of these take out and carry water for irrigating purposes over thousands of acres of as fine land as anybody owns. Their fields were well fenced with willows, they had been scratched a little with rude plows, and already (March 9) they were green with the fast-springing wheat and barley. In addition, they raise corn, beans, melons, etc., and have horses and cattle in considerable numbers. One drove of their livestock, over 2,000 head, passed down the road just ahead of us, subsequently when en route to Tucson, and we were told they had many more. The year before these Indians had raised and sold a surplus of wheat and corn, amounting to 2,000,000 pounds, besides a large surplus of barley, beans, etc.

"These Indians, it appears, have practiced agriculture somewhat from time immemorial, and they should be encouraged in it, as there is no surer way of 'pacifying' or civilizing them. During the rebellion they furnished two companies to the Union volunteers in Arizona, and the most of these had just reenlisted, to serve as scouts against the Apaches."⁶⁴

MICHAEL JAMES BOX

In an account of his 10 years of travel in New and Old Mexico, published in 1869, Capt. Michael James Box, of the Texas Rangers, says of the Indians of Gila River Reservation:

"These villages, which cover the whole of 15,000 acres, are extensive farms, in a high state of cultivation, and are irrigated from the Gila. The Pima and Maricopa Indians are in quite an advanced stage of civilization, own these villages, and raise stock, wheat, corn, beans, pumpkins, and some very fine-flavored water-

⁶³ Report of Indian Commissioner, 208.

⁶⁴ The Great West and Pacific Coast, 369-370.

melons. These Indians have been useful in furnishing grain to the United States troops and Overland Mail Co., and deserve praise for their services to the California emigrant, whom they have met on the road with provisions in many cases. They are very friendly tribes, giving their protection when needed against the warlike Apaches.

From the Pima villages southward 90 miles to Tucson, there are no settlements except the mail stations. The names of the stations are Saketon, Soldier's Grave, Bluewater, Picachee, and Point-of-Mountain. This last is 18 miles from Tucson."⁶⁵

RICHARD J. HINTON

Richard J. Hinton says of the Pimas:

"They number, with the Maricopas, 4,316. The reservation commences near Maricopa Wells, on the Overland stage road, extending about 25 miles on the Gila toward Florence, by 4 miles in width, and comprising 64,000 acres in area. They are mostly on the reserve, but about 200 families live on the Blackwater lands adjacent, where they find good land and more water. They use in general wooden plows (more, perhaps, from necessity than choice) attached to the horns of oxen, in the old Mexican style; but have lately obtained a few light iron plows and American wagons. Notwithstanding such drawbacks they have, since the American occupation of the Territory, raised considerable surplus grain, from which the military in southern Arizona, as well as the mail stage company and others, have been largely supplied. They have always proved themselves good warriors, and have been uniformly successful in resisting the incursions of the Apaches. In the 'dark days' of Arizona their villages, with those of the Papagoes, often afforded the chief protection Americans had in the southern portion of the Territory. But for the Pimas and Maricopas there would have been for years no security for ordinary travel between Fort Yuma and Tucson."⁶⁶

DANIEL W. JONES

In September, 1875, Daniel W. Jones, his son, Wiley C. Jones, J. Z. Stewart, Helaman Pratt, R. H. Smith, Ammon W. Tenney, and A. W. Ivins left Nephi, Utah, on a missionary trip to Mexico for the Mormon Church. They traveled overland through Arizona and stopped for a few days at Sacaton. I knew Mr. Jones when I was a boy and have often listened with interest to his descriptions of his experiences in the Mexican War and on the frontier. The following extracts are taken from his account of a meeting with the Pima Indians:

"This being the day appointed for the meeting, about 10 o'clock the Indians commenced gathering. We found an excellent interpreter in Francisco Capulla. He seemed quite intelligent and ready to comprehend what we told him. We talked quite a while with the interpreter before requesting the people to listen to us. Finally there gathered between three and four hundred.

"We were told that all the captains had arrived and were ready to listen to what we had to say. I told the interpreter to explain to

⁶⁵ Adventures and Explorations, 323-326.

⁶⁶ Handbook to Arizona, 363-4.

them what we had been telling him. He talked quite a while in the Pima tongue, in an earnest, spirited manner. When he got through a few remarks were made by some of the old men. The interpreter told us they were much interested in what they had heard and wished me to talk more, and tell them about their forefathers. Said they knew nothing about them, but that they always understood that some time there would be those coming among them who knew all about these things.

"The interpreter asked me to go on and talk to the people. The Indians got very much interested when I commenced to explain to them the Book of Mormon. (I will here say that in all my labors among the Indians I have never known of one failing to be interested when the Book of Mormon was introduced.) These Pimas were intelligent and capable of understanding all we said to them.

"Brother Tenney being a good interpreter, having had much experience among the natives of Lower California, explained with much clearness the gospel of repentance to these people. A good spirit prevailed and the Indians manifested a desire to be instructed, acknowledged their degraded condition, and said they wished the Mormons would come to their country to live and teach them how to do. We all felt well paid for the hardships we had gone through, for we could see here was a chance for a good work to be done.

"We were in no way annoyed. Our animals were watched and brought in regularly to feed. When we got ready to start on, everything was in good shape. We bade the Indians good-by, promising that the Mormons would visit them again and some of them would probably come and live in their country."⁶⁷

HIRAM C. HODGE

In a little book written by Col. Hiram C. Hodge, one of the first health seekers to benefit by Arizona's climate, this passage occurs:

"The Pima Indians live on the Gila River Reservation, about midway between Yuma and Tucson, and with the Maricopas, who live on the reservation with them in the most perfect harmony, number 4,326. They have from time immemorial been quite successful agriculturists, and now raise considerable quantities of wheat, pumpkins, melons, etc. In 1876 they sold nearly 2,000,000 pounds of wheat at about 3 cents per pound."⁶⁸

ENOCH CONKLIN

Enoch Conklin was one of a party which visited the mines of the Aztec Mining Co. in the Santa Rita Mountains in December, 1877. They passed through the Gila River Reservation, of which he gives the following description:

"Beyond the station at Maricopa Wells is located the Pima Indian villages. In all the distance from here to Florence may be seen crops of corn, grain, and the smaller vegetables cultivated by the Indians. The Pimas are notable for their industry.

"So interested had our party become with Indian life, and so much in excess of anything we had yet seen, in point of numbers and in permanent settlements were the Pimas, that we made a stop here

⁶⁷ Forty Years Among the Indians, 247-248.

⁶⁸ Arizona As It Is, 160,161.

longer than usual, and had our ideas of Indian life very much exalted by doing so. The Pimas are located on a rich and fertile strip of land 200 miles from the Colorado River, east. Although to a man just from the Yosemite the plain might seem a little tame, the background of picturesque mountains that jut up and relieve the valley plain, with the little Indian village of dome-shaped dwellings scattered along the foreground is interesting.

"All over this village may be seen the Pima women going to and fro on some active mission of labor; while over the whole sunny reservation may be seen patches of peas, beans, pumpkins, melons, and vegetables of all kinds; while vast fields of wheat, barley, corn, and the larger crops may be seen farther off. Sorghum has proved a profitable crop in this valley. In 1863 they sold 700,000 pounds of wheat and flour to the Government garrisons and travelers and miners through the southern Gila Valley. One might say this looks a little like business, and have a curiosity to see this people. Nor can the people nor the Government in its Indian policy claim any credit for this condition of these Indians. As early as the sixteenth century Father De Nica from Mexico found these people cultivating the soil. For 300 years they have been known then to cultivate this land. How much longer we have no authenticity to show; and I was informed by good authority while in Arizona that during that time it is pretty well established the land has never been manured in any way, and that two crops a year is an accustomed yield. These facts speak well for both the Indians and for Arizona lands. The average yield of wheat is twenty-ninefold. The crops are planted in December and July."⁶⁹

⁶⁹ Picturesque Arizona, 179-180, 223-227.

INCREASING SCARCITY OF WATER

All of the statements that I have quoted conclusively prove, by witnesses who had visited the Pima villages on the Gila and whose testimony is therefore competent, that, from time immemorial these Indians had an adequate supply of water except in occasional years of extreme drought. They irrigated and cultivated their lands, producing crops more than sufficient for their needs. This was the condition in which the American Government found the Pimas when it extended its jurisdiction over them. It was a duty this Government owed to a dependent people to protect and maintain their water supply. This it has failed to do. I shall now present the testimony of another group of witnesses the greater number of whom will testify to the ever-increasing scarcity of water for the irrigation of the fields of the Pima Indians.

F. E. GROSSMAN

The first official mention of a shortage of water for irrigation is found in the report of Capt. F. E. Grossman, who established the agency at Sacaton in 1869. He states that he found the Pimas and Maricopas dissatisfied and complaining bitterly because there had been no settlement of the water question. In his second report (1871) Captain Grossman says:

"The crops of the Indians (wheat and barley), the winter crop, were abundant during the past season, but the corn and melon and pumpkin crops will be a failure, owing to the scarcity of water in the Gila River."⁷⁰

In the annual report of the Smithsonian Institution for 1871 is an extended account of the Pima Indians of Arizona, by Captain Grossman, from which the following is extracted:

"Each village elects two or three old men, who decide everything pertaining to the digging of acequias and making of dams, and who also regulate the time during which each landowner may use the water of the acequias for irrigating purposes. Their acequias are often 10 feet deep at the dam, and average from 4 to 6 feet in width, and are continued for miles, until finally the water therein is brought on a level with the ground to be cultivated, when the water is led off by means of smaller ditches all through their fields. Having no instruments for surveying or striking of levels, they still display considerable ingenuity in the selection of proper places for the 'heads of ditches.'

"The Pima men plow the land with oxen and a crooked stick, as is done by the Mexicans; they sow the seed and cut the grain (the latter is done with short sickles). Horses thresh the grain by stamping. The women winnow the grain when threshed by pitching it

⁷⁰ Report of Indian Commissioner, 1871, 359.

into the air by basketfuls, when the wind carries off the chaff. The principal crop is wheat, of which they sell, when the season is favorable, 1,500,000 pounds per annum."⁷¹

J. H. STOUT

The second agent at Sacaton was J. H. Stout, who, on August 31, 1872, advised the commissioner as follows:

"These two tribes are poorer to-day than ever * * *. Not having sufficient water on their reserve for their purposes, many of these Indians have left it and moved over into Salt River Valley, where they now reside, and are making a living by tilling the soil.

The white settlers living there object to this on account of the horses and cattle of the Indians, which are constantly breaking into the settlers' fields and destroying their grain. Much trouble has resulted from this, and many of the Indians' horses and cattle have been sold by the settlers for damages, which action is not at all satisfactory."⁷²

Again in 1873 Mr. Stout said:

"The water question is with us an almost threadbare subject. The department has several times during my stay here been informed of the condition of affairs relative to that element, the want of which has been more severely felt this year than ever before."⁷³

H. BENDELL

H. Bendell, an Indian superintendent, visited the Gila River Reservation in 1872. His report contains this statement, which is as true to-day as it was 52 years ago:

"The water question is paramount to every other condition affecting the progress and well-being of the tribes belonging to the reserve. It is vital from every point of view, and the expectancy that schools may be established, the youth taught, the tribes remaining in the position of self-maintenance, susceptible of control by the agents and teachers, in the absence of one of God's greatest gifts to man, is simply preposterous and antagonistic to every particle of common sense."⁷⁴

The water situation became so acute that the transfer of these Indians to lands in what is now a part of the State of Oklahoma was seriously considered. In his annual report for 1874 the Commissioner of Indian Affairs speaks of the 4,000 Pimas and 300 Maricopas and says:

"They have always been friendly to the whites but are the hereditary enemies of the Apaches. They are an industrious, agricultural people, who pride themselves on being self-supporting. The lack of water in the river for several years past has forced many to cultivate farms outside of the reserve, thus coming into contact and frequent collision with the settlers. For this reason a delegation from these tribes in September last made a visit to the Indian Territory looking toward removal thither. Though the report was favorable, the main body of the Indians opposed any such change."⁷⁵

⁷¹ Pages 418-419.

⁷² Report of Indian Commissioner, 1872, 316.

⁷³ Report of Indian Commissioner, 1873, 281.

⁷⁴ Report of Indian Commissioner, 1872, 313.

⁷⁵ Report, 1874, 60.

JOHN CHARLES FREMONT

John C. Fremont passed through the Pima villages on his way from New Mexico to California in 1849. Unfortunately the manuscript of the second volume of his memoirs has not yet been published, so that I have been unable to read his account of what he then saw. In his report to the Secretary of the Interior as Governor of Arizona Territory in 1878, Fremont makes the following brief mention of these Indians:

"The Pimas are the most interesting of all the Indians. They own a very fertile valley on the Gila and are well supplied with money and arms. These three tribes have probably this year earned some \$30,000 by farm products and rude manufactures. The Pimas and Maricopas are now in the midst of our people, who have built up to their valley, and there are already some misunderstandings growing up between them. * * *

"The condition of the Pima Indians, who have shown themselves among the very best on the continent, could be raised and improved."

NO IMPROVEMENT IN WATER CONDITIONS

That there was no improvement in the agricultural conditions on the Gila River Reservation is shown by the report of the Commissioner of Indian Affairs for 1878, which describes the Pimas as worthy and industrious Indians who live by cultivating the soil and again directs attention to the depletion of their water supply. The report continues:

"The Indians were therefore driven to the necessity of seeking other lands to cultivate, or to obtain employment elsewhere to save themselves and their families from starvation. Large numbers of them were compelled to cultivate lands on Salt River and in other portions of the Territory. This caused considerable excitement on the part of citizens, and the Territorial legislature memorialized Congress at its last session, requesting that measures be adopted to compel these Indians to remove to their reservation and remain there. It was therefore deemed advisable to have a thorough investigation made of their condition and necessities, with a view to the adoption of some permanent measures of relief.

"Inspector Watkins was instructed early in March last to make the required examination and such recommendations as to their condition as in his opinion might be advisable. He reported that to comply with the demands of the citizens and the Territorial legislature and insist upon a strict enforcement of the policy of the Government by confining these Indians to their reservations would, under existing circumstances, be an act of inhumanity, unless they were furnished regularly with rations, which would be very expensive and poor economy; besides the office had no means at its disposal with which to purchase such supplies."⁷⁶

⁷⁶ Indian Office Report, 1878, XXXIX.

J. H. STOUT

This statement by the commissioner is confirmed by the report of the agent for the Pimas, who writes under date of August 15, 1878:

"In consequence of the foregoing facts, as a matter of self-preservation, more than one-half of these Indians have been forced to leave their reserve in order, to use their own language, 'That they might not hear their women and children cry for bread,' and there are now about 2,500 of them living beyond its lines. Most of them are earning an honest support by tilling the soil in small patches in other localities, wherever they can find sufficient water for that purpose. Others of them are at work for the American and Mexican settlers, who have employment for them, and a few, I regret to say, are hanging around the settlement in idleness.

"Believing that the reasons for such a change are yearly increasing, I can not let this occasion pass without earnestly urging that these Indians be removed to the Indian Territory at the earliest practicable time." ⁷⁷

A. H. JACKSON

There was no change in the situation until 1883 which was the beginning of a series of years of unusual rainfall. A. H. Jackson, then the agent at Sacaton reports:

"The Pimas are located on either side of the Gila River, the entire length of the reservation, engaged in cultivating small patches of ground, from a decare to hectare. Their harvest just closed has been unusually good. It is impossible to give the exact number of bushels of grain and produce raised. A very careful estimate has been made by villages, and the result is, wheat, 1,263,245 pounds; corn, 15,696 bushels; barley, 10,709 bushels; and 9,126 bushels of beans. The wheat raised by the Indians is of excellent quality, and nothing raised by white settlers can be favorably compared with it. The Indians live together in villages during the winter months and remove to their fields during the summer to properly work and care for their growing crops." ⁷⁸

PATRICK HAMILTON

In his "Resources of Arizona," printed in 1884, Patrick Hamilton describes the Apaches as the "most savage and bloodthirsty tribe of Indians on the North American Continent" and says of the peaceful Pimas and Maricopas:

"Both tribes are semicivilized, till the soil, own cattle and horses, live in permanent abodes, and are peaceful and industrious. Their wheat crop will average about 2,000,000 pounds a year. It is much superior to that of their white neighbors on the Salt, both in cleanliness and quality, makes a better article of flour, and commands a higher price.

"Besides wheat, corn, pumpkins, beans, sorghum, and vegetables are raised in large quantities."

⁷⁷ Report of Indian Agents in Arizona, 1878, 2-4.⁷⁸ Report of Indian Commissioner, 1883, 6.

C. W. CROUSE

C. W. Crouse was the first Indian agent to suggest a reservoir on the Gila River as a means of providing the Pimas with their proper share of water. In his report for 1890 Mr. Crouse said:

"There is not an acre of the four reservations of this agency that will produce any kind of cereal without irrigation. The soil is rich, but nothing grows on it naturally except mesquite, cottonwood, paloverde, a variety of cacti, and stunted shrubbery. 'Water is king.' It is water and cultivation that is rapidly transforming these valleys into fields of grain, fruit, and vegetables. These Indians farm a much greater acreage than they did formerly. As they become civilized their wants increase. These boys and girls who have been attending school for two or three years have new wants; they desire better food, clothing, and shelter than they had when they were induced to begin the school work, and this makes a demand for larger farms and better farming; hence, they need more water with which to irrigate this increased acreage of farming land.

"A storage reservoir for these Indians, or a bountiful and permanent interest in a reservoir or canal, would certainly be not only a humane act but an economical outlay of funds, for without it these people will soon cease to be styled 'self-supporting.'" ⁷⁹

J. ROE YOUNG

The next agent at Sacaton was J. Roe Young, who also exhibited a keen interest in the problem of water storage on the Gila. In 1894 he submitted the following observations to the Commissioner of Indian Affairs.

"The Pimas, who number 3,300, are tractable, good-natured people, and are disposed to accept the teachings of civilization. They have never been the enemy of their white brother. In the early days of western emigration, when the gold excitement brought thousands through this region on their way to California, a Pima's lodge saved many from the scalping knife of unfriendly tribes. They deserve better treatment at the hands of the Government now, when they are being driven to destitution for the want of water in their well-prepared irrigation ditches. Before the settlement of the territory on the river above, when they could take the water as needed, they never called for subsistence.

"As a result their grain crop was a failure last year and their agent was forced to call for aid to prevent starvation. Again this year they must have subsistence or suffer the pangs of hunger. The Gila River is now full and overflowing, but the water comes too late to benefit the Indian and can be but little good. If a reservoir could be built that the water might be stored which is now going to waste, and utilized when they most need it, there would never be a cry for help heard from the Pima Indians." ⁸⁰

Again in 1895 Mr. Young said:

"I was compelled during last winter to ask authority to purchase and issue to them 225,000 pounds of wheat to prevent starvation among them. Their crops are short again this year and a few will have to be fed this winter.

⁷⁹ Report of Indian Commissioner, 1890, 5-7.⁸⁰ Report of Indian Commissioner, 1894, 104.

"The water question on this reservation has gotten to be a serious one. The Gila River is a peculiar stream. During the months from September to December we have a surplus of water. After January 1 the supply begins to decrease and by April 1 it is all gone. I made a very lengthy report on this matter to you under date of April 27 last, to which your attention is invited."⁸¹

In his third annual report for 1896, Agent Young makes a statement regarding irrigation for the Pimas which shows his disappointment that so little had been accomplished:

"Nothing new can be said on this important subject. It has been discussed and viewed from every reasonable standpoint, and enough has been written about the need of water for the starving Indians to fill a volume. It has been urgently presented to your honorable office time and again, and yet the need of water is just as great and the supply no greater than in past years. Until the time comes when the Government is ready and willing to come to the assistance of its wards, I consider any further discussion of the subject unnecessary."⁸²

LOUIS C. HUGHES

In his annual report for 1894 Louis C. Hughes, Governor of the Territory of Arizona, says of the Pimas:

"During the last year, since the settlement of the lands on the Gila above the reservation and the diversion of the water on new lands, the Sacaton Indians have been much troubled on account of a scarcity of water. The result was light crops. In fact, the failure was so serious as to necessitate Government aid to prevent starvation among them."

In his 1895 report to Hoke Smith, Secretary of the Interior, Governor Hughes points out the necessity for water for irrigation on the Gila River Indian Reservation:

"The large area of land set apart as reservations for those respective Indian tribes are in every way adequate to their necessities, furnishing ample grazing and lands capable of reclamation to agriculture, provided water for irrigating the same can be had. The Indians are not only willing but anxious to secure farm lands from which they can support themselves. They would rather work than steal. The conditions which drive them from their reservations are not of choice, but of necessity, to allay hunger.

"To emphasize this fact I quote the following from the Florence (Arizona) Tribune of recent date:

"Wee Paps and three other Pima Indians were tried in the district court this week, pleaded guilty of grand larceny, and were sentenced to one year each in the penitentiary. It seems they had stolen some ponies and traded them for food. Wee Paps made a pathetic speech to the court which was translated by an interpreter. He said, in effect:

"For hundreds of years my people have lived on the banks of the Gila River. We have always been honest and peaceful and have supported ourselves and never asked for any help from the Great Father at Washington. We have raised our own wheat and corn, and ground it in our own metates. Until the past few years we have always had plenty of water to irrigate our farms, and never knew what want was. We always had grain stored up for a full year's supply. We were happy and contented. Since the white men came and built the big canals and acequias we have no water for our crops. The Government refuses to give us food and we do not ask for it; we only ask for water, for we prefer to earn

⁸¹ Report of Indian Commissioner, 1895, 121.

⁸² Report of Indian Commissioner, 1896, 115.

our own living if we can. I am no thief, and I will not beg, but my wife and children were hungry and I must either steal or they must starve. So I took the horses and traded them for grain, and hunger of my family was satisfied. You can do with me what you will. I have spoken."

NATHAN OAKES MURPHY

Governor N. O. Murphy recommended the construction of the San Carlos Dam in his annual report for the year 1899:

"At San Carlos, on the Apache Reservation, there is another site, to which much attention has been directed during this year's series of investigations. The conditions there are exceptionally favorable for economical construction.

"The Gila River Reservation embraces 357,120 acres and at least 200,000 acres can be covered by irrigating canals. Under a storage system this reservation could be made to support all the civilized Indians in the territory and still afford a large surplus of land for white settlers. It being an Executive order reservation, the land controlled by the Indians could be curtailed to the area actually required for their support, and the remainder thrown open to public settlement simply by the order of the President.

"It would seem that here is an exceptional situation which warrants Congress in making the necessary appropriation for the construction of a reservoir, quite independently of the broad question as to the advisability of the Government adopting a general policy of reservoir construction. The wisdom of enabling the Indians to become self-supporting is universally admitted. When, as in this case, that policy can be carried out on lines financially profitable as well, there can be no objection urged on any valid ground. Not only would the Indians gladly pay for water but the farmers in the valley between any reservoir and the reservation would be good customers for any surplus."

JOHN FRANK WILSON

The first bill to authorize the construction of the San Carlos Dam was introduced by Hon. J. F. Wilson, Delegate to Congress from the Territory of Arizona, on December 12, 1899. The preamble of the bill is in part as follows:

"Whereas the Indians located upon the Sacaton Reservation have since time immemorial supported themselves by agriculture through utilizing for irrigation the waters of Gila River; and

"Whereas these Indians have at all times been friends of the whites against the attacks of the Apaches, and through this fact the whites have been encouraged to settle near the reservation and utilize the waters of Gila River; and

"Whereas the development of irrigation along Gila River consequent upon the settlement of the public lands has diminished the flow in that stream until the Indians have been deprived of water and are forced to become dependent upon the charity of the Government for food; and

"Whereas the result of the investigation shows that water can be obtained in an economical manner only by means of storage reservoirs; and

"Whereas suitable locations for these have been found at a number of places—notably at the Buttes, Riverside, San Carlos, and Guthrie,

and also on Queen Creek—and an examination of all these, and comparison of costs and benefits, shows that the San Carlos locations is to be preferred.”

The following report was made on the bill:

[House Report No. 2934, Fifty-sixth Congress, second session]

“The Committee on Irrigation of Arid Lands, having had under consideration the bill (H. R. 3733) to authorize the construction of a reservoir near San Carlos, Ariz., to provide water for the irrigation of the Sacaton Indian Reservation, and for other purposes, and having duly considered the same, beg leave to submit the following report:

“Your committee find that the Indians known as the Pima Indians are located on the Sacaton Indian Reservation, on the Gila River, in the Territory of Arizona, some 20 miles below Florence, in Pinal County. They and other Indians with them, mainly dependent upon the products of the soil coming from that reservation, are in number about 8,000. These Indians from time immemorial have occupied this particular section, now known as the Sacaton Reservation, which contains about 50,000 acres of land, 30,000 of which is the most productive soil of the valley, and have supported themselves by agriculture by utilizing for irrigation the waters of Gila River. They have always been the friends of the American people, and at times, when the savage warrior made it dangerous for the Americans and pioneers in that country to be there at all because of their cruel warfare, they became the defender of the white man against the fierce Apache, and their reservation was a safe retreat for him; and now their chief boast is that not one of their tribe has ever stained his hands in white man's blood.

“As civilization progressed and that country became settled the lands of the Gila River have been taken up by the white settlers above this reservation, who bought them from the Government, which lands carried water rights, etc., and they have appropriated the waters of the river as they flow naturally down the stream, until now these Indians have not sufficient water to irrigate exceeding from one to two thousand acres of their land in the dry seasons. With sufficient water, which they crave so much to irrigate the lands which they desire to put into cultivation and to till, these Indians would be able to cultivate and raise products of the soil sufficient to pay all of the expenses to which the Government has been put on their account, and to create a sinking fund in the Treasury besides. In other words, it would take them off the expense list entirely, and that is great. The Government of the United States now has appropriated through Congress \$30,000 for their maintenance, simply to feed them, while the other expenses which the Government must bear on their account amounts to about \$39,000 a year, making the expense about \$70,000 every year that the Government must bear on account of these Indians, all of which would be avoided if this dam should be erected and the reservoir constructed as provided in the bill.

“That it is practical and would be profitable to the Government to build this dam seems to have been established by the Government's experts who have investigated the facts concerning it. The preliminary report published in Senate Doc. No. 27, Fifty-fourth Congress, second session, and also in Water-Supply and Irrigation Paper 33, lately published by the Geological Survey, show plainly and conclu-

sively that it is practical and that it would be profitable to build this dam, and that it should be built and this reservoir constructed. * * *

“These facts seem to be well established—indeed, uncontroverted. “Your committee having found such things to exist, therefore recommend that the bill do pass and become a law at an early date.”

The bill did not become a law, the chief objection to it being that up to that time Congress had not adopted the policy of providing for the irrigation of arid lands. An amendment to the Indian appropriation bill appropriating \$100,000 for an investigation of the San Carlos dam site was defeated in the House on February 26, 1901, for the same reason.

S. M. McCOWAN

In 1900 S. M. McCowan, superintendent of the Phoenix Indian School, said:

“The Pima and Maricopa Tribes, practically inseparable, are located on the Gila Bend and Gila River and Salt River Reservations. Nearly the entire population is dependent upon the resources of the Gila River reservations for support, the others being small in area. The Pima have been an agricultural people from time immemorial, and are notably peaceable, industrious, and independent. During the last 10 years they have suffered greatly from scarcity of water. As a result, they have gradually fallen from a condition of independence and prosperity until they are practically on the verge of starvation, and are largely dependent upon Government rations for support.

“The Gila River Reservation contains about 357,120 acres, of which it is estimated one-half would be cultivatable if it had a sufficient water supply. The soil is very fertile, but without irrigation is practically a desert. The Gila River has always been the source of water supply, and approximately 7,000 Indians are dependent upon it for their support.”⁸³

ENGINEERING INVESTIGATIONS

The report of the Commissioner of Indian Affairs for 1904 contains an extended account of the various attempts both of a legal and engineering nature that had been made with a view of increasing the water supply of the Pima Indians. I shall quote such parts of the report as are pertinent at this time:

“*Gila River (Pima) Reservation, Ariz.*—The unfortunate condition of the Pima Indians on this reservation, owing to the scarcity of water for irrigation, has recently attracted such great attention and excited so much sympathy, especially in the official boards of the Presbyterian Church, which has long supported missions among the Pima, that I deem it advisable to make a somewhat lengthy statement of the efforts of this office to maintain the rights of the Indians and to devise some practicable method of increasing their supply of water.

“October 7, 1895, this office recommended that the sum of \$3,500 be set aside for the expense of an investigation by the Geological Survey, and Mr. Arthur P. Davis, hydrographer, was detailed No-

⁸³ Report of the Governor of Arizona, 133.

vember 25, 1895, to make the investigation. June 16, 1896, the department, in accordance with the recommendation of this office, set aside the sum of \$900 for continuing the investigation during the fiscal year 1897.

"November 10, 1896, Mr. Davis submitted his report to the Geological Survey, which may be found in Senate Document No. 27, Fifty-fourth Congress, second session. He indicated three possible methods of obtaining a water supply, viz: (1) Pumping from wells; (2) construction of a large reservoir at the Buttes; (3) construction of Queen Creek Reservoir at an estimated cost of \$221,000. The first method he considered impracticable, owing to the prohibitive cost of operation, while the third offered at most a supply of water barely sufficient for the minimum demands of the Indian reservation at that time. Therefore he recommended the adoption of the second method, at an estimated cost of \$2,244,000.

"The Indian appropriation act of July 1, 1898 (30 Stats. 571), contained an appropriation of \$20,000 for ascertaining the depth of the bed rock at a place on the Gila River known as the Buttes, and the feasibility and total cost of the construction of a dam across the river at that point in order to irrigate the Gila River Reservation, and for ascertaining the average daily flow of water in the river at the Buttes, the same to be expended by the Director of the Geological Survey, under the direction of the Secretary of the Interior, provided that nothing therein contained should be construed as in any way committing the United States to the construction of said dam.

"March 10, 1899, this office reported to the department that Irrigation Inspector W. H. Graves was unable to suggest any plan of relief for the Pima Indians other than the construction of the dam above referred to, and suggested that pending the investigation authorized in the act of July 1, 1898, no action could be taken by this office or the department in regard to irrigation on the Gila River Reservation.

"December 13, 1899, Senator Warren presented to the Senate the 'Report of James D. Schuyler, consulting engineer, on the general conditions and cost of water storage for irrigation on the Gila River, Arizona, for the benefit of the Indians occupying the Gila River Reservation.' (Sen. Doc. No. 37, 56th Cong., 1st sess.) Mr. Schuyler reported that it was not feasible to build a masonry dam at the Buttes on account of the rotten quality of the rock, the great depth to bed rock, and the excessive height of dam required to obtain a storage of 174,000 acre-feet, or about one-half the flow of the stream, but that it was feasible to construct a masonry dam at San Carlos at a cost of \$1,038,926, including damages for right of way. He recommended the construction of the latter dam.

"During the first session of the Fifty-sixth Congress a bill was introduced in the House of Representatives (H. R. 3733) appropriating \$1,000,000 for the purpose of sounding for bedrock at the foundations of the proposed San Carlos Dam, for preparing detailed plans and estimates, and for beginning the construction of foundations and completion of the dam or dams. April 24, 1900, this office made a favorable report upon the bill, but it was not passed. Instead Congress appropriated the sum of \$30,000 for the temporary support of the Indians of the Pima Agency.

"July, 29, 1902, Agent Hadley, of the Pima Agency, presented for special consideration the question of irrigating the Gila River Reservation by the building of the San Carlos Reservoir, stating that no other reservoir could water the reservation in such a way as to make the Pimas an independent and well-to-do people; and he asked that Inspector W. H. Code (who had succeeded Inspector Graves) be sent to the reservation to go over the ground with him. As this office had no information regarding the construction of a reservoir in the San Carlos or in the Tonto Basin, except the legislation authorizing the investigation of the San Carlos Dam site by the Geological Survey, the letter was transmitted to the Department September 5, 1902, without recommendation.

PROPOSED SUIT IN FEDERAL COURT.

"April 24, 1903, the Acting Attorney General transmitted to the department a copy of a letter from the United States attorney at Tucson, Ariz., stating that from general information he was inclined to believe that he should be directed to institute proceedings to secure to the Pima Indians their prior rights, the direction being to institute a suit against all of the water users under the Gila River and its tributaries who divert the water above the point of diversion of the Indians. May 9, 1903, the office recommended that the Department of Justice be advised that any course of procedure determined upon by the district attorney would meet the approval of this office, and that it would recommend the payment of any expenses connected therewith approved by him and the superintendent in charge of the Pima Agency.

"June 10, 1904, Superintendent Alexander reported that all data relative to the recovering of water to the Pima Indians by judicial proceedings had been furnished the district attorney and that in consultation with him the attorney had said—

"There are 960 persons using water from the Gila River above the point where the Pima Indians divert the water of the Gila for their lands; that there is no doubt but that the case could be taken up and prosecuted to a favorable ending, but the interests are so varied, and the water is diverted by the whites as far as 200 miles above the Indian's point of diversion, that should a favorable decree be given by the court it would be impossible for the court to enforce its decree, and that the expense of prosecuting such suit would cost between twenty and thirty thousand dollars; but that a suit against the users of water under the Florence Canal may be won and the court's decree made binding on the few persons under the Florence Canal, and the expense to the Government would be about \$10,000.'

"June 21 this office submitted Superintendent Alexander's report to the department, expressing the opinion that the institution of suit for the recovery of water in the Gila River for the use of the Pima Indians would involve the expenditure of a large amount of money to no purpose, as a favorable result of the suit could not secure any water to the Indians, and suggesting that the district attorney be informed that under the circumstance legal proceedings were not desired. The department concurred, and July 8 Superintendent Alexander was notified accordingly, and July 18 the report of the district attorney on the action taken by him was forwarded to the department.

"The superintendent also reported, June 10, that he had visited the head of the Florence Canal and found the Gila River to be as dry there as it was below, there being no water and nothing but sand.

THE RECLAMATION ACT

It was confidently expected by many friends of the Pima Indians that the San Carlos Dam would be one of the first projects constructed under the national reclamation act of June 17, 1902. The Reclamation Service, however, decided that the Roosevelt Dam on Salt River should have priority. In 1906 the Southern Pacific Railroad Co. was granted a right of way through the San Carlos Dam site by the Secretary of the Interior. This right to construct a railroad through the canyon of the Gila expired and its renewal was denied in 1912, chiefly through the efforts of Edgar B. Meritt, Assistant Commissioner of Indian Affairs. The Pima Indians and the white settlers of Pinal County owe Mr. Meritt a great debt of gratitude for his persistent and successful efforts in their behalf.

LITIGATION AVERTED

Within a few days after I first became a Member of the House of Representatives in 1912 I was assigned to the Committee on Indian Affairs. I found that the committee had had under consideration legislation directing the Attorney General to file a suit on behalf of Pimas against all appropriators of water on the Gila above their reservation. The committee had practically agreed to include such a provision in the Indian bill, but I prevented that from being done. A decree of even the Supreme Court of the United States determining that the lands of the Pima Reservation had a prior right to water as against all other lands in the entire Gila Valley would be of no practical benefit to the Indians. I remember that I said that such action would not give the Pima lands as much moisture as was to be found in the ink of the signature of the judge who would sign such a decree.

I spoke from actual experience. Throughout my boyhood I had heard nothing but lawsuits over water. The thousands of dollars that my father and his neighbors had paid to lawyers in the continuous litigation over water rights in the Salt River Valley had all been wasted. No court could make the rain fall when it was needed and no court could stop the rush of the torrential floods which washed away the brush dams that were placed in the river season after season. Relief finally came, not from any court but from Congress, which created the reclamation fund whereby the construction of the Roosevelt Dam was made possible.

As it was on the Salt River so it is on the Gila. The only way to provide a water supply for the Pima Indians is to build a great dam in the canyon whereby the flood waters that now waste to the sea may be stored for use when needed. The committee at that time heeded my plea and the proposal for a great lawsuit was abandoned. In its place an appropriation was granted to pay expenses of a board of Army engineers whose report shows that it is entirely practical and feasible to build the San Carlos Dam. A part of the recommendations contained in that report has been carried out. A diversion dam has been constructed above Florence and a similar dam is being built near Sacaton. The storage reservoir at San Carlos must still be provided to complete the plan.

DIVERSION NOT PRINCIPAL CAUSE OF WATER SHORTAGE

I am firmly convinced that the loss of an adequate supply of water which the Pima Indians have suffered is not due in any great measure to diversions from the Gila River for irrigation by the white settlers whose farms are located above the reservation. The taking of water above the reservation may have injured the Pimas in some slight degree in certain years or at certain seasons, but the major damage is due to another cause. The proof of this is that the white farmers in both Pinal and Graham Counties have suffered for lack of water along with the Indians. It is my contention that under present conditions it would be impossible to restore the ancient water supply of the Pimas if every headgate on the Gila were closed down and not a drop of water permitted to flow onto the lands of the white people.

The cause of this disaster is not difficult to find. A great change has taken place in the entire watershed of the Gila in eastern Arizona and New Mexico. A vast area which was once covered with a marvelous growth of grass has been damaged by livestock.

I am going to prove conclusively by the written statements of other witnesses who can not appear in person that the nature of the Gila River has been so changed by overgrazing that, without reservoirs to store its flood waters, that stream is no longer dependable for irrigation. The testimony that I shall introduce is just as convincing as though the witnesses were here to speak for themselves. I shall first give descriptions of the condition of the Gila watershed above San Carlos before it was overstocked and then show the deplorable situation which exists at present.

SYLVESTER MOWRY

My first witness is Lieut. Sylvester Mowry, who came to Arizona in 1858. In a book dedicated to the "memory of those killed by the Apaches in the struggle to redeem Arizona from barbarism" Lieutenant Mowry says of the region drained by the upper reaches of the Gila River:

"The sun never shone on a finer grazing country. The traveler has before him throughout the entire distance a sea of grass, whose nutritious qualities have no equal, and the stock raiser in January sees his cattle in better condition than our eastern farmer in his stall-fed ox."⁸¹

JOHN C. CREMONY

In his "Life Among the Apaches," printed in 1868, Maj. John C. Cremony says of the area drained by the headwaters of the Gila and its tributaries which he first visited in 1850:

"This grama grass is beyond all comparison the most nutritious herbage ever cropped by quadrupeds. I give it the very first rank

⁸¹ Arizona and Sonora.

among all sorts of hay, believing it to be superior to clover, timothy, alfalfa, or all three together.

"From Dragon Pass eastward the whole of the vast region inhabited by the Apaches is covered with this species of grass, which is more or less thick and nourishing, according to circumstances, but always in sufficient abundance to afford all the nutriment required. It is this plentiful distribution of the most strengthening grass in the world which enables the Apache to maintain his herds, make his extraordinary marches, and inflict wide-spread depredations."⁸⁵

JOHN G. BOURKE

Capt. John G. Bourke, of the Third Cavalry, who came to Arizona in 1870, says of the upper Gila Basin:

"At times we would march for miles through a country in which grew only the white-plumed yucca with trembling, serrated leaves; again, mescal would fill the hillsides so thickly that one could almost imagine that it had been planted purposely; or we passed along between masses of the dust-laden, ghostly sage-brush, or close to the foul-smelling joints of the 'hediondilla.' The floral wealth of Arizona astonished us the moment we had gained the higher elevations of the Mogollon and the other ranges.

"As for grasses, one has only to say what kind he wants, and lo! it is at his feet—from the coarse sacaton which is deadly to animals except when it is very green and tender; the dainty mesquite, the bunch, and the white and black grama, succulent and nutritious. But I am speaking of the situations where we would make camp, because, as already stated, there are miles and miles of land purely desert, and clothed only with thorny cacti and others of that ilk. I must say, too, that the wild grasses of Arizona always seemed to me to have but a slight root in the soil, and my observation is that the presence of herds of cattle soon tears them up and leaves the land bare."⁸⁶

JAMES O. PATTIE

In his personal narrative James O. Pattie tells of what was probably the first party of Americans to visit the Upper Gila Valley. They found that stream and its tributaries to be well stocked with beaver as the following extracts will show:

"We reached the Helay on the 14th of December, 1824. We caught 30 beavers the first night we encamped on this river. * * *

"We hastened on in the hope of finding another stream yet undiscovered by trappers. The latter desire was gratified on the first of January, 1825. The stream we discovered carried as much water as the Helay, heading north. We called it the River St. Francisco. After traveling up its banks four miles, we encamped, and set our traps and killed a couple of fat turkeys. In the morning we examined our traps and found in them 37 beavers. We finished our trapping on this river on the 14th. We caught the very considerable number of 250 beavers."⁸⁷

⁸⁵ Life Among the Apaches, 182-3.

⁸⁶ On the Border with Crook, 140.

⁸⁷ Thwaites Early Western Travels, Vol. XVIII, 87-91.

THE VALUE OF BEAVERS

While the watershed was being overgrazed the beavers were destroyed. The value of the dams built by those intelligent animals is well illustrated by the following article entitled "When Beavers Aid Irrigation," by Ivan E. Houk:

"The natural trait of beavers to build dams for the protection of their homes has long been known, but it is only recently that its economic value has been recognized in irrigation work. The United States Forest Service, in a recent survey of the Cochetopa National Forest, near the San Luis Valley, Colo., made by Fred Agee, United States forest supervisor of Salida, found that the water stored above the dams in that forest alone amounted to 1,241 acre-feet; that is, enough water to cover 1,241 acres 1 foot deep—the equivalent of 24,000 Colorado statute inches running for 24 hours, or enough to irrigate 30,000 acres of land for one day.

"Mr. Agee's survey, which was carefully and thoroughly conducted, showed that in the Silver Creek Valley alone 46 dams were located in a total length of about 5½ miles. These dams averaged about 660 feet apart, although they generally occurred in groups with a somewhat closer spacing. In some cases the water was backed up above the dams to depths as great as 5½ feet. If these structures had been built of concrete, by man, and the concrete had cost \$5 per cubic yard, a very conservative estimate, the dams would have cost from \$11 to \$1,026 apiece, and their total cost would have been about \$10,000. This is for the Silver Creek Valley only. Considering the entire Cochetopa Forest the total cost of the beaver dams, on the same basis, would be about \$200,000.

"Consequently it is evident that the value of the beaver as an aid to irrigation is of no minor importance. In fact a plan has already been developed and put into operation in Colorado whereby beavers are taken from one section of the State where they are plentiful and transplanted, as it were, to other sections where their services are more essential, the animals being trapped in huge wire nets placed on the dams. One case is recorded where a rancher, who had only enough water to irrigate a small garden plot before he imported beavers, now has sufficient water to cultivate 40 acres successfully.

"The plan followed is to save the beaver storage until late in the summer, when water is scarce and crops are badly in need of moisture, then to cut the dams and allow the water to drain into the irrigation ditches. Within 24 hours the beavers have the dams repaired so that they are again storing water for another emergency. Thus the beaver storage can be utilized several times in one season if necessary."⁸⁸

ARTHUR W. SAMPSON AND LEON H. WEYL

The United States Forest Service has made a number of studies of the causes and effects of erosion. From a bulletin entitled "Range Preservation and Its Relation to Erosion Control on Western Grazing Lands" by Arthur W. Sampson and Leon H. Weyl, I quote the following:

"The data in the bulletin were obtained, for the most part, on the high summer range of the Manti National Forest in central Utah,

⁸⁸ Scientific American, March, 1924.

where the conditions influencing erosion are similar to those prevailing on many of the mountain ranges in Utah, Wyoming, Idaho, Nevada, Arizona, and New Mexico, and to some extent in other Western States.

"Every drop of rain that falls on more or less exposed soil has the power of removing soil particles, and with them the soluble salts essential to plant growth. Where the vegetative cover on a watershed has been largely destroyed the washing off of the surface soil may remove infinitely more decomposed vegetable matter and soluble plant food in a single season—indeed during one violent storm—than would be deposited by the decay of the vegetation in years.

"The greatest damage from erosion on range lands occurs where the areas have been badly overgrazed and the ground cover destroyed or seriously impaired. Before the ranges had been overstocked and the ground cover impaired, erratic run-off and erosion were practically unknown. After the breaking up of the vegetative cover in the early nineties, however, many streams originally of steady yearlong flow and teeming with trout became treacherous channels with intermittent flow through which the water from rainstorms was plunged, or rose and fell according to the size and frequency of the storms and carried so much sediment in the water that fish and similar life could not exist.

"The damage is not confined merely to the decrease in the forage yield on the range lands eroded and to the silting over of adjoining agricultural land to which the torrential floods carried the débris; the efficiency of the watershed in maintaining a permanent flow of irrigation water is greatly decreased."⁸⁹

ARTHUR W. SAMPSON

The following extracts are taken from a new and valuable book by Arthur W. Sampson.

"After the breaking up of the vegetative cover caused by overstocking during the happy-go-lucky grazing period, many streams that had originally a steady, yearlong flow, and teemed with trout became treacherous channels with intermittent flow through which plunged the water from rainstorms. Most of the streams swelled suddenly and subsided as quickly according to the size and frequency of the storms; and many such flows carried so much sediment that fish and similar life could not exist in the water.

"The damage is not confined to the decrease in the forage yield of the lands eroded or to the silting over of adjoining agricultural lands to which the torrential floods carried the débris; the efficiency of the watershed in maintaining a permanent flow of irrigation water is also greatly decreased."

"The evidence clearly proves that destructive grazing by any class of stock on lands where the topography, climate, and soil are favorable to washing, will appreciably increase both the run-off and the erosion. The seriousness of the erosion will vary according to the extent to which the plant cover is destroyed."⁹⁰

⁸⁹ Department of Agriculture Bulletin No. 675.

⁹⁰ "Range and Pasture Management," 173-191.

ROBERT V. R. REYNOLDS

In Forest Service Bulletin 91, entitled "Grazing and Floods," Robert V. R. Reynolds says:

"One of the chief factors in increasing the damage from floods is the formation of a system of gullies. These form lines of least resistance to the passage of the water and consequently increase the rapidity of the run-off and its transporting and cutting power. This gully system begins a short distance below the divide as furrows from 1 to 6 inches in depth and width. As these extend down the slope they join neighboring furrows and become rapidly wider and deeper until large gullies 7 or 8 feet deep are formed.

"When a heavy rain occurs on a slope where no gullies exist, the water flows off in a thin sheet everywhere evenly and strongly retarded by friction against the surface of the earth. As soon as a gully system is formed, however, the water is not only gathered into definite streams, but its velocity is also greatly increased. It is obvious that the main resistance to the run-off of the water is against the sides and bottom of the gully, while the friction of the water in the middle of the stream against surrounding water particles is comparatively slight. Accordingly, as a gully increases in size the friction increases only in direct proportion to the dimensions of the channel, while the discharge increases as the product of the dimensions. Thus, if the dimensions of the gully are increased 10 times the friction is also increased approximately 10 times, while the volume of the discharge is increased approximately 100 times. Where the hills are thoroughly drained by a system of gullies, therefore, the water from a storm sweeps down through them in a fraction of the time that would be required if it had to trickle down in a thin sheet. The main channel of the canyon is unable to discharge the influx of water as fast as it rushes in, and the result is a flood.

"The amount of water discharged by these flooded canyons after a cloudburst is almost incredible. Many observers state that the streams in flood have a cross section of from 100 to 1,000 square feet, and that the flood waters continue to flow for a period of from 1 to 24 hours, although the usual flow is not over 6 hours. A stream with a cross section of only 250 square feet and with a velocity of 10 miles per hour, would, in the course of 4 hours, discharge 2,000,000 cubic yards, or 1,687,500 tons of water. The damage that may be done by torrents of this character is obvious."⁹¹

C. R. OLBERG

C. R. Olberg, assistant chief engineer of the United States Indian Service, has devoted much thought to this problem which he thus describes:

"It has been apparent for some time that the Southwest, like the victim of some obscure disease, is suffering from some ailment that is sapping its vitality. This is evidenced by the decrease in the low water flow of the streams, the more frequent occurrence of short violent floods, and the increase in the amount of silt carried by the

⁹¹ Pp. 13-15.

flood waters. These conditions, coincident with a reduction in the area available for grazing and the diminution of plant growth, all point to a like cause which can be diagnosed as the evil effect of uncontrolled erosion.

"THE BARRANCA

"In the Southwest the diabolic effect of erosion is apparent in the deep narrow gullies with vertical sides that ruin many of the valleys. Not only is much of the range ruined, but the gullies also threaten the existence of some of the agricultural land. These gullies are called by the Mexicans 'barrancas,' and since there is no English equivalent, the term has been adopted by the Americans in speaking of deep narrow gullies with vertical sides or 'cut banks.'

"Barrancas are distributed over the West, but seem to be more numerous in the Southwest where the aridity and prevalence of erratic floods present conditions favorable to erosion. They vary from a few feet to more than thirty feet in depth, but as compared with their depth, their width is generally quite narrow. Geologically, their formation is a very recent event, since, with few exceptions, they have all been eroded after the occupation of the land by the whites.

"THE FORMATION OF THE BARRANCA

"When the early settlers first entered the region, they found broad level valleys, covered with grass and largely free from pronounced water courses. The floods discharging from the mountains and side hills, spread out over the valley in a shallow slow moving sheet, that did no harm and in effect gave a thorough irrigation to the grass noted by the settlers. The grass in turn held back the water and prevented the formation of any definite channel.

"During some period of drought when the grass had been grazed off by the overstocking of the range, the following flood had an opportunity to develop a definite channel along some trail or cow path. This permitted a concentration of the waters of succeeding floods which soon developed an incipient barranca.

"With the barranca once started, the flood water is rapidly carried away in the deep narrow channel and the natural irrigation, which produced the heavy growth of grass, is no longer possible. The barranca also acts as a drainage ditch which carries away the water that falls on the adjacent surface, causing a further reduction in plant growth. If the barranca is allowed to become of sufficient depth it finally intersects the plane of the ground water, the lowering of which is fatal to the deeper rooted desert growth.

"The reduction in plant growth permits a more rapid runoff, with a consequent enlargement of the barranca and a further reduction in plant growth. In other words, a barranca once started, is self propagating. Its presence and the reduction in plant growth being two conditions that react to produce each other."

EUSEBIO FRANCISCO KINO

Two centuries and a quarter ago the Gila must have been a clear running stream, for otherwise it could not have been well stocked with fish. Padre Kino, writing in 1699, says of the Gila, or the River of the Holy Apostles, as he named it:

"All its inhabitants are fishermen, and have many nets and other tackle with which they fish all the year, sustaining themselves with the abundant fish and with their maize, beans, and calabashes, etc."

"In some places they gave us so much and so very good fish that we gave it as a ration to the men, just as beef is given where it is plentiful."⁹²

DESTRUCTION OF FISH

In this connection I also desire to quote from a bulletin issued by the Department of Agriculture in 1911:

"In addition to the loss of property, the floods have resulted in the destruction of many fish. All the mountain streams were formerly of clear, cold water, and were fairly well stocked with trout. Residents state that in early days the water never became muddy after a storm, whereas the erosion has now become so great that on the western slope the streams are turbid after every rain. The fish have been killed in the thick mud brought down by floods, until at present the trout fishing is very poor, and in some canyons no fish can be found except such as have been introduced. The total disappearance of the native trout from streams known to have been well stocked in former years is in itself a significant fact, pointing to a fundamental disturbance of conditions in the run-off."⁹³

THE OLMSTEAD REPORT

The Indian appropriation act approved May 18, 1916, carried an item of \$10,000 for an engineering investigation of the most suitable method of holding the Gila River within a fixed channel in Graham County, Ariz. This work was undertaken by Frank H. Olmstead, and his report has been published as Senate Document No. 436, Sixty-fifth Congress, third session, I have taken the following extracts from the report to demonstrate the great change that has taken place since the country drained by the Gila was settled by white people:

"GILA RIVER

"The Gila River, which Prof. R. H. Forbes, of the University of Arizona, characterizes as the muddiest river in the world, rises in the cool and forested areas stretching along the western slope of the American Continental Divide in New Mexico and Arizona. From the elevated mountain sides and plateaus, where the stream has its origin, it flows some 250 miles in its meanderings to reach the lower line of Graham County, dropping 6,600 feet in this distance, or an average fall of 26.7 feet per mile of river channel. The stream has a drainage area above San Carlos of 12,020 square miles. The stream has only a few valley openings of agricultural land above San Carlos. These are Safford Valley, 35,000 acres; Duncan Valley, 6,393 acres; San Francisco, Blue and Eagle Creeks, 820 acres; and a possible 4,000 acres more in New Mexico, making about 46,000 acres in all. The annual precipitation ranges from 25 inches at Honeymoon ranger station to 6 inches at San Simon, and averages for the total Gila River drainage above San Carlos of 12,020 square miles 14.50 inches annually.

⁹² "Memoir of Pimaria Alta," vol. 1, pp. 195-197.

⁹³ "Grazing and Floods," by R. V. R. Reynolds, 10.

"The watershed is now distinguished by the frequency and intensity of its flash floods, which sweep down from the upper mountains loaded with silt and coarser detrital matter from the caving banks of its channel feeders in the San Francisco, Mogollon, and Tularosa Ranges.

"PRESENT IRRIGATED AREA

"Of the total valley area along the Gila River in Graham County there are 35,000 acres of irrigable land and 5,000 acres in addition of fertile bench land contiguous thereto and which could be supplied with water by a high-line canal. Of this 40,000 acres only 27,600 acres are now irrigated. Of this latter amount 1,000 acres are on the San Carlos Indian Reservation and 26,000 acres in what is locally known as the Safford or Solomonville Valley, the former being the term hereinafter used.

"PRESENT RIVER CHANNEL

"The river channel itself now occupies 16,091 acres, or 46 per cent of the agricultural land in the valley. A drawing is herewith submitted showing size and location of the Gila River in 1903 as compared with the size and location of the present channel from the upper end of Safford Valley to a point near the San Carlos Indian Reservation line, 30 miles down the stream. This 1903 data was taken by the United States Bureau of Soils by a plane-table survey and was probably accurate. This comparison covers the greater part of the irrigable land in Graham County.

"OLD RIVER CHANNEL

"Within the memory of many men now living the channel of the Gila River in Graham County averaged in width somewhere between 150 and 200 feet. It now averages 1,935 feet wide. The United States township survey, township 7 south, range 27 east (the township in which Solomonville is located), showed in 1875 the channel to have an average width of 138.6 feet and to occupy an area of 103.57 acres, whereas now the same length of channel occupies an area of 1,503 acres.

"POPULATION

"The population of the Safford Valley is now 6,950, of which number 480 are Indians below the reservation line.

"In the Solomonville Valley and on the upper tributaries of the Gila the hostilities of the Apaches prevented rapid development. Some time after the Gadsden Purchase a few Mexicans had established themselves in the Safford Valley, but it was not until after 1870 that American farmers ventured into this territory. Development at first was slow, but beginning with the eighties rapid progress was made and many settlers came to take advantage of the agricultural possibilities of the broad and fertile lands in the Safford Valley."

Mr. Olmstead then gives the results of his investigations which extended over the entire watershed. I shall quote from his descriptions of a number of the principal tributaries of the Gila:

"SAN FRANCISCO RIVER

"The total drainage area of the San Francisco amounts to 2,895 square miles. There are 381,700 acres covered with timber in the watershed, and it is believed that originally the conditions of run-off were good. They are now bad, and rapidly becoming worse. The San Francisco is the largest tributary and the strongest flood feeder to the Gila of any in the watershed.

"Within the historical period there have been pronounced changes in many of the valleys and drainage lines in the upper watershed of the San Francisco, and undoubtedly the character and size of the flood flows have changed for the worse. Mr. Harry L. Lawson, forest examiner southern division Apache National Forest, says:

"The intrusion of large herds of goats upon the steep slopes of the rough broken country to the south of the northerly boundary of the Apache Forest in the years 1900-1905 (resulting in great damage to the range and protecting cover, and as commonly believed the consequent destructive floods along the Gila and San Francisco Rivers) led, on December 30, 1905, to the withdrawal for settlement and entry of the entire area lying south of the base line to within a few miles of the town of Clifton.

"The upper San Francisco is extremely rough and broken. The valleys are generally very narrow and oftentimes true box canyons. The upper headwaters rise in a finely forested country, and there should be in connection with this timber crop considerable business, but as a fact the roads are annually ruined by floods and so are not available for use, and the river flow is too violent during floods and too limited at other times to furnish transportation by water for the logs, the consequence being that the timber year after year decays and is a debit to the Nation rather than a credit.

"The entire agricultural area of these mountain streams has been swept away during the last 10 years.

"Erosion goes on at a terrific and ever accelerating rate and the forest growth itself so will soon be affected by the drying up of moist drainage lines and cienagas through the rapid run-off in deeply eroded gully lines.

"DIX CREEK

"This is the first important stream which enters the San Francisco above Blue River. Flood conditions in this watershed have grown worse in recent years as the result of overgrazing in Pleasant Valley and on Lightning Mesa, Dix Mesa, Burntstump Mesa, and the upper mountain slopes, which formerly were well sodded. In the lower portion of the stream 25 years ago a considerable area of bottom land was farmed where now is only a boulder wash.

"BLUE RIVER

"The slopes of the Blue River have but little sod. Upon the mesas and mountain slopes well back from the river a fair sod still exists, but the entire watershed has suffered greatly from overgrazing, though in recent years under the stricter supervision of the Forest Service less than formerly.

"White gramma grass, an excellent forage plant, attaining a height of 30 inches, once grew luxuriantly over all the open country, and

pine grass covered the woodlands. These grasses defied the encroachment of weeds, but since the sod has been injured and sometimes destroyed by overgrazing and the evils that attend and follow after it, weeds of many kinds have obtained a foothold and taken the place of the native grasses. Among these weeds are the sunflower, horehound, snake weed, and rabbit grass. An inferior but very prolific grass, known as six-weeks grass, has appeared in recent years and spread over the country. It follows the summer rains, is short lived, and has little value as forage.

"Thirty years ago the Blue River flowed through a sodded or cultivated bottom land and in the channel lined with tall pines and cottonwoods. The valley, which had an average width of 700 feet, was well settled and nearly all under cultivation. To-day the bottom is a wide wash. Portions of a few of the ranches lying below projecting dikes or in coves have escaped the general destruction of the flood of recent years, but they do not aggregate 200 acres in all and represent less than 8 per cent of the original arable area.

"LITTLE BLUE CREEK

"Little Blue Creek with its tributary, Dutch Blue Creek, drains an area largely of sandstone. To the south of the Little Blue Creek and Hanah Springs Creek much of the rock is trap. Excepting a barren area of about 7 square miles extending some 4 miles up Little Blue Creek and about 3 miles up Dutch Blue Creek, the watershed is covered with a scattering growth of juniper, pinon, scrub oak, bear grass, and yucca. In the trap-rock area the ground is covered with stones. Gramma grass once grew in great abundance over most of the area, and in the stony places it still has a firm hold, but the sod generally is poor and considerable erosion is taking place.

"EAST FORK OF GILA RIVER, BETWEEN DIAMOND CREEK AND BEAVER CREEK

"This reach of the Gila River is fed by numerous tributaries—on the west from the Black Mountain slopes, on the east from a high bench land. These streams throw large crests and great quantities of detritus into the Gila, and may be considered as bad streams. This is due to the great number of cattle belonging to the D. D. Bar ranch which graze on this area. The majority of these streams have been eroded clear to their source, and each year sees an increased quantity of solid matter poured into the Gila.

"BEAVER CREEK

"The Beaver Canyon at its mouth is a comparatively flat valley about 100 feet in width. The flood waters have covered the entire valley with a deposit of sand and silt. This condition exists for a mile or more up this stream where its character changes and becomes more in the nature of a gorge. The tributaries entering this gorge show evidence of carrying great quantities of detritus, mostly volcanic rock. Above this gorge as far up as the mouth of Indian Creek there has been very heavy erosion in the canyon proper. What was formerly a great silt deposit suitable for agricultural purposes has been almost completely wiped out.

"INDIAN CREEK

"Indian Creek is quite a flood feeder and carries considerable amounts of detritus even in low water. The canyon is alternatively narrow and broad for a distance of 3 miles above its mouth, when it becomes more in the nature of a valley. Gullying in the upper reaches is in quite an advanced stage and is being extended during each storm. This probably accounts for the bad condition of this stream.

"CORDUROY CANYON

"Corduroy Canyon is not a bad flood feeder of the Beaver Canyon, but, due to gullying, its flood peaks are delivered much too rapidly into the flats. This is tending to continue the gullying through the flats and must be stopped if the Beaver remain in its present good state."

I might say in passing that according to F. W. Hodge, of the Bureau of Ethnology, the Gila River derives its name from an Indian settlement probably located about the head of Corduroy Canyon. There the "Apaches of Xila" lived, as stated by Fray Alonzo de Benavides, in a memorial of New Mexico addressed to King Philip IV of Spain in 1630.⁹⁴

"SAPILLO CREEK

"This stream has an area of contributing watershed of 173.7 square miles and may be considered as one of the worst feeders of the upper Gila River, with a unit maximum discharge estimated from flood marks of 200 cubic feet per second per square mile of area. It has its heading on that portion of the Continental Divide known as Black Range at elevations ranging between 7,000 and 8,000 feet. There is an average rainfall over the area of 15 inches, or 138,950 acre-feet.

"This stream in its middle reaches winds through a broad, flat valley in which there used to be considerable farming. Constant encroachments of the stream has taken some and threatens to take the entire area that might be adapted to this pursuit. The principal tributaries in this middle reach enter through gullies or barrancas in easily erodible material, and each year are being cut deeper with corresponding shorter periods for delivery of flood waters.

"The upper reaches are all badly gullied and are carrying ever-increasing amounts of detritus.

"DUCK CREEK

"This stream which heads in the Mogollon Mountains has an extreme length of 25½ miles from its mouth to the head of its longest feeder, Sacaton Creek.

"The area of the watershed is 289 square miles, which receives an annual average precipitation of 15 inches, or 231,200 acre-feet. The valleys feeding this stream are all very badly eroded, and it is imperative that this condition be remedied or the floods at the mouth will continue to increase in size.

⁹⁴ Benavides Memorial, by Mrs. Edward E. Ayer, 42.

"BEAR CREEK

"Area of watershed is 159.7 square miles. About 15 per cent timbered. Practically denuded of sod protection and badly eroded. Evidence of terrific floods from head to mouth. Worst flood of record occurred September 5, 1897, when logs in great numbers were swept down into the Gila from the headwaters, many being stranded along the sides of the valley about Gila where they still remain. From this unquestionable evidence of the height of the crest the maximum discharge is estimated at 110,000 cubic feet per second, giving a discharge of 690 cubic feet per second per square mile, which is the highest noted in any part of the Gila watershed for any drainage area comparable in size and easily ranks Bear Creek watershed as the worst.

"MANGAS RIVER VALLEY

"This drainage, consisting of a flat rolling country, has an area of 200 square miles and a maximum unit rate of discharge as determined by flood marks—for the upper 164.6 square miles of its drainage basin—of 181 cubic feet per second per square mile. The average annual rainfall within this area is 15 inches, or 160,000 acre-feet.

"This stream is badly eroded in practically all of its reaches and for that reason is a flashy flood stream having an intermittent normal flow.

"EAGLE CREEK

"Eagle Creek has a mountain watershed area of 639 square miles, with a forested area of 57 square miles. The flood marks show a crest flow at some period in the past of 36,000 cubic feet per second, probably in the January, 1916, storm. Eagle Creek rises in the Blue Mountains in both New Mexico and Arizona. There are two irrigated areas on Eagle Creek, the upper one from the Honeymoon ranger station down Eagle Creek and the lower one scattered in small units along the creek in its lower reaches.

"Many years ago there were over 100 Indian farmers with an appreciable area under cultivation on Eagle Creek, but the flood waters proved so disheartening that all abandoned their holdings.

"MINERAL CREEK

"This stream with its principal tributary, Silver Creek, drains the high wooded western slopes of the Mogollon Mountain between Willow Peak and Bear Wallow Peak. About 75 per cent of the entire watershed has a covering of juniper, pinon, and oak, with yellow pine, fir, spruce, and quaking asp on the high mountain slopes, which in most places have a heavy undergrowth and are covered with malpais. About Mogollon the slopes have long been barren of trees, the smaller wood, after the removal of the saw timber, being cut and carried down the mountain side on burros. The denudation of the area immediately surrounding the town and the cutting of innumerable trails, which quickly became gullies, has resulted in a number of disastrous floods in the town, from which places farther up the stream beyond the gullied area are exempt.

"KELLER CANYON

"Keller Canyon drains an open country extending west from the San Francisco River to and including the Alma Mesa. The entire area of 65.1 square miles, excepting about 10 per cent having a forest cover, originally supported a heavy growth of white gramma grass, which stood about 30 inches high. Great numbers of sheep and goats were pastured in this watershed and worked destruction.

"TULAROSA CREEK

"For a distance of 15 miles, from its mouth to the Tularosa ranger station, this stream is confined in a narrow canyon from which nearly all the bottom lands have been washed by the floods of recent years. From the Tularosa ranger station to a point a mile beyond Aragon its course lies through a cultivated valley, half a mile wide, having a firm clay soil, into which the stream is cutting deeper every year. A mile above Aragon it is again confined for a few miles in a canyon beyond which it and its tributaries, the Canyon del Buey and the Canyon del los Indios, are spread out over a flat, sandy region. The Tularosa is the muddiest tributary of the San Francisco.

"KARUTH CREEK

"The drainage area of this stream is 29.4 square miles and includes the south part of Spur Lake Basin, the whole of which is deeply eroded, many of the gullies having a depth of 20 feet and some a depth of 40 feet. Before the destruction of the original sod no erosion had taken place in either the Spur Lake Basin or in Center Fire Valley, the entire run-off flowing over the sod or in very small grassy channels."

SAMUEL W. COZZENS

Samuel W. Cozzens gives the following description of the San Simon Valley as he saw it in 1859:

"The valley of the San Simon is about twenty-five miles in width, and contains much fine grazing land, as well as some good agricultural districts. It is covered with a species of grass called grama, which for its nutritious qualities is rivalled only by the celebrated mesquit grass of Texas. In the region where it grows the settler requires no grain for his mules or horses, as they are able to endure quite as much fatigue when feeding upon this grass as upon grain; and the stock-raiser who has fed his cattle upon grama during the entire winter, finds them in quite as good condition in the spring as does the Eastern farmer his stall-fed animals."⁹⁵

Now, compare the statement of Mr. Cozzens with the following from the Olmstead report describing modern conditions in the San Simon Valley:

SAN SIMON

"The area of the watershed is 1,957 square miles, or 1,250,000 acres, a veritable empire of arable land, with an average rainfall of 11.24 inches, or 1,174,000 acre-feet, and 21,300 acres of fine mountain timber in the upper end of the watershed.

⁹⁵ The Marvellous Country, 224.

"Most of this light precipitation formerly sank directly through the valley floor and furnished the artesian well supply in and near the station of San Simon on the Southern Pacific Railroad. About 1883 there was an unbroken flat or meadow over 100 miles along from Rodeo, near the mouth of Jackwood Canyon, at the head of the valley, to Solomonville, but at that time certain settlers near Solomonville whose lands were along this drainage line were annoyed at finding occasionally after heavy rains that sand and detritus had been washed down on them from the San Simon. They accordingly excavated a small channel, about 4 feet deep and 20 feet wide, for a short distance so that the floods could be discharged in concentrated flow into the Gila. They also built funneling levees so that there would be no question of the water reaching this artificial trough.

"It worked, and to-day there is a chasm, in many places 600 to 800 feet wide and from 10 feet to 30 feet deep, for 60 miles, as the indirect result of their effective work to protect their lands from overflow.

"The mountain area along the western rim of the San Simon watershed, as well as at the far southern end of the valley, has a considerable elevation and an annual rainfall of from 16 to 18 inches. This precipitation is now largely wasted, for instead of spreading out in its run-off for over a width of 2,000 feet or more and moving slowly down the floor of the valley, recharging the artesian supply and carrying moisture and blessing within the scope of its influence, it now rushes out of the canyons and runs rapidly down its deeply eroded bed into the Gila, carrying immense quantities of fine silt soil along with it. In less intense rainfalls the flow sinks in the sandy bed of this gorge and fails to furnish the surface moisture to the upper slopes of the valley which it formerly supplied."

Mr. Olmstead also says of the Gila:

"William H. Emory, major First Cavalry and United States Commissioner on Mexican boundary survey, 1857, says, in speaking of the Colorado River at Yuma:

"Colorado River furnishes two-thirds of water (Gila one-third) at an average stage. At the junction the quantity discharged per second was found to be 6,249 cubic feet and velocity of 3 feet a second. At the same point the depth of channel is about 18 feet. * * * The Colorado, as its name implies, is of reddish color and carries down immense quantities of sand and mud. * * * The Gila is clearer and its temperature warmer, but somewhat brackish in taste, owing to the large quantity of earthy salts held in solution."

"From this short statement from an Army officer accustomed to accurate observation and expression, we can at least glean that the Gila of 1856-57 did run clear at a time when his estimate of the normal flow was one-third of that of the Colorado."

These two sentences taken from different parts of his report briefly summarize the conclusion which Mr. Olmstead reached:

"Does not this all prove conclusively that the difference is not due to God's rains that fall on both the wise and the unwise, but to the local conditions in the upper watershed that originally regulated, but now no longer regulate, the delivery of these rain waters to the lower channel?"

"The Gila River is a unit, and it can almost be considered a sentient thing whose characteristics in the different reaches of the stream

act and react upon each other in such a way that it is hardly possible to maintain good conditions at any one point if most everywhere else the conditions are steadily growing worse."⁹⁶

SAN CARLOS DAM WILL HOLD FLOODS

A great masonry dam built in the depths of the Gila Canyon will be just as effective as a means of impounding the water, regardless of whether the floods come in torrents or whether the flow of the stream be regulated by the original growth of vegetation which nature provided. The available water supply finally depends upon the average rainfall upon the catchment area, and no one claims that there has been any material change in that essential factor. The only difference is that instead of soaking into the ground to maintain the springs, the rain now runs off the hillsides and down the washes and creeks into the river. But the San Carlos Dam will hold this water for use when needed, no matter how or when it comes.

So far as the reservoir is concerned, the chief evil of erosion is that the deposit of silt will shorten the period of its usefulness. The evil day can be postponed, however, by building the dam high enough to create extra capacity for the storage of silt. The Board of Army Engineers, consisting of Col. W. C. Langfitt, Col. C. H. McKinstry, and Maj. Harry Burgess, say that a dam 200 feet high will have a life of 132 years, based upon careful calculations of the volume of silt carried by the Gila. Let us hope that long before that time arrives the grazing of livestock on the watershed will be so well regulated as to restore normal conditions. I am convinced that it is entirely feasible by proper grazing methods, whereby the range forage will be cropped on the basis of a sustained annual yield, combined with reservoirs and check dams on the tributaries, to again make the Gila above San Carlos a clear flowing stream such as it was before the white people came to that region.

DREDGING

But suppose nothing of the kind is done, and that is hard to believe, yet the reservoir can be kept to capacity by dredging if no better way is found in the meantime. On this point the Board of Army Engineers detailed to report on the San Carlos project says:

"While the observations and studies of the board indicate that the quantity of silt carried by the Gila River is considerably less than was formerly thought, it is nevertheless sufficiently great to necessitate, sooner or later, some desilting method in order to retain sufficient water-storage capacity in the San Carlos Reservoir.

"The board believes that the most promising method, indeed the only practicable method, is dredging.

"Careful consideration of the actual cost of dredging under many different conditions leads the board to the conclusion that the cost of removing the material from the San Carlos Reservoir will be approximately 3 cents per cubic yard or including interest and depreciation about 5 cents. Not all of the 7,260,000 cubic yards carried into the reservoir on the average per year will have to be removed, and it is believed that only about 6,000,000 will have to be dredged. The

⁹⁶ Senate Doc. 436, 65th Cong., 3d sess.

cost of dredging at 5 cents per cubic yard will therefore be \$300,000 per year, or on the basis of 90,000 acres irrigated \$3.33 per acre per year.

"The average quantity of silt brought into the reservoir each year is estimated to be about 4,500 acre-feet, and it has been assumed that one-sixth of this will be carried through the reservoir, and that the remaining 3,750 acre-feet, or about 6,000,000 cubic yards, will lodge in the reservoir, gradually decreasing its capacity. If the reservoir is to endure indefinitely, desilting must sooner or later be resorted to. It is estimated that at present prices the cost of desilting would be about \$3.33 per acre per year. The question, then, is: What capacity in addition to the 500,000 acre-feet allowed for water storage should be provided for the impounding of silt?"

EVADING THE SILT PROBLEM

"Physical conditions at the site are such that a dam of any height up to the limit permitted by the strength of masonry is feasible. It is therefore practicable to create a reservoir of sufficient excess capacity to hold silt for several generations. Thus a dam 200 feet high would form a reservoir of 994,626 acre-feet capacity, which, allowing 500,000 acre-feet for water storage, would hold the silt accumulations of 132 years. The corresponding figures for a dam 220 feet high are 1,335,926 acre-feet and 223 years.

"In order that the cost of desilting may not begin until after the project has been paid for, the smallest reservoir that should be considered is one which, in addition to 500,000 acre-feet for water storage, would afford room for 20 years' silt accumulations. Such a reservoir would have a capacity of 575,000 acre-feet and would require a dam 168 feet high to spillway.

"A dam 180 feet high to spillway would afford storage for silt for 55 years, and with gates in the spillway raising the storage level 5 feet, for 74 years. With the higher dam desilting by dredging would be cheaper, because length of haul would be less.

"The difference between the first cost of a dam 168 feet high to spillway and one 180 feet high to spillway will be about \$210,000, or about \$2.33 per acre, for a project of 90,000 acres. In the case of a dam 190 feet high to spillway, the difference, including an increase in flowage damage, would be perhaps \$800,000, or about \$9 per acre.

"These calculations show that increasing the reservoir capacity by raising the dam is the cheapest and easiest way of handling, or, as Mr. Davis has aptly said, of evading the silt problem."

The conclusions of the Board of Engineer Officers of the Army in its report of February 14, 1914 are as follows:

"The irrigation facilities provided under this project will excel any ever before enjoyed by the Indians, and to that extent the project might seem a gratuity to the Indians. But in dealing with this question it is not more important to right the wrong of the past than to provide for the future advancement of this tribe. There is no other way to effect a satisfactory and permanent solution of the long-standing Pima question."⁹⁷

⁹⁷ House Doc. 791, 63d Cong., 2d sess., pp. 131-132, 107-108, 110-113.

OTHER STORAGE RESERVOIRS

In addition to the San Carlos Dam there is need for the storage of water higher up the Gila or on the San Francisco to provide a seasonable irrigation supply for the lands in Graham County. It is my firm belief that a series of accurate stream measurements will show that there is an ample water supply in the Gila and its tributaries, if properly conserved by reservoirs, to provide for the needs of the entire maximum area of 50,000 acres which might possibly be brought under cultivation above San Carlos.

It has been demonstrated upon every stream where irrigation is practiced that drainage must follow the continued application of water to the land. The records kept on the Salt River reclamation project show that a minimum of 25 per cent of return flow may be expected and consequently the actual consumptive use of water is much less than is commonly supposed. The ultimate effect of irrigation in Graham and Greenlee Counties will therefore be to regulate the flow of the stream and to reduce the quantity of silt which would otherwise be deposited in the San Carlos Reservoir.

SOIL SURVEY OF 1917

No irrigation project should be undertaken without a careful survey of the soil to determine its suitability for agriculture. At my request the Bureau of Soils of the Department of Agriculture made such a survey in 1917, the results of which were published in a bulletin and accompanying maps issued in 1920. The field work was done by E. C. Eckman, Mark Baldwin, and E. J. Carpenter. The following is extracted from their report entitled "Soil Survey of the Middle Gila Valley Area, Arizona":

"DESCRIPTION OF THE AREA

"The Middle Gila Valley area is situated in the south-central part of Arizona, mainly in Pinal County, only 2 square miles being in Maricopa County. This part of the State is recognized physiographically as the Desert region, in contrast to the much higher lying Plateau region of sedimentary rocks occupying the northern and northeastern parts of the State. As the title implies, the survey includes the middle valley of the Gila River, which presents a contrast to both the upper valley, in the eastern part of the State, and the lower desert valley above the confluence of the Gila River with the Colorado.

"The area surveyed is irregular in outline, and roughly Y-shaped. Beginning at the mouth of the Gila River Canyon, about 5 miles northeast of Florence, it spreads out westward and southwestward as a fan-shaped area, which is soon divided into two arms by the Sacaton Mountains, which it practically surrounds on the north, east, and south. The northern arm, lying between the Sacaton Mountains on the south and the Santan Mountains on the northeast, extends westward to Pima Butte. It includes the alluvial bottoms of the Gila River, with parts of the adjacent higher lying plains. The southern arm is confined to a tier of townships extending westward from Picocho Reservoir in townships 5 and 6 south to the middle of range 5 east. Small parts of the adjoining townships to the south are also included. The area includes the Sacaton, Casa Blanca, Agency, and Blackwater units, and parts of the Casa Grande and Florence units, of the Gila River irrigation project of the Office of Indian Affairs. The Casa Grande National Monument and part of the Gila River Indian Reservation also are within the survey. The total extent of the area is 352 square miles, or 225,280 acres.

"The area is made up almost entirely of river bottoms or smooth, nearly level plains, the adjoining mountains having been practically excluded, except for several small hills or buttes.

"Elevations within the area range from about 1,150 to 1,525 feet above sea level. Casa Grande has an elevation of 1,396 feet; Casa Grande Ruins (Casa Grande National Monument), 1,422 feet; Florence, 1,493 feet; and Sacaton, 1,280 feet.

"The Gila River, which crosses the area from east to west, is the second largest stream in Arizona. The lands lying along this stream are directly drained by it, but the greater part of the area is drained directly by McClellan Wash, which reaches the Gila River within the area. Santa Cruz Wash carries the drainage from the southern part of the area, around Casa Grande, and enters the Gila River a short distance west of the area. The McClellan and Santa Cruz Washes are not everywhere well defined, and they are inadequate to drain a number of large flat areas. The Gila River has a channel varying in width from less than one-fourth mile to a mile or more. The banks of this stream are generally poorly defined and unstable. Shifting of the channels and cutting of the banks take place at each overflow, and the process is increasingly destructive as the stream bottoms are used more extensively for agriculture. The stream has an average gradient of about 10 feet per mile through the area.

"In 1910 the population of Pinal County was 9,045—an increase of 16 per cent over that reported in 1900. While the area surveyed covers only about 350 square miles in Pinal County, whose total extent is 5,380 square miles, it includes by far the most thickly settled part of the county. The number of Indians in 1910 on that part of the Gila River Indian Reservation in Pinal County was 2,970, or about one-third the total population of the county. About 64 per cent of the total population is white.

"Three railroad lines touch the area, but none traverse it for any distance. The Southern Pacific Railroad cuts across the extreme southwestern part, passing through Casa Grande. The Arizona Eastern Railroad crosses the extreme western portion. Florence has access to a branch of the latter railroad, which follows the north bank of the Gila River in this part of the area.

"CLIMATE

"The climate in this region is characterized by a long, warm growing season; a shorter cooler season, during which frosts occur; and a scanty supply of rain, insufficient to insure crops without irrigation. Two so-called wet seasons occur, one in the spring and one in late summer. Except for the hot summer months the climate may be said to be exceptionally pleasant and favorable for the production of crops.

"The weather records kept at various places in and near the area are incomplete. In some instances statistics are available for only a short period of years, although Casa Grande and Maricopa have kept partial records since 1876. The data nevertheless indicate in a general way the conditions of temperature and rainfall. Phoenix is representative of a large region of which the area surveyed is a part. The mean annual precipitation at Phoenix for 8 years, from 1896 to 1903, inclusive, was 6.8 inches. The average number of days with a precipitation of 0.01 inch or more was 34 per year. The precipitation for the driest year was 3.7 inches and for the wettest year 12.8 inches. At Maricopa, about 5 miles southwest of the area, on the open desert or plain, the mean annual precipitation for a period of years extending from 1876 to 1907, except 1878 and 1879, was 6.06 inches. The amount for the driest year recorded (1900) was 2.09 inches, and for the wettest year (1905), 13.51 inches.

"The growing season for the more hardy crops extends throughout the year, but frosts occur during December, January, and February. The average date of the last killing frost in the spring is about March 7, while that of the earliest in the fall is about November 27. The latest killing frost recorded in the spring at the Maricopa station occurred April 4, while the earliest in the fall was recorded by the same station on October 22.

"AGRICULTURE

"Agriculture has not reached a very high state of development in the Middle Gila Valley area, although there is abundant evidence that irrigation farming was carried on by the prehistoric races and Indians for centuries preceding settlement by the whites. The lack of game and wild food plants on the arid plains and treeless mountains forced the early peoples to turn their attention to agriculture, and the river bottoms and adjoining higher lands that could easily be irrigated from the Gila River were made to produce.

"Before the advent of the white man, in the latter part of the sixteenth century, American Indians were irrigating land and producing food crops. These Indians were not concerned mainly with warfare, but they were continually called upon to protect their stores of grain and their families from other tribes.

"The farming of desert land lying outside the river bottoms was not looked upon with much favor by the white settlers, and little of the desert slopes is cultivated to-day. Extremely long droughts and low average rainfall have forced settlers to abandon some areas formerly cultivated.

"Farming as carried on by the settlers and squatters on the desert, until a more stable supply of water for irrigation is obtained, can hardly be considered profitable. The canal which supplies some of these farmers carries water only part of the season, or may even be dry, depending upon the rainfall. Others irrigate from wells, which seem to furnish a considerable supply of water in wet years, but can hardly be depended upon in dry seasons. The expense of application is also too great for profitable irrigation. A comprehensive storage and irrigation system is necessary before the barren desert plains will be turned into permanently producing fields.

"SOILS

"The soils of the Middle Gila Valley area are derived from a variety of rocks, all the soils except those identified with the several small buttes and parts of the adjacent mountains having been transported and laid down by water.

"The soils may be classed in three main groups—namely, residual soils, or those derived in place through the weathering and disintegration of consolidated rocks; old valley-filling or desert soils, which are derived from the weathering and other modification of old unconsolidated, water-laid material; and recent alluvial or stream bottom soils, consisting of comparatively recent alluvial products which have undergone no important changes by weathering or internal modification subsequent to deposition. Another main

group—namely, wind-laid soils—is represented, but is not of sufficient extent in this survey to warrant separate grouping, and it is included with the old valley-filling soils.

Residual soils.—The residual soils in the Middle Gila Valley area are of little importance. They are represented only by rough, stony land and are confined to the small rocky buttes and mountain slopes.

Old valley-filling soils.—The soils of the old valley-filling province occupy about 75 per cent of the area. They are derived from weathered and otherwise modified, relatively old, water laid, unconsolidated deposits, which originally had their source in a variety of formations in which granites and related rocks seem to have predominated. The color of the surface soils ranges from brown to reddish brown or red. Oxidation is well advanced and the soils are characteristically low in organic matter. An abundant supply of lime is present. Heavier, more compact subsoils occur in places, and frequently a greatly compacted, or in some cases cemented, layer lies within a few inches of the surface. These soils cover practically the whole of the area except the valley of the Gila River. The surface is smooth and comparatively flat or gently sloping. The soils have a moderate elevation, and in places are eroded. Drainage is good over most of this area.

Recent alluvial soils.—The recent alluvial soils of this area, while not the most extensive, are the most important agriculturally. They have been made to produce crops since prehistoric times. They are confined to the Gila River bottoms and consist of recent sedimentary materials laid down by this stream. As distinguished from the old valley-filling soils, they are naturally friable and lack a compacted and cemented or altered subsoil. They are much higher in organic matter than the old valley-filling types. The soil profile represents the various coarser or finer strata laid down by the stream under different conditions of velocity, volume, and load of suspended material.

“ IRRIGATION

“Irrigation is necessary in the Middle Gila Valley area because of the low rainfall and the long dry seasons. The Indians practiced irrigation before the coming of the white man, using a rude system of canals to take water from the river and distribute it over the river bottoms and near-by desert slopes. The 1910 census reports a total of 89,400 acres in Pinal County embraced in irrigation projects, but only 25,431 acres actually irrigated, of which 13,831 acres were supplied with water by partnership and individual enterprises, 3,500 acres by cooperative enterprises, and 8,000 acres under the Indian Reservation project. The irrigated acreage for Pinal County is practically all within the limits of the present survey. Nearly all the water for irrigation is drawn from the Gila River by gravity canals. In 1917, 9,000 acres were under irrigation on the units of the Indian Reservation within the present survey.

“The Gila River is a broad stream, with poorly defined banks throughout most of its course. During the rainy season great volumes of water fill the channel and overflow the banks, but during the dry season its sandy bed is bare. In the absence of a storage supply, irrigation from the river is impossible during parts of the year.

“The water of the Gila River is of good quality for irrigation, the flood waters containing only small amounts of soluble salts. A sample of such water taken at Florence contained 68 parts of soluble salts per 100,000, but during normal flow the water is slightly higher in salts. The river water is very high in silt, and the flood waters carry in addition much organic matter washed from mountain slopes by the torrential rains. These sediments are deposited on the soils by irrigation and overflow waters, and while some inconvenience is caused by the rapid and frequent silting up of canals, much benefit results from such deposits, especially in the case of the desert soils of light texture and low organic content. The continued use of the silty irrigation water even improves the texture of the lighter soils.

“The amount of water necessary to mature crops in this region depends largely on the situation of the land, the nature of the soil, and the crop grown. Areas in the river bottoms require less water than those in the desert, and the heavier textured soils produce good yields with less water than the types of more open structure. * * * Storage of the waters of the Gila River is necessary to the permanent development of the desert lands.”

THE COST OF THE APACHE INDIAN WARS

Maj. Gen. H. W. Halleck, commanding the military division of the Pacific, in his report to the War Department in 1867, spoke as follows: "The Apaches and cognate tribes of Arizona are the natural and hereditary enemies of the whites, of whatsoever nation or character. They have successfully expelled from that Territory the Aztecs, the Spaniards, and the Mexicans, and they will yield to our people only when compelled to do so by the rifle and the revolver. They probably resemble the African Bedouins more than any other people, and murder and robbery constitute almost their sole occupation. These Indians do not fight in masses, like most of the tribes east of the Rocky Mountains, but move stealthily in small bands over the greater portion of Arizona and the northern parts of Sonora and Chihuahua, waylaying and murdering travelers on the roads, and plundering and destroying unprotected agricultural and mining settlements."⁹⁸

THE NUMBER OF TROOPS IN ARIZONA

As the basis for an estimate of the expense incurred by the Federal Government in the various campaigns against the Apache Indians I obtained the following figures from The Adjutant General of the Army:

Statement showing number of troops of the Regular Army stationed within the present limits of Arizona at end of March, June, September, and December, for the years 1858 to June, 1886, inclusive, with period from June 30, 1861, to July 1, 1865, omitted.

	Infantry		Cavalry and Dragoon		Artillery		Staff		Indian scouts
	Officers	En-listed	Officers	En-listed	Officers	En-listed	Officers	En-listed	
1858—June.....			7	115	13	242	2	3	
September.....			8	107	13	214	3	2	
December.....			9	172	13	190	2	2	
1859—March.....	12	290	4	104	9	216	5	2	
June.....	12	282	3	101	10	222	3	1	
September.....	17	215	3	92		16	3	2	
December.....	19	185	3	87			3	3	
1860—March.....	18	168	9	143			5	2	
June.....	13	103	6	132			4	3	
September.....	13	186	6	140			2	2	
December.....	27	348	6	144			4	2	
1861—March.....	20	412	6	141			4	1	
June.....	18	418	5	136			3	1	
1866—May.....	46	917	9	127			4	18	
September.....	53	888	13	258	4	56	14	4	
December.....	38	694	14	266	6	50	4	7	
1867—March.....	46	889	22	421	4	76	6	3	20
June.....	51	1,170	22	543			7	6	20
September.....	60	1,777	23	812			8	6	
December.....	56	1,873	28	502	5	42	8	6	70

⁹⁸ Congressional Globe, vol. 43, 616.

Arizona, the average number in each year being used as a basis, and is as follows:

1858.....	\$413,749.56	1875.....	\$1,376,940.74
1859.....	536,094.86	1876.....	1,742,864.41
1860.....	413,749.56	1877.....	1,569,356.53
1861 (6 months).....	323,658.93	1878.....	1,441,460.15
1866.....	1,294,635.72	1879.....	1,603,835.66
1867.....	2,356,815.37	1880.....	1,646,100.40
1868.....	2,405,753.49	1881.....	1,457,021.30
1869.....	2,800,595.14	1882.....	1,805,149.29
1870.....	2,382,396.66	1883.....	2,240,031.22
1871.....	2,074,308.95	1884.....	2,354,590.91
1872.....	2,177,746.34	1885.....	2,434,671.47
1873.....	1,970,871.56	1886 (6 months).....	1,488,163.74
1874.....	1,871,883.09		

As stated, the above is an estimate but is believed to be fairly accurate. Exact figures can not be furnished without researches consuming a considerable length of time and embracing all the old records of the bureaus of the War Department for the years in question.

During the Indian wars practically four-fifths of the Army was west of the Mississippi River and all of the troops in that section were construed as either in the Indian country or so near as to be incident to its control or observation. The estimates given cover only troops in Arizona. A prolonged and detailed study to be accurate would necessarily have to take into consideration the foregoing factor as well as others, such as losses of supplies, transportation, housing, and rationing Apache prisoners, and other indirect expenses proportionately chargeable to operations in Arizona.

It is hoped that these figures may be of some assistance and regretted they can not be made more definite and specific.

Very truly yours,

W. H. HART,
The Quartermaster General.

According to this estimate by General Hart, \$42,182,445 may be properly charged as the cost of the Apache wars, during a period when the purchasing price of a dollar was twice what it is to-day. This total does not include the cost of transporting the Apache prisoners of war to Florida and afterwards to Oklahoma where they were maintained for a generation. Neither do these figures include the many years when rations were issued to the Indians on the Apache Reservation. It is safe to say that the warlike Apaches have cost the American Government more than ten times the money necessary to build the San Carlos Dam for the benefit of the peaceful Pimas.

HOW THE PIMAS BECAME CHRISTIANS

In the beginning of this discussion I gave an account of the discovery of the Pima villages by Padre Kino and of subsequent journeys to the Gila by the Jesuits and the Franciscans. The efforts then made to convert the Pimas were interrupted, but the work has been continued in later years by Catholic missionaries to the Indians.

The Pima Indians are no longer pagans. The first Protestant missionary who lived among them and learned their language was Charles H. Cook, than whom no better man nor truer Christian ever lived. His advice was always good and the Pimas profited by it.

JAMES H. M'CLINTOCK

Col. James H. McClintock has said:

"One of the strongest reservation forces for civilization has been Rev. Charles H. Cook, a German clergyman of the Presbyterian Church, who came in 1870, after reading an article written by Gen. A. J. Alexander, commanding at Fort McDowell, on the needs and virtues of the Pimas. Dr. Cook, now dead several years, was a staunch defender of his wards through all the years, and throughout has been held in affection, even by the pagans of the tribe."

"Though the Pimas were slow to accept Christianity, the writer knows that at times of flood the Gila has been dared by swimming Christian Indians who would not miss their Sabbath services. In Phoenix now is maintained the Cook Bible School, where a score or more Indians, mainly Pimas, are training for the Christian ministry, to work among their tribesmen."⁹⁹

VICTOR MANUEL

The following article entitled "The Pimas: A Christianized Tribe," by Victor Manuel, a Pima Indian, was published in the Chilocco Indian School Journal for April, 1910:

"Out in the southwestern part of our country, in the Territory of Arizona, otherwise known as the 'land of sunshine,' there is a tribe of Indians known to-day as the Pimas.

"Could the dear old Gila River speak, it would tell you that while other tribes took to the warpath, the Pimas took to their farms. It would tell you how in those old days they raised their own cotton and made their own clothing; how they plaited reeds and made the decorated baskets now known all over the country as the work of 'native artists'; and how they dug clay and made the jars that are found in museums all over the world. It would tell you, too, of the years when the people of the Gila Valley gave food and shelter to hundreds of pioneers on their way to California. Historians speak of this with appreciation, but the rest of the white people have forgotten.

⁹⁹ The Friendly Pima of Southern Arizona Plains, Arizona Magazine, August, 1918, p. 5.

"From the very beginning, the Pima has never opposed civilization or Christianity, though at first he little knew what it would mean to him.

"About forty years ago a good man came to live and teach among us. To-day every member of my tribe belongs to some church, and every child of suitable age is in school. Hence a new name has been given us, that of 'The Christian Tribe of the Southwest.'"

O. O. HOWARD

In 1872 Maj. Gen. O. O. Howard was appointed by President Grant as a peace commissioner to the Apache Indians. The general was himself a devout Christian and when he came to Sacaton immediately appreciated the excellent work being done by Mr. Cook. General Howard says:

"The agent, a young man with a family, Mr. J. H. Stout, met me at Sacatone with his buckboard and took me comfortably over to the agency buildings. * * * The first Indian I saw at Sacatone was introduced to me as 'Louis,' the interpreter. * * * Louis was the helper to the agent, but more so to the teacher, Mr. C. H. Cook (his name was Koch when he came to America, but he had it changed to Cook when he enlisted in the Army). Mr. Cook had a remarkable history. * * *

"I had heard of him and was glad to meet such a man. Antonio, the hereditary chief of the Pimas, with whom I had many interviews, told me of the invaluable services which Mr. Cook had rendered. He said: 'We did not know anything about you Americans or the Government we were under until Mr. Cook had gathered the children in classes and taught them. The children told their parents what they had learned. So the Indians had knowledge.' Mr. Cook's method was first to learn the Pima language so that he could understand the children and the children could understand him. Then he instructed them in English; and it was amusing to hear them speak English with an unmistakable German accent which they had caught from Mr. Cook, who could not fully overcome it in his own speech.

"Mr. Cook's instructions had been most wholesome. Louis called himself a Christian and was very angry one day when Mr. Cook told him, on account of the impatience and anger he suddenly exhibited, that he was no Christian. The Pimas, at the time of my visit, were trying to understand what it was to be Christians, and they had good examples before them in Mr. Stout and his family and Mr. Cook. A little later Mr. Cook brought to them his German bride, a woman of great beauty of person and character; so that the Indians had before them a good specimen of a genuine Christian household."¹⁰⁰

A. P. K. SAFFORD

In a pamphlet published by authority of the Legislature at Tucson in 1874, Gov. A. P. K. Safford says:

"*The Pimas and Maricopas.*—These tribes occupy a reservation on the Gila River, about two hundred miles east of Arizona City, and number about four thousand. They have occupied this locality as

¹⁰⁰ "My Life and Experiences Among Our Hostile Indians," pp. 136, 137, 139, 142.

far back as we have any written knowledge of them. Many years ago they also cultivated fields in other localities, though not far distant from the reservation, but the continued raids upon them by the Apaches compelled them for self-protection to draw their settlements close together. Their principal occupation is agriculture and stock raising. Although their mode of agriculture is rude, still they raise all the vegetables, wheat, barley, and corn necessary for use, and sell annually about two million pounds of wheat.

Rev. Mr. Cook has established a school among them, and seems much encouraged in the progress he has made during the brief period he has been there. If an earnest Christian desire to elevate and educate them will avail anything, then he will succeed."¹⁰¹

In his first school report dated December 30, 1871, Mr. Cook says:

"A year has nearly passed since our first endeavor to open school here, and it is with thankfulness that we acknowledge the aid vouchsafed by Providence, without which our efforts would be but in vain.

"Some of the obstacles we had to encounter have gradually disappeared; most of the necessary school utensils have been supplied, and the Pima language has been mastered to some extent.

"Many of the scholars have made rapid progress in reading, writing, arithmetic, English speaking, and singing. During the last half of the year, I have been aided by the assistant teacher."¹⁰²

ELWOOD HADLEY

In his report for 1901 Elwood Hadley, United States Indian agent in charge of the Gila River Reservation, says:

"The different missionaries on the reservations are a great factor in the civilization of the Indians, and are all doing good work. The communicants attend church regularly, and the churches are crowded every Sunday. The following letter just handed me is of interest in this connection:

SACATON, ARIZ., July 18, 1901.

MR. ELWOOD HADLEY,

United States Indian Agent, Sacaton, Ariz.

DEAR SIR: Concerning the work of the Presbyterian Church among the Pima and Maricopa Indians, I would state that it has been fairly prosperous during the past year. Our present adult membership is 1,012, and the attendance at our six churches is very good, though the weather has been unusually hot for a month or more.

Quite a number of our young men have gone to California to work, because they did not have water sufficient to irrigate their fields. A large number of our people raised little or no wheat this year on that account. They greatly need a storage reservoir to enable them to remain self-sustaining.

Thanking you for your kind interest in our work, I remain,

Yours, very respectfully,

CHAS. H. COOK, *Missionary.*

Recommendation.—That a reservoir be constructed on the Gila River for impounding the flood waters to irrigate the Gila River Reservation, which contains sufficient fertile soil to sustain all the Indians of this agency and make them self-supporting, independent, and a happy people. That Congress be asked to build this reservoir at once, thereby giving the Indians work to make them self-sustaining until their lands can be irrigated.¹⁰³

¹⁰¹ The Territory of Arizona, 33-34.

¹⁰² Among the Pimas, Albany, 1893, 98.

¹⁰³ Report of Indian Commissioner, 1901, 186.

ALEXANDER O. BRODIE

Gov. Alexander O. Brodie gives the following account of the Pima Indians in his annual report for 1904:

"The progress of the Pima on the Gila River Reservation during the past year has been steady in spite of the long-continued drought. No rain has fallen for more than a year; consequently they were cut off from agricultural pursuits but found employment in various ways. The men worked on the railroad, on farms, and in the adjacent towns. The building of the Tonto Reservoir afforded work for many. The women do laundry work, cook, raise chickens, make baskets, and in many ways keep the wolf from the door. Ninety-five per cent are self-supporting, while 5 per cent receive rations. Among the latter are the sick and aged. There has been no starvation on the reservation, as the Indian Office provides for the destitute.

"Nearly all of these Indians belong to the church. When the bell rings on Sunday afternoon, no matter how warm the weather, large numbers of clean, orderly men, women, and children troop by to church, and can be heard singing hymns during the afternoon hours."

AUGUST F. DUCLOS

Under date of April 5, 1924, I received a letter from August F. Duclos, superintendent of the Pima Indian Agency, which in part is as follows:

"I have been familiar with the Pima situation since 1901. Their great need then was water, and these poor people have been living in the continued hope that some action would be taken by the Government to give them the water that rightfully belongs to them. 'Hope deferred maketh the heart sick,' and when the Indian's heart is sick the light goes out of his eyes and the spring from his step. His patience has been greater than ours and greater than any virile race which we have known. He will soon become a great asset or a serious liability in accordance with the answer we give to his plea for irrigation water. The Pimas are a home-building, home-loving, industrious, agricultural people. Given back the water that once was theirs they soon will be in a prosperous condition without a dollar of further governmental aid. The construction of the San Carlos storage dam will give them this water, and without taking any irrigation water from white settlers who acquired it in good faith. The proposition is a practical one and is urged in behalf of a deserving people whose past gives us every hope that expenditures made for them will not be wasted."

THE COMMITTEE OF ONE HUNDRED

Hon. Hubert Work, Secretary of the Interior, appointed a committee of 100 to advise with him concerning the interests of the American Indians. At a meeting of the committee in Washington on December 13, 1923, the following motion, made by Gen. Hugh L. Scott, was unanimously adopted:

"Resolved, That this committee recommend the passage at once of the bill for the completion of the San Carlos Reservoir project."

HELEN HUNT JACKSON.

I may well end these quotations with the words of Helen Hunt Jackson whose book, "A Century of Dishonor", did so much to arouse Congress to the need for a better solution of the Indian problem:

"It is a shame which the American Nation ought not to lie under, for the American people, as a people, are not at heart unjust.

"If there be one thing which they believe in more than any other, and mean that every man on this continent shall have, it is 'fair play.' And as soon as they fairly understand how cruelly it has been denied to the Indian, they will rise up and demand it for him."

Collier:

RESERVATION COURTS OF INDIAN OFFENSES

25

Mr. MORROW. Nearly all the Indians now are exercising the right of franchise, are they not?

Mr. COLLIER. There is no objection to it. But in States like California and Nevada many Indians are living in tiny bands.

Mr. MORROW. We might secure bad justices of the peace in white districts as well as in Indian districts.

Mr. COLLIER. The only argument against it is that we are laying the burden on the Federal courts. When you lay the burden on the Federal court the court is certainly concerned in not having bad verdicts and the Indians thus compelled to appeal to them on police matters. Therefore, I would say the court ought to have some power to prevent the naming of incompetent or partisan judges.

Mr. MORROW. You are taking away from them democratic rights they are allowed.

The CHAIRMAN. We do not elect Federal judges for many white people. This would become a part of the Federal judicial system and I presume that is also an argument.

Mr. MORROW. Many of these Indians live in localities where they take part in electing justices of the peace now, and that same justice of the peace might have his jurisdiction extend over tribal territory.

The CHAIRMAN. The unrestricted Indians do not come under this system at all. They come under the State laws the same as white people and take part in the election of their judicial officers the same as any one else.

Mr. MORROW. Some of the unrestricted Indians have the right to vote in States and exercise the privilege.

The CHAIRMAN. We all have the right to vote but not on our Federal judges, even the white people.

Mr. MORROW. I understand that.

(The statement of Mr. John Collier is as follows:)

637 MUNSEY BUILDING, FRANKLIN 8124.
Washington, D. C., February 3, 1926.

A BILL AUTHORIZING TYRANNY

This bill, drafted in the Indian Bureau and indorsed by the bureau, has been introduced as H. R. 7826 in the House and S. 2705 in the Senate. Chairman Leavitt of the House Indian Affairs Committee sponsored it in the House and Chairman Harreld, of the Senate Indian Affairs Committee, sponsored it in the Senate. As the bill is introduced at the request of the Indian Bureau, this sponsorship does not necessarily indicate indorsement.

PROVISIONS OF THE BILL

Section 1.—Gives jurisdiction over Indians to the Federal courts in the matter of crimes or misdemeanors or other violations of Federal Statutes.

Section 2.—Is given in full, being the gist of the bill: "The reservation courts of Indian offenses shall have jurisdiction, under rules, and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations, for which no punishment is provided by Federal law; provided that any one sentence of such court shall not exceed six months imprisonment or labor or a fine of \$100 or both."

Section 3.—Defines "Indian reservations," the definition including all Indian lands not under trust. Existing definitions of Indian country would be equivalent.

Section 4.—"Indian custom marriage and divorce are hereby abolished from and after one year from the date of the approval of this act and thereafter

Indians shall comply with the marriage and divorce laws of the State within which they reside." Provisos: Insuring that existing Indian customs marriage shall not be made criminal.

Section 5.—Authorizes superintendents to issue marriage license to Indians.

Section 6.—"Any Indian who knowingly violates section 4 of this act, upon conviction, shall be fined not more than \$200 or imprisoned for not more than one year or be fined and imprisoned in the discretion of the Federal court." (Sec. 4 prohibits Indian custom marriage and divorce.)

Section 7.—Restates jurisdiction of Federal courts and Indian reservation courts and excepts the New York Indians, Osage Indians, and Five Civilized Tribes.

MEANING OF SECTION 2

The major crimes are defined in Federal statute, applicable to Indians, and the Federal courts have jurisdiction. These crimes include murder, arson, manslaughter, rape, assault with intent to kill or with a deadly weapon, burglary, and larceny. The Indian charged with those crimes is already subject to penalties and is insured a due process of law.

For any offense not named in the Federal statutes, this bill would make all Indians subject to administrative courts, of which no due process of law is required and from which no appeal is provided; and the definition of offense is left by the terms of the bill to the Secretary of the Interior. He is not even required to publish his regulations.

Thus the bill, if made law, would place the Indians who are full citizens (citizens under the act of 1924) under a code of law to be arbitrarily framed by the Indian Bureau and to be enforced by so-called Indian judges, paid \$10 a month, who are hired and fired by the local Indian superintendent. In the absence of these judges the superintendent or the person designated by him would be the court.

The bill is an effort to obtain statutory authority for practices which are now only constructively allowed by Congress, which are in violation of the constitution; which in a large number of reservations, are in violation of the laws of Congress and the policy of the Government as enunciated by the Supreme Court.

It is important that this fact be made known. The Indian Bureau now—already—maintains its own system of laws enforced through ten-dollar-a-month so-called Indian judges and other administrative subordinates; the bureau already denies to Indians all of the due processes of law required by the Constitution. There is a growing demand that the Indian Bureau shall be forbidden, categorically to go on with these essentially lawless practices; and the present bill is an effort at defense, while at the same time it seeks to get authority from Congress for imprisonments of longer duration and heavier fines, than are ordinarily ventured by the Indian Bureau at present.

Sections 2 and 7 of the bill have a further intent, which will be grasped by reading them in conjunction with the following from Kappler's Indian Laws and Treaties, volume 3, page 725; with numerous citations: "Except when prohibited by statute, the Indian laws and customs control in all internal affairs of the tribes. Their laws and proceedings are on the same footing as those of other territories of the United States, etc."

It is the settled policy of Congress that among tribes where the tribal customs and tribal organizations still operate, internal affairs are left to the tribe and offenses not dealt with in the existing Federal statutes are within the jurisdiction of the tribe exclusively. The code of laws, and the arrest, trial, and punishment of offenders are in the hands of the tribes.

The Indian Bureau has frequently disregarded the laws as above stated, substituting its own administrative authority, through the local superintendent or the ten-dollar-a-month so-called judge, for the authority of the tribes and substituting its own administrative penal code for the tribes'. Nevertheless, the tribal institution has held its own among Indians numbering more than 50,000 and including the New Mexico and Arizona Pueblos and the Navajos.

The Indian Bureau now purposes that Congress shall reverse its historical and repeatedly enunciated and clearly construed policy and shall transfer from the tribes to the Indian Bureau all jurisdiction whatsoever over conduct.

Do the facts justify any such radical change of policy by Congress? And if Congress is to change its policy, should it be by the method here proposed of

administrative absolutism, authorized by statute, carried out by a bureau which is itself subject to as much criticism as is the Bureau of Indian Affairs?

It is submitted that the facts entirely fail to justify the proposed change of policy. The tribes maintaining their tribal organizations and living under their own customs are by general consent law-abiding, moral, honest, and peaceable. They probably are the most law-abiding groups in the United States, of whatever race.

Their moral codes are definite and minute; they are understood and obeyed by the members of the tribes; the tribal procedure in determining whether offenses have been committed and by whom, and in correcting or punishing them, is thorough, conscientious, and mild, but effective. Testimony to the above effect can be had from any competent anthropologist familiar with the tribes in question. It can be had also from the disinterested white people living near the reservations.

The effect of abolishing tribal authority by statute in a cataclysmic manner as here proposed, will not be merely to throw away valuable assets within the tribes which make for sobriety, law and order, honesty, etc. Far more—it will be to rend asunder the moral fabric of the life of these tribes, substituting no effective regulation other than one of force. It is a grave act to destroy the moral voluntary law and order of community and to substitute a naked compulsion. At least he who proposes it should be required to adduce proofs that it is strongly necessary. These proofs have not been and will not be adduced by the Indian Bureau.

However, it is important not to lose sight of the main intent of this measure, which, to repeat, is contained in section 2, to give employees of the Indian Bureau the right under statute to imprison any Indian for a period up to six months, for any cause save one now named in existing Federal statutes, without any due statutory support to an espionage already existing and a system of rule not differing in principle from that which was maintained by the Czar in Russia and by Leopold of Belgium in his management of his Congo victims.

That the measure is officially drafted and pushed by the Indian Bureau of this year 1926 is a very revealing incident.

INDIAN CUSTOM MARRIAGE AND DIVORCE

These by section 4 are abolished and in section 6 one year's imprisonment and a fine of \$200 are made the penalty for continuing them.

The considerations against hasty action in the abolishing of Indian custom marriage and divorce are contained in the above discussion of Indian tribal self-management as explicitly authorized by Congress to this date. The marriage and divorce customs involved as they are with the systems of property inheritance through the clan; and with the schemes of parental responsibility for the care and education of offspring, are profoundly connected with the social life, moral life, and even the economic arrangements of many tribes of which the Navajos and Pueblos are examples. These customs regarding marriage and divorce are well understood matters of law in the minds of these Indians and they are enforced and obeyed to just about 100 per cent of perfection. They insure, among other things, that no child can be left uncared for, and that the woman has priority over the man in matters of community property. They insure marital faithfulness and it exists to a degree unknown in white communities. They insure that which is to these Indians the good life and the moral life, and which judged by its effects must be so declared by white observers.

The appeal of uniformity of laws and systemization would lead one at first glance to favor the instant application of State laws dealing with these customs to the Indians, or the enactment of an omnibus Federal marriage and divorce law for Indians. But should not the purpose of laws be borne in mind? If these tribes are managing happily and wholesomely by the present arrangements, which are thousands of years old and which are involved with their religious beliefs; if these marriage institutions insure against abandonment of offspring or the neglect of the aged, or licentiousness (and they do all of this); if these Indians are not marrying with the whites but are intermarrying with their own tribes (which is the case); why under all these circumstances make a radical change whose outcome can be to provide no advantage not now existing; while on the other side it would make thousands

of Indians constructively or actively into criminals, or failing to do this would have a smashing-up effect on the family institution among these tribes.

Is the Indian Bureau totally ignorant of the facts and considerations which every anthropologist knows to be existent? Or is it simply hostile in principle to anything an Indian does if he does it like an Indian?

Mr. Justice Vandevanter delivered the opinion of the court.

(*United States v. Quiver*: U. S. Report, vol. 241)

At an early period it became the settled policy of Congress to permit the personal and domestic relations of the Indians with each other to be regulated, and offenses by one Indian against the person or property of another Indian to be dealt with, according to their tribal customs and laws. Thus the Indian intercourse acts of May 19, 1796 (c. 30, 1 Stat. 469), and of March, 1802 (c. 13, 2 Stat. 139), provided for the punishment of various offenses by white persons, but left untouched those by Indians against each other; and the act of June 30, 1834 (c. 161, par. 25, 4 Stat. 729, 733), while providing that "so much of the laws of the United States as provides for the punishment of crimes committed within any place within the sole and exclusive jurisdiction of the United States shall be in force in the Indian country," qualified its action by saying, "the same shall not extend to crimes committed by one Indian against the person or property of another Indian."

(*Corpus Juris* 31, p. 486)

E. Indian laws and customs. 1. In general.—Except when otherwise provided by statute, the Indian laws and customs control in all internal affairs of the tribes. The breaking off and recasting of tribal affiliations between Indians is a matter dependent on the peculiar usages and customs of each particular tribe. In determining who are the communal owners entitled to share in the distribution of a fund under a treaty, the court will follow Indian laws and customs so far as they do not come in conflict with the laws of the United States or the purposes of the treaty or natural law and justice. Adoption of children can not be accomplished by following tribal customs. The validity of contracts between citizens of the United States, which are binding and valid under the laws of the United States, and of the States where made, is not affected by the customs or laws of the Indian tribes within whose territory the contract is to be carried out. Indian laws and proceedings are on the same footing as those of other territories of the United States.

(*Corpus Juris* 31, p. 534)

Offenses committed by one Indian against the person or property of another Indian, on an Indian reservation, and as to which specific provision is not made by statute, are not punishable under the laws of the United States, but are to be dealt with according to Indian tribal customs and laws.

CAN THE BILL BE USEFULLY AMENDED?

Yes, by striking out everything after the definition of purposes of the bill and substituting the following:

1. The United States courts shall have jurisdiction over felonies committed by or against Indians within Indian reservations, and over appeals.
2. The Indians shall be subject to the criminal laws of the United States, and where these laws do not apply, to the criminal laws of the States in which their reservations are located.
3. Arrest and trial for misdemeanor, and commitment for felonies, shall be carried out by United States commissioners appointed by and responsible to the Federal district court in whose district the given reservation is situated. Appeal shall be allowed from the verdicts of the United States commissioner in misdemeanor cases, to the Federal district court. Jury trial shall be allowed when asked by the defendant; also representation by counsel.
4. Except that where tribal organization shall operate, offenses below the felony class shall be left to such tribal organization, and the tribal code

shall prevail. The Federal court shall determine whether tribal organization is still operative as a question of fact.

In cases where the Indian Bureau has shattered or represented the tribal organization, but where the desire and capacity to live under tribal customs and within a tribal organization still exists, the tribe in question shall be permitted to form its own organization for law enforcement and shall then have its own organization for law enforcement and shall then have the privileges which the present laws of Congress extend to tribally organized Indians. The determination of fact shall rest with the United States courts.

5. The Secretary of the Interior and the Commissioner of Indian Affairs shall be prohibited from making penal codes; the superintendents of reservations or any other employee of the Indian Bureau shall be prohibited from arresting or imprisoning Indians. This means that Congress by an affirmative statute shall abolish the so-called reservation courts and the regulations describing crimes and defining procedure under which these reservation courts, or the superintendents or other employees of the Indian Bureau, are now arresting and imprisoning Indians.

6. Regarding marriage and divorce customs, the Federal court shall determine whether tribal custom is still operative in the control of marriage and divorce and where the Federal court determines affirmatively the tribal customs shall prevail; where the Federal court determines negatively, the Indian tribes on such reservations shall be subject to the State laws of marriage and divorce. If the Federal court determines that the tribal custom is still operative, the descent of property shall be in accordance with tribal custom except as otherwise prescribed in the general allotment act or amendments thereto.

7. Congress should give to the Indians, tribally and individually, the right to sue and be sued, and should abrogate the present control of the Indian Bureau over the choice of counsel by Indians. (This paragraph does not refer to prosecution of claims against the United States Government, which does not enter into this subject of codes of conduct and law enforcement.)

JOHN COLLIER.

The CHAIRMAN. We will now hear from Mr. Fred Hendricks, a Klamath Indian.

STATEMENT OF FRED HENDRICKS, DELEGATE OF THE KLAMATH TRIBE OF INDIANS

Mr. HENDRICKS. Mr. Chairman and members of the committee, I have here in my hand a petition that I presented to the Secretary of the Interior during his visit upon our Klamath Indian Reservation which is self-explanatory, which I request to read at this time for the record, and then make my statement.

Mr. HASTINGS. Does that embody your suggestions with reference to this bill?

Mr. HENDRICKS. Yes; and then I would be glad to answer any questions that may arise.

Mr. HILL. Does that have to do with this particular bill, or is it a general statement?

Mr. HENDRICKS. It leads up to what I want to talk about.

The CHAIRMAN. We do not want to hear it unless it relates to this bill, but if it does we do want to hear it. The committee will have to decide for itself what matters shall come before it.

Mr. HENDRICKS. Members of our tribe have been arrested and imprisoned by our local agent. Upon our reservation the Indian agent is directed by the Indian Bureau to handle our affairs, authorized by Congress. I was a captain of police on the reservation for nine years. There are 1,229 Indians on the reservation. I have inside information and I was in position where I could see

these laws work out. I have arrested men and women, some for living as in common law, that is, they were not married. Now, then, since the law was passed, June 2, 1924, the agent has gone so far as to arrest Indians, for example, one Indian named Frank Baker for living with a woman and took him down to Klamath Falls. This is off the reservation but under the direction of the superintendent, took him down there and turned him over to the sheriff and the sheriff put him in jail. What did they do with him there? It was three days before he had a hearing, and then they took him over to the county court. That is what takes place there.

The CHAIRMAN. Was he married by tribal custom?

Mr. HENDRICKS. Just living with a woman. We have no tribal custom. That has been abandoned a long time ago. As I say, since that law has been passed and before that, we have been forced to comply with the laws of the State of Oregon. Now, I myself, will illustrate. When I wanted to get married, the law says that any man who desires to get married must get first a doctor's certificate and then he can apply for a marriage license. That is the custom on that reservation generally.

Mr. HILL. That is the State law?

Mr. HENDRICKS. I am explaining here that they are forcing the State law upon us, as they consider us citizens.

Mr. HILL. Yes; at the present time.

Mr. BRUMM. There is no objection to that?

Mr. HENDRICKS. No objection. I am citing conditions that are enforced upon us there. I am a Klamath Indian. You pass laws here to govern me and you get up these bills from the Indian Office. Now, then, the Indian Office controls me and says I must do this and must not do that.

Mr. BRUMM. Are you a restricted Indian?

Mr. HENDRICKS. Absolutely. The law passed by Congress said that any Indian born within the territorial limits of the United States shall be declared a citizen of the United States and shall retain his tribal rights. What kind of law is that? They go ahead and expend my money and sell my property. That is why I am here to-day for a \$5,000,000 loan for the Klamath Indians who are living in poverty and in want to-day, and I have been told here since I have been here that it will never go through, but I am going to make an effort, gentlemen, and I hope that I will be supported in the matter. They have a revenue annually of \$1,000,000 from our timber sales.

Coming back to what I started out with to illustrate this petition, it states everything and impresses upon your minds that they bring in Federal laws and also the State laws. For instance, if I brought a bottle of whisky on the reservation and got an Indian drunk and robbed him—that is what the bootlegger does to us there, I found this out when I was a policeman—I have arrested Indians at Klamath Falls and locked them up before R. C. Thomas, the Federal commissioner—

Mr. MORROW (interposing). What we want to know is if the Federal or State laws should apply to your people?

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~~General de Trobriand, of Fort Steele, General Bumford, of Fort Russell, and General Smith, of Fort Laramie, with the officers of their respective commands, for valuable assistance rendered, and many courtesies received, while engaged in the investigation.~~
 We have the honor to be, very respectfully,

EDWARD P. GOODWIN,
 J. A. CAMPBELL,
 S. R. HOSMER,
Special Commissioners.

~~CHEYENNE, WYO., August 9, 1873.~~

H.

REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED,
 SPECIAL COMMISSIONERS TO INVESTIGATE THE CONDI-
 TION OF THE INDIANS IN IDAHO AND ADJACENT TER-
 RITORIES.

SALT LAKE CITY, UTAH,
 November 17, 1873.

To the Hon. EDWARD P. SMITH, *Commissioner of Indian Affairs* :

The undersigned, special commission appointed by the inclosed letter of instructions of July 1, 1873, make this their general report touching the condition of Indian affairs in Idaho Territory, and such adjacent territory as is mainly connected therewith in considering the subject.

This general report is in addition to the special report and agreement relative to the Indians interested in and connected with the Fort Hall reservation, and agency in Idaho, of this date; and in addition to the commission's other special report, of even date herewith, touching the tribes known as Okinakanes, Lakes, Colvilles, San Poels, Spokanes, Calispells, Kootenays, Pend d'Oreilles, and Cœur d'Alenes, and their reservations.

Treating upon the general subject of the troubles between whites and Indians, the commission has, by either one or more of its members, visited the Indians at Fort Hall, Camas Prairie, Nez Percé, and the tribes named above, and also the chiefs and headmen of the mixed Shoshones, Bannacks, and Sheep-Eaters, and made diligent inquiry as to the bands under small chiefs roaming through the country.

The Indians complain of the whites because of encroachments on their farming lands, hunting and fishing grounds. Worthless white men associate with bad Indian women, prostituting them, and leaving such women and their children a burden upon the Indians. However, this is seriously condemned by the white people generally, and is not so much practiced as heretofore. It is a source of great complaint among the Colvilles of Washington Territory, and Nez Percés of Idaho. The sale to and use of intoxicating liquors by the Indians is bitterly complained of by the chiefs, and has received the severest censure from citizens at every point. The courts have, in Idaho, made it especially dangerous to violate the intercourse laws. There are four persons in the penitentiary of Boise, at this time, on sentence for this offense, and others under arrest on several similar charges. The United States courts of Washington Territory have been vigilant in this matter also, and the common practice of giving liquors to Indians to drive bargains, will be prohibited, so far as possible, there hereafter. The agents at Fort Hall, Nez Percés, and Colvilles are also active in preventing this evil. The people are demanding a prohibition of the sale of liquors to Indians.

Some misunderstandings occur between whites and Indians on account of pasturing stock. What is known as ranchmen, object to have the inferior bands of stock owned by Indians to mix with their herds and bands. This is one evidence of the necessity of putting Indians with their stock on reservations and prohibiting white men from interfering with them there. To this the people are favorably inclined.

We must not forget that [in] the political organization into States and Territories of all our western country and its settlement by white people in such numbers as to make Indian wars impossible, has had a salutary effect on Indians and on that class of bad white men who always infest and curse a frontier country, and by their bad conduct embarrass good settlers and excite hostilities among Indians. The people have power to enforce good order now, and are demanding it from all parties; this is the best security for peace, and has done much to call the attention of the Indians to the necessity of abandoning the chase and a resort to permanent homes and to agriculture.

The worst trouble between the whites and Indians in Idaho, and the one that the whites seem most unwilling to overlook, is the annoyance occasioned by roving bands of Indians, generally Shoshones and Bannacks, and who, under the provisions of the treaty of July 3, 1868, belong, and should have permanent homes upon, the Fort Hall reservation, but who go about the country, ostensibly hunting on unoccupied public

lands, under a right to do so secured to them by the fourth article of the treaty referred to. The presence of these Indians near white men's homes causes distrust and fear on the part of women and children, and their universal custom being to carry all their effects with them, their horses turned upon the prairies encroach on the inclosures of the whites. These troubles, however, will be in the power of the Government, when the agreements entered into with these Indians on the seventh instant under your instructions are confirmed, and so soon as the roving bands can be sent to the reservation under orders of the Government. It is absolutely necessary to put the Indians on reservations and protect them there from encroachments, or to put them on farms diversified over the country and attempt to protect them there from a loss of title and possession. The reservation system is, in the opinion of the commission, the better course, until the Indian can be instructed further in agriculture and business life. The commission believe further that these reservations should be large and the Indians concentrated from the country joining on these, so as to relieve as much of the country as possible from their presence, and further and more particularly, [so] that the subject may receive more direct and efficient aid from the Government with less expense than from multiplied agencies. The commission would respectfully recommend the following as necessary to a successful management of the Indian question: by law or executive order directing agents to apportion lands on the reservation among the several Indian heads of families, and such young men as are willing to take homes, and put those families and persons on their respective tracts, and not permit them to remove their tents or houses from the particular grounds allotted to them, but cause them to labor on those grounds, to raise gardens, grain, &c.; and until this is done you will have nationalized pauper-houses, instead of progressive reservations. Unless this course is adopted the Indians will retrograde and will scatter over the country and become vagabonds in society. It would ruin any people to feed and maintain them in idleness at a common crib. Already, [by] the encouragement given by the agent at Fort Hall by hiring Indians to work on the reservation for wages, instead of white men, as is too commonly the case, he has over forty laboring Indians, thirty-nine of whom signed the agreement of the seventh instant as laborers; and this spirit of advancement has been so far instilled into these people by encouragement that at this agency now there are more Indians asking to become laborers than the agency is authorized to employ. This presents an encouraging view of the question on the vital point of difference between civilized and uncivilized men; the one esteeming labor honorable, and the other feeling it to be dishonorable and only to be done by women.

The people of Idaho have the general dislike to Indians that is felt to some extent all over the West, and of which it is not necessary in this report to trace the causes; yet they have punished promptly those who violate the law against them. There is a man in the penitentiary at Boise, under sentence of death, convicted before a jury of white men at Lewiston, for the murder of a Nez Percé woman.

There are some white men residing on the Nez Percés reservation—William Cadwell, who is there under an authority from a former agent, as the ostensible keeper of a stage station; but really is farming largely, cutting hay, timber, &c., on the reservation to sell to other parties. He occupies a place of importance to the Indians, and should be removed. There are some others on the reservation under various pretexts, and are in the way of a proper management of the agency. There is also a man by the name of Finney, who claims to hold [his place] under a treaty provision, made in the interest of his father-in-law, one Craig, long since dead. Congress took action in this case, and the commission recommend the importance of removing this man from the reservation. He, like Cadwell, keeps numbers of men about him, hired hands and others, injurious to the proper management of the interests of the Indians.

One of the most troublesome questions in the way of the Government controlling Indian affairs, is the contest between the Catholic and Protestant churches. The Nez Percé reservation is in the hands of Protestants; and one Catalde, a Catholic priest, who is in charge of the Cœur d'Alene mission, has procured an order from the Office of Commissioner of Indian Affairs, authorizing him to construct a church on the Nez Percé reservation. It is proper to call attention to these matters, and to say this strife between the two religious denominations is a great detriment to the Indians, as they are not well prepared to see that there is no religion in such a contest. If the Catholics are allowed to build a church on the reservation, it will measurably destroy the schools on the reservation, or compel the establishment of other schools than those provided for by treaty, as it is well known that the priests will not permit the children of Catholics to attend Protestant schools. It is well to see whether the Indian Department has authority, to authorize any church to construct its private buildings on Indian reservations, without the consent of the Indians. To further illustrate the evil effects to the Indians of this persistent and injurious contest between religious denominations, among and concerning the Indians, the commission quote the language of Joseph, chief of the non-treaty Nez Percé Indians, now located in the Wallowa Valley, Oregon, but who with his people held a council with the commission at the Nez Percé agency near the Clear Water River, Idaho Territory, on the 2d day of August, 1873:

"By the commission:

"Question. Do you want schools and school-houses on the Wallowa reservation?

"Answer by JOSEPH. No; we do not want schools or school-houses on the Wallowa reservation.

"Question. Why do you not want schools?

"Answer. They will teach us to have churches.

"Question. Do you not want churches?

"Answer. No; we do not want churches.

"Question. Why do you not want churches?

"Answer. They will teach us to quarrel about God, as the Catholics and Protestants do on the Nez Percés reservation, and at other places. We do not want to learn that. We may quarrel with men sometimes about things on this earth, but we never quarrel about God. We do not want to learn that."

One cause of complaint made by the Nez Percé Indians, is what they understand to be a great fraud practiced on them through their former agent, Sells, in the matter of fencing on the reservation. The commission examined the fences put up under the Sells contract, and state that it can only be characterized as a most scandalous fraud. It is a post-and-board fence. The posts are not well set. Much of the lumber is deficient in width and length. The posts are not dressed, the lumber laps at any joint where it may chance to meet, whether on the posts or between them, and the boards are not jointed on the posts where they meet; they are lapped and fastened generally with one nail, so that they are falling down rapidly. The lumber was cut on the reservation; the contract price of the fence was very high, and the fencing done in places of no value to any one, for the reason that water cannot be had for irrigation. The Government cannot be a party to such frauds on the people who intrust it with their property. These people never raised their hands against the Government, but always defended the whites against other Indians.

The commission recommend that the marital relation of Indians and the marriage or cohabitation of white men with Indian women; the liabilities of Indians for debts contracted by them; the descent of property among them; their admission in court as witnesses, and such other matters as may be necessary to their proper protection and preparation for civilized life, should be the subject for careful legislation by Congress. And the commission especially recommend that criminal law be extended over the Indians, making them liable and punishable as white citizens are for similar offenses. The murders and other crimes and misdemeanors committed by them on their own race are fearfully common, and need prompt punishment from a power that they respect and fear.

And it is further recommended that every white employé on reservations be compelled to have continually in his service one or more Indian apprentices at work in charge on the reservation, to employ only married men upon the reservation as agents, farmers, millers, &c., and to make their employment conditional upon their removing their families to, and remaining with them on the reservation. The presence of white women and white children among the Indians is necessary to the best interests of the whites and Indians. The schools on the reservations to be kept open as continually as possible. The reservation schools should be free to children of agents and their employés.

Every agent should be compelled to report officially the respective violations of the law by Indians under his charge against Indians or whites, and of whites against Indians.

All of which is most respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNET,
HENRY W. REED,
Commissioners.

J.

REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED, SPECIAL COMMISSIONERS TO INVESTIGATE AND REPORT UPON INDIAN AFFAIRS IN THE TERRITORY OF IDAHO, AND TERRITORIES ADJACENT THERETO.

SALT LAKE CITY, UTAH,
November 17, 1873.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS:

The special commission, consisting of J. P. C. Shanks, T. W. Bennet, and H. W. Reed, directed by you under the attached instructions of July 1, 1873, while inspecting matters connected with the Nez Percé reservation at Lapway, on the Clear Water River,

Idaho Territory, received from General Milroy, superintendent of Indian affairs for Washington Territory, the inclosed letter bearing date July 31, 1873; and on the 3d day of August, 1873, General Milroy came in person to Lewiston, Idaho, at the mouth of the Clear Water River, to meet the commission for the purpose of securing its attendance at the Colville agency, Washington Territory. Having been instructed by you to examine the condition of Indian affairs in the Territory of Idaho, and report thereon, and believing that the Calispells, Pend d'Oreilles, Kootenays, and Spokanes, who inhabit the northern portion of Idaho, would be interested in a council to be held at or near Colville, and interested in a reservation that had been set off including the Colville Valley, and which reservation had been changed to the west side of the Columbia River, by the action of interested white men; and, insomuch as we were instructed to ascertain and report the causes of complaint by the Indians against white people, and of white people against the Indians, the commission deemed it proper to send one of its number with General Milroy to examine and report the facts, so far as he could, touching the matters of complaint, and accordingly sent J. P. C. Shanks of the commission on that duty.

The commission herewith incloses his report made to them, together with a record of the council held with the Indians interested, who were present, and make both the record of the councils and the report of Mr. J. P. C. Shanks part of this report to you, and ask your attention to both, as showing the condition of our Indian affairs along the line of British America, and to the great injustice done to these peaceable Indians by the interested action of white men; and especially to the conduct of their ex-agent, Park Winans, in procuring a change of reservation through selfish motives; and to the more important fact that the reservation, as now located, is in a frigid and high latitude, where farming is impossible, while the lines of the reservation cut the Indians off from the Columbia River, and remove them from the Spokane River, the only source from which they could procure a livelihood by fishing, game being nearly exhausted; so that [they are] without fish or game, and in a locality where farming is impossible, as proven by white men who have settled on the new reservation and abandoned the country on account of frost, &c.

The act of compelling these Indians to go to the reservation west of the Columbia River is either to annihilate them or make them a perpetual tax on the Government; while they are industrious and desire to make their own living by work.

The commission recommends to the Government that these Indians be permitted to remain where now situated, for the reasons set forth in General Shanks' report to the commission, herewith filed as stated; and that the boundaries thereof be as follows: Beginning at a point in the channel of the Columbia River, opposite the mouth of O'Kinakane River; thence up the center of the channel of the Columbia River to a point opposite the mouth of the Spokane River; thence up the center of the channel of the Spokane River to the mouth of Hangman or Lotah Creek; thence up the center of Hangman or Lotah Creek to the line dividing Washington and Idaho Territories, as recently surveyed; thence south on said line to the top of the ridge between Hangman or Lotah Creek and Pine Creek; thence easterly along the summit of said ridge to a point which is five miles in a direct line east of said territorial line; thence in a direct line north to the dividing-line between the United States and British Columbia; thence west along said line to the O'Kinakane River; thence down the center of the channel of said O'Kinakane River to the place of beginning.

That this reservation shall be a permanent reservation—a home for the following tribes and such parts of these tribes as may be proper, namely: Cœur d'Alenes, Upper and Lower Spokanes, Calispells, Pend d'Oreilles, Kootenays, Lakes, Colvilles, San Poels, Methows, and O'Kinakanes; ten in all.

A reference to General Shank's report to the commission will explain this matter more in detail.

The commission is informed of the following facts: By an order from the Commissioner of Indian Affairs, Odeneal, then superintendent of Indian affairs of Oregon, and J. B. Monteith, Indian agent at the Nez Percé reservation, were directed to negotiate with the Cœur D'Alenes, and to set off a reservation for them.

Odeneal did not go to see these Indians, but it is stated that he made a report to the Department from information received of D. P. Thompson, but without counseling with J. B. Monteith.

Under the instructions to the commission to visit the Indians in Idaho, Shanks and Bennet, in company with J. B. Monteith, agent, met in council the Cœur D'Alenes at Hangman or Lotah Creek, on the 29th day of July, 1873, and entered into a written agreement with the Cœur D'Alenes, for a reservation, conditioned that it should be approved by Congress. This agreement is in the hands of J. B. Monteith, and perhaps has been reported to you.

The commission did not desire to go beyond its authority in this matter, and only joined Mr. Monteith as there seemed to be a necessity for it at the time. But the commission, after an investigation of the whole subject, now recommends that the agree-

ment entered into with the Cœur d'Alenes be not confirmed, but that the reservation recommended by the commission for the nine tribes, including the Cœur d'Alenes, be adopted.

All of which is most respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNET,
HENRY W. REED,
Commission.

COLVILLE, STEVENS COUNTY, WASH.,
August 14, 1873.

Hon. T. W. BENNET and H. W. REED,
Gentlemen of the Special Commission:

I left Lewiston, Idaho, at the mouth of the Clear Water River, as you are aware, on the 3d day of August, 1873, by steamer down Snake River, accompanied by General Milroy, the superintendent of Indian affairs, for Washington Territory, and landed at the mouth of the Pelluce River, where we met John A. Simms, agent at the Colville agency.

From the mouth of the Pelluce we proceeded by wagon to Fort Colville, in Stevens County, in Colville Valley, Washington Territory, where we arrived on the 7th of August, 1873, and on the following day proceeded to the Kettle Falls, on the Columbia River, and, crossing that river, passed up Kettle River and the Sue-Whock to a point near the line of British Columbia, and returning from this point by the Columbia held a council, August 12, with the following tribes in general council—held at the old British trading post, about one mile above the Kettle Falls: The Colvilles, Lakes, San Poels, O'Kinakane, upper and lower Spokanes, and Calispells. The following are the facts as I found them:

1. All these people are peaceable, quiet, and industrious, and express a loyalty to the United States Government, as simple, confiding, and faithful as children.
2. They are divided into Catholics and Protestants; the majority of the latter being Presbyterians; and are very zealous in their faith respectively. In the aggregate the Catholics largely outnumber the Protestants.
3. Their agent, John A. Simms, is a Catholic, and the Indians, irrespective of faith, have confidence in his integrity, and speak well of him.
4. They all, as irrespective of religious faith, condemn their ex-agent, who immediately preceded Simms, one Park Winans, a merchant of Colville.
5. All these Indians desire a permanent reservation, schools, churches, &c.
6. They generally labor either on farms of their own, of which there are a considerable number, or for others, which is the general rule. Many who had farms before the recent influx of whites have sold their farms to whites, and now work by the day for a living.
7. The whites have encroached on the Indians very much, and are continuing to do so.
8. In these encroachments their late agent, P. Winans, was a principal and participant, and still continues to be their exponent and principal operator. He was a partner in a trading-house dealing with the Indians, while agent, from which whisky was given to secure bargains in furs, which is the principal trade in that locality. And when the reservation was set off east of the Columbia River, he concealed that fact from the Indians, and busied himself to have it changed to the cold, dry highlands west of that river, where white men have abandoned the country after trial, and failed to farm owing to frosts and other difficulties in the way.
9. The reservation has been, by interested, and in many cases unscrupulous men, relocated from east to west of the Columbia River; and from the advantages of the salmon fisheries on the Spokane and Columbia to west of the Columbia, only coming to the west bank of that stream, and that without any privilege of fishing in that river, literally robbing the Indians of their country and their food.
10. There are numbers of white settlers in the Colville Valley, where the Indians now are, the Indians not having been removed west of the Columbia under the late unjust assignment of reservation, and I hope never will.
11. These whites are the same persons who procured the change of reservation, and are not entitled to any sympathy, as they obtained an unjust order against the Indians, knowing that the new reservation was unfit for habitation, and, avoiding it themselves, procured an order that gave them the Indians' homes, and drove the Indians where they would not reside themselves.
12. These Indian tribes are now situated adjacent to each other, and have been so since time immemorial.
13. These tribes speak the same language, the same as spoken by the Flatheads and Cœur d'Alenes.

14. The Kootenays, who were not in the council but who reside in Northeast Washington, North Idaho, and Northwest Montana, speak the same language, and should be included with these tribes.

15. These tribes desire reservations together, beginning as follows: At a point in the channel of the Columbia River opposite the mouth of the O'Kinakane River; thence up the center of the channel of the Columbia River to a point opposite the mouth of the Spokane River; thence up the center of the channel of the Spokane River to the mouth of Hangman or Lotah Creek; thence up center of Hangman or Lotah Creek to the line dividing Washington and Idaho Territories, as recently surveyed; thence south on said line to the top of the ridge between Hangman or Lotah Creek and Pine Creek; thence easterly along the summit of said ridge to a point which is five miles in a direct line east of said territorial line; thence in a direct line north to the dividing line between the United States and British Columbia; thence west along said line to the O'Kinakane River; thence down the centre of the channel of said O'Kinakane River to the place of beginning.

16. These Indian tribes propose surrendering their title to all the country south and east of the country as named. This gives the United States all that beautiful country along Pine Creek, and from the Pelluce to the proposed line which you have seen, and which is more valuable than all they desire to retain.

17. They ask no money or clothing; all they wish is that their homes be secured to them.

18. They say if the United States has money to give let it be given to the whites for their improvements. The Indians will make their living if protected in their homes.

19. The country they wish to retain is, with the exception of the Colville and Hangman's Creek Valleys, mountainous and poor, except small spots, but the fishing is good, and it is their cherished homes and much desired by them.

20. It would be expensive, troublesome, dishonorable, and wicked to drive these people away from their homes, where they have lived from time immemorial, to give place to cunning men who have supplanted them, and procured the action of the Government against them.

21. None of these Indians have been in hostility to the Government at any time, except the Spokanes and Coeur d'Alenes, and they only were when they defeated Steptoe, and were in turn conquered by General Wright.

22. These people generally dress as white people do, and are anxious to improve in agricultural pursuits. They ask for nothing but their homes, and for these they plead as children.

There has been no treaty with these tribes for whom this reservation is proposed, and their title to all the country from Steptoe's Butte to the Flathead country and British line, and to the Sierra Nevada to Snake and Pelluce Rivers is theirs yet. All this is to be relinquished by them, except that included in the proposed reservation.

I left General Milroy, at Colville, on the 14th day of August, 1873, preparing to carefully examine that part of the new reservation lying west of the Kettle River, this part of it, lying between Kettle and Columbia Rivers, having been examined by Mr. Milroy, Simms, and myself, as stated above. General Milroy will make report to the Indian Department of his further investigations, to which I respectfully ask attention.

The Colville agency is one difficult to manage for the reason that it is not on a reservation. The reservation was changed from east to west of the Columbia River by Executive order, but the Indians, and consequently agency, remained east of the Columbia River, at Colville, within the limits of the reservation as just set off. This leaves the agent no controlling power over bad white men, who may wrong or intrigue with the Indians, other than such as the courts can give under the intercourse laws, leaving the agent or court no power to prevent the association of bad white men with the Indians under his charge.

The better class of white people see and feel the effect of this condition of things, and have spoken to me of it quite freely.

At the general council held near Kettle Falls, on August 12, 1873, Antoine, chief of the Colvilles, speaking for his people who reside in the Colville Valley and around Colville, and the old trading post where the council was held, said, (among other things of deep interest,) to General Milroy, Agent Simms, and myself, "We want you to take our part; the liquor is coming up to our knees; we tie our people up for drinking, but the whites do not tie up or punish their people for selling liquor to Indians. I wish you who come from Washington would take our part and stop this selling liquor to us."

Another ground of serious complaint is the prostitution of their women by bad white men under the plea of marriage. These white men take the advantage of the difference between the marriage ceremonies of white people and the simple voluntary association which is the Indian form of marriage, and while the poor Indian woman believes she is married to a white man, he treats it in the light of cohabitation only, and which he breaks off at will, often abandoning both women and children with impunity and with gross indifference. The speeches of the chiefs at the council will ex-

DEPARTMENT OF THE INTERIOR

WASHINGTON

December 10, 1923.

Members of the Advisory Council on Indian Affairs

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Baruch, Bernard M.	Jordan, Dr. David Starr	Wanamaker, Rodman
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Billings, Dr. Frank	Lawler, Rt. Rev. J. J.	Welsh, Herbert
Bok, Edward W.	La Du, Mrs. Blanche L.	Wetherill, Mrs. Louisa
Briggs, Mrs Mary Cabot	Lindquist, G. E. E.	Wheelock, Dennison
Brown, Dr. Elmer E.	Lindsley, Henry D.	White, Miss Amelia E.
Bryan, William J.	Lorimer, George Horace	White, Dr. Charles L.
Burleson, Rt. Rev. H. L.	Lummis, Charles F.	White, Edwin E.
Butler, Dr. Nicholas M.	McKenzie, Dr. F. A.	White, William Allen
Camp, W. M.	McKittrick, Miss Margaret	Wilbur, Dr. Ray Lyman
Cantacuzene, Princess	Malone, Rev. Thomas H.	Willard, Miss Mary B.
Carey, Joseph M.	Marcosson Isaac F.	Winter, Mrs. Thomas G.
Chandler, Harry	Merriam, Dr. C. Hart	Wise, Rabbi Stephen S.
Clark, John W.	Moffett, Dr. Thomas C.	Wissler, Dr. Clark
Cloud, Rev. Henry R.	Moorehead, Dr. Warren K.	Woehlke, Walter V.
Collier, John	Moulton, Bishop Arthur W.	Woodward, Dr. W. C.
Comstock, Dr. John A.	Nestos, R. A.	Yellowtail, Robert
Coolidge, Rev. Sherman	Otis, Joseph E.	
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Dabb, Miss Edith M.	Parker, Arthur C.	
Davis, John W.	Patrick, Mrs. James S.	
Dawes, Miss Anna L.	Penrose, Dr. Stephen B.	
Dixon, Dr. Joseph Kossuth	Pershing, Gen. John J.	
Eastman, Dr. Charles A.	Pinchot, Gifford	
Ely, Robert Erskine	Preus, J. A. O.	
Farrand, Dr. Livingston	Rinehart, Mrs. Mary R.	
Finley, Dr. John H.	Robertson, Miss Alice M.	
Gary, Elbert H.	Roe, Mrs. Walter (Mary W.)	
Gavin, Mrs. Michael	Rosenwald, Julius	
Gordon, Rev. Fr. Philip T.	Roundy, Rev. Rodney W.	
Grosvenor, Gilbert	Sarett, Prof. Lew	
Heinigke, Mrs. Otto	Scott, Maj. Gen. Hugh L.	
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Herreid, C. N.	Shaffer, John C.	
Hewett, Dr. Edgar L.	Shahan, Bishop Thomas J.	
Heye, George G.	Sloan, Thomas L.	
Higley, Rev. Elmer E.	Sniffen, Matthew K.	
Hinkle, J. F.	Spinden, Dr. Herbert J.	
Hodge, Dr. F. W.	Storey, Moorfield	
Hoover, Mrs. Mildred B.	Sullivan, Mark	
Hughes, Rev. William	Swain, Dr. Joseph	
Irwin, Will	Talbot, Mrs. Anna H.	

Government Document: Cheyenne Indians

1857, 1902

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- No. 2. Letter from Lieutenant Colonel D. S. Miles to Colonel B. L. E. Bonneville, July 13, 1857.
No. 3. Letter from Captain R. S. Ewell to Lieutenant Colonel D. S. Miles, July 13, 1857.

DEPARTMENT OF FLORIDA.

- Letter from General W. S. Harney to the assistant adjutant general at the headquarters of the army, March 8, 1857.
Letter from Colonel G. Loomis to the assistant adjutant general at the headquarters of the army, August 30, 1857, enclosing—
No. 1. Letter from Captain J. E. Michler to Colonel G. Loomis, August 28, 1857.
No. 2. Letter from Captain W. H. Kendrick to the assistant adjutant general at the headquarters, department of Florida, August 26, 1857.

INDIAN DISTURBANCES IN MINNESOTA.

- Letter from Captain B. E. Bee to the adjutant of 10th infantry, April 9, 1857.
Letter from Colonel L. Thomas to General W. Scott, August 3, 1857.
Letter from Colonel L. Thomas to General W. Scott, August 10, 1857.
Letter from Captain G. W. Patten to the assistant adjutant general at the headquarters, department of the west, October 7, 1857.

HEADQUARTERS CHEYENNE EXPEDITION,

Arkansas river, near the site of Fort Atkinson, August 9, 1857.

SIR: I have the honor to report that, on the 29th ultimo, while pursuing the Cheyennes down Solomon's fork of the Kansas, we suddenly came upon a large body of them, drawn up in battle array, with their left resting upon the stream and their right covered by a bluff. Their number has been variously estimated from two hundred and fifty to five hundred; I think there were about three hundred. The cavalry were about three miles in advance of the infantry, and the six companies were marching in three columns. I immediately brought them into line, and, without halting, detached the two flank companies at a gallop to turn their flanks, (a movement they were evidently preparing to make against our right,) and we continued to march steadily upon them. The Indians were all mounted and well armed, many of them had rifles and revolvers, and they stood, with remarkable boldness, until we charged and were nearly upon them, when they broke in all directions, and we pursued them seven miles. Their horses were fresh and very fleet, and it was impossible to overtake many of them. There were but nine men killed in the pursuit, but there must have been a great number wounded. I had two men killed, and Lieutenant J. E. B. Stuart, and eight men wounded; but it

- No. 6. Letter from General W. S. Harney to Governor R. J. Walker, September 28, 1857.
- No. 7. Special orders No. 78, headquarters troops in Kansas, September 28, 1857.
- No. 8. Letter from Captain A. Pleasonton to Lieutenant Colonel H. Brooks, September 28, 1857.
- No. 9. Letter from Governor R. J. Walker to General W. S. Harney, October 3, 1857.
- No. 10. Letter from General W. S. Harney to Governor R. J. Walker, October 3, 1857.
- No. 11. Special orders No. 85, headquarters troops in Kansas, October 3, 1857.
- No. 12. Letter from Captain A. Pleasonton to Major H. J. Hunt, October 3, 1857.
- No. 13. Letter from Captain A. Pleasonton to Captain T. Hendrickson, October 3, 1857.
- No. 14. Letter from Captain A. Pleasonton to Captain E. W. B. Newby, October 3, 1857.
- Letter from General W. S. Harney to the Secretary of War, October 11, 1857, enclosing—
- No. 1. Letter from General W. S. Harney to Governor R. J. Walker, October 9, 1857.
- No. 2. Letter from Governor R. J. Walker to General W. S. Harney, October 10, 1857.

DEPARTMENT OF TEXAS.

- Letter from Lieutenant J. B. Hood to the assistant adjutant general, headquarters, department of Texas, July 28, 1857.
- Letter from Lieutenant J. B. Hood to the post adjutant at Fort Mason, Texas, July 27, 1857.
- Letter from General D. E. Twiggs to the assistant adjutant general at the headquarters of the army, August 5, 1857.

DEPARTMENT OF THE PACIFIC.

- Letter from General N. S. Clarke to the assistant adjutant general at the headquarters of the army, September 14, 1857, enclosing—
- Letter from Major G. O. Haller to the assistant adjutant general at the headquarters, department of the Pacific, August 17, 1857.

DEPARTMENT OF NEW MEXICO.

- Letter from General J. Garland to the assistant adjutant general at the headquarters of the army, June 30, 1857.
- Letter from General J. Garland to the assistant adjutant general at the headquarters of the army, August 1, 1857, enclosing—
- No. 1. Letter from Colonel B. L. E. Bonneville to the assistant adjutant general at the headquarters of the department of New Mexico, July 14, 1857.

is believed they will all recover. All my officers and men behaved admirably. The next day I established a small fort near the battleground, and left my wounded there, in charge of a company of infantry with two pieces of artillery, with orders to proceed to the wagon train, at the lower crossing of the south fork of the Platte, on the 20th instant, if I did not return before that time.

On the 31st ultimo I started again in pursuit, and at fourteen miles I came upon their principal town. The people had all fled; there were one hundred and seventy-one lodges standing, and about as many more that had been hastily taken down, and there was a large amount of Indian property of all kinds of great value to them. I had everything destroyed, and continued the pursuit. I trailed them to within forty miles of this place, when they scattered in all directions. Believing they would reassemble on this river, (for there are no buffalo in their country this summer on which they can subsist,) I have come here hoping to intercept them and to protect this road. I was obliged to send my wagon train back to Laramie from near Fort St. Vrain, and to take pack-mules.

My supplies have been exhausted for some time, except fresh beef, and I have beef only for twenty-four days. I shall send an express to Fort Leavenworth to have supplies pushed out to me as soon as possible, for I do not think these Indians have been sufficiently punished for the barbarous outrages they have recently committed. The battalion of the 6th infantry, under Captain Ketchum, belonging to my command, has had a long and arduous march. It is matter of deep regret to them, as it is to myself, that I could not wait to bring them into the action. As I have no supplies with which I can send these troops back to Laramie, I must take them to Fort Leavenworth; and if they are to return to Laramie this fall, I would respectfully ask for authority to send them up in a light train.

I have the pleasure to report, what I know will give the lieutenant general commanding the army the highest satisfaction, that in these operations not a woman nor a child has been hurt.

I am, sir, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel 1st Cavalry, Commanding Expedition.

The ASSISTANT ADJUTANT GENERAL,

Headquarters of the Army, New York, N. Y.

HEADQUARTERS CHEYENNE EXPEDITION,

Arkansas river, one march below Fort Atkinson, Aug. 11, 1857.

SIR: I have received authentic information from the mail party to-day that the agent for the Cheyennes has gone up to Bent's Fort with the yearly presents for that tribe, and that he has been informed by them that they would not come to receive their presents in the usual way, but that he should never carry the goods out of the country. Under these circumstances, I consider the agent and the public property in his charge in jeopardy. I have therefore decided to proceed at once to Bent's Fort with the elite of my cavalry, in the hope

that I may find the Cheyennes collected in that vicinity, and, by another blow, force them to sue for peace; at all events, this movement will secure this agent and the public property. Another motive is, that by this march up the river I shall more effectually cover this road from Indian depredations this summer.

I have directed Captain Ketchum, with his battalion and a part of the cavalry, to proceed, by easy marches, to Walnut creek, and there await my return.

I am, sir, very respectfully, your obedient servant,
E. V. SUMNER,
Colonel 1st Cavalry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York City.

HEADQUARTERS FIRST CAVALRY,
Fort Leavenworth, K. T., September 20, 1857.

SIR: I have the honor to submit a report of my operations during the past summer, or rather a brief recapitulation of the reports already forwarded. I detached Major Sedgwick, with four companies of cavalry, from this post on the 18th of May, to move by the Arkansas river, and to meet me on the south fork of the Platte on the 4th of July. I marched, with two companies of cavalry, on the 20th of May for Fort Kearney, where, in compliance with orders, I took up two companies of the 2d dragoons stationed at that post, and moved on towards Fort Laramie. When about eighty miles from the latter post, I received an order to leave the two companies of dragoons at Fort Kearney for General Harney's expedition to Utah. As they were then so near Fort Laramie, instead of sending them back to Fort Kearney, to march over the same ground three times, I took them to Fort Laramie, and left them there; which, I trust, was approved by the general commanding the army. On the 27th of June I moved south from Fort Laramie with two companies of cavalry and three companies of the sixth infantry.

On the 4th of July I reached the south fork of the Platte, and should have formed a junction with Major Sedgwick on that day, but the river was entirely impassable. On the next day I attempted to establish a ferry with the metallic wagon beds, but found them entirely useless, and was obliged to abandon it. The two commands then moved down the river until I found a ford, and I then brought Major Sedgwick's command over to my camp.

It was my intention to establish a larger camp somewhere in that vicinity, and form two columns for the pursuit of the Indians; but hearing they would be in force, and would resist, I determined to abandon my wagons, train, tents, and all other incumbrances, and proceed with my whole command in pursuit of the Indians. The train was sent back to Fort Laramie, with orders to meet me at the lower crossing of the south fork of the Platte in twenty days; but in pursuing the Indians, I was drawn across the country to the Arkansas

river, and we had nothing but fresh beef to subsist upon for some time. I found the trail of the Indians on the 24th of July, and on the 29th came upon them, as already reported; which report narrates the battle, the destruction of the town, and the pursuit through to the Arkansas. On arriving there, I found the agent for the Cheyennes had taken to Bent's Fort the annual presents for that tribe, including arms and ammunition. I knew the government could never intend to send an expedition against a tribe of Indians, and at the same time give them arms and ammunition. I therefore determined to proceed at once to Bent's Fort to prevent the Indians from getting this property, especially as they had threatened that it should not be taken out of the country.

I had also a hope of finding the Indians collected again in that vicinity. I trust my reports in relation to this matter were satisfactory to the commanding general, and that he endorsed them to that effect, for without his approval the measures that I felt bound to take may involve me in difficulty with the Department of the Interior. On my arrival at Walnut creek, I received the order to break up the expedition, and to detach four companies of cavalry and three of infantry for the expedition to Utah. I immediately put the detachment in as good order as possible, by stripping the two companies which were to return to this post, and directed Major Sedgwick to proceed across the country to Fort Kearney, on his route to Utah. We had then marched sixteen hundred miles, and, although this order was entirely unexpected, and the men and horses were much worn down, not a man deserted, when they could easily have made their escape by taking the best of the horses. The conduct of my command throughout the summer has been all I could wish; the officers and men have not only shown bravery in action, but they have shown the higher quality of a manly and cheerful endurance of privations.

Six days after I detached Major Sedgwick, as I was returning to this post with the two remaining companies, I was very happy to receive the countermand of the order for Utah. I arrived at this post on the 16th instant, after marching over eighteen hundred and fifty miles.

I am, sir, very respectfully, your obedient servant,
E. V. SUMNER,
Colonel 1st Cavalry, Commanding Cheyenne Expedition.
ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York City.

ADJUTANT GENERAL'S OFFICE,
Washington, May 8, 1857.

GENERAL: In transmitting to you "special order" No. 62, of this date, assigning you to duty according to your brevet rank, and to the command of the troops designated for service in the Territory of Kansas, I am directed by the Secretary of War to say that you will

be strictly governed by the instructions of the department, as conveyed in the letters addressed from this office April 1 and April 28, 1857, to the commanding general of the department of the west and the commanding officer at Fort Leavenworth, copies of which are herewith enclosed.

The Secretary especially orders that no portion of the force subject to your authority be used for the removal of intruders from the Indian lands in Kansas, under the instructions of October 6, 1855, and January 30, 1856, copies of which are also enclosed, except after advisement with the governor of the Territory, nor in any way which may conflict with the requisitions that the governor may make upon you.

I am, sir, very respectfully, your obedient servant,
S. COOPER,
Adjutant General.

Brevet Brigadier General W. S. HARNEY,
Commanding, &c., &c., Fort Leavenworth, K. T.

ADJUTANT GENERAL'S OFFICE,
Washington, April 1, 1857.

GENERAL: I am directed by the Secretary of War to convey to you the following instructions for the guidance of the officers of the army serving in the Territory of Kansas:

"If the governor of the Territory, finding the ordinary course of judicial proceedings, and the power vested in the United States marshals and other proper officers, inadequate for the preservation of the public peace and the due execution of the laws, should make requisition upon you to furnish a military force to aid him, as a *posse comitatus*, in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as he may require.

"In executing this delicate function of the military power of the United States, the responsibility will be upon the governor of the Territory, and you will implicitly obey his orders. These instructions are given in the hope that the governor will not find it necessary to resort to the military power, and in entire confidence that if so deplorable a necessity should occur, he will discontinue the use of your forces at the earliest practicable moment."

I have the honor to be, sir, very respectfully, your obedient servant,
S. COOPER,
Adjutant General.

Brevet Major General P. F. SMITH, *U. S. Army,*
Commanding Department of the West, Baltimore, Md.

ADJUTANT GENERAL'S OFFICE,
Washington, April 28, 1857.

SIR: I am instructed by the Secretary of War to say that the instructions conveyed in the letter addressed from this office to the com-

manding general of the department of the west, April 1, 1857, placing the troops serving in Kansas at the disposal of the governor of that Territory in certain specified contingences, and with a copy of which you have been furnished, supersede any instructions of a *prior* date from the President or Secretary of War with which they may in any degree conflict.

I am, sir, very respectfully, your obedient servant,
S. COOPER,
Adjutant General.

The COMMANDING OFFICER,
Fort Leavenworth, K. T.

ADJUTANT GENERAL'S OFFICE,
Washington, October 6, 1855.

SIR: The President of the United States directs that, on proper application therefor, you aid in the removal of intruders from the country in the vicinity of Fort Leavenworth set apart for Indian occupation, according to the terms of the act of 1834, commonly called the Indian intercourse act, a copy of which is herewith transmitted.

I am, sir, very respectfully, your obedient servant,
S. COOPER,
Adjutant General.

COMMANDING OFFICER,
Fort Leavenworth, K. T.

ADJUTANT GENERAL'S OFFICE,
Washington, January 30, 1856.

SIR: Referring to the letter addressed to you from this office under date of October 6, 1855, in relation to the removal of intruders from the country in the vicinity of Fort Leavenworth set apart for Indian occupation, I have the honor to state that the direction of the President as therein conveyed was not intended to apply to lands ceded by the Indians to the United States for sale, but only to lands actually reserved for their residence.

I am, sir, very respectfully, your obedient servant,
S. COOPER,
Adjutant General.

COMMANDING OFFICER,
Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

SIR: I have the honor to enclose for your information a copy of a communication from the governor of this Territory, making a requi-

sition upon me for the forces under the command of Lieutenant Colonel J. E. Johnston and Major J. Sedgwick, 1st cavalry, to act as a "posse comitatus" to preserve the public peace, and to aid in the execution of the laws at certain of the election precincts in this Territory during the election to take place on the 6th of October next.

I have also the honor to enclose a copy of my reply to the governor on this subject, and copies of my instructions to Lieutenant Colonel Johnston and Major Sedgwick, in accordance with the requirements of the governor.

I am, sir, very respectfully, your obedient servant,
 WM. S. HARNEY,
Colonel 2d Dragoons, Bvt. and Brig. General Commanding.
 Hon. JOHN B. FLOYD,
Secretary of War, Washington.

LEAVENWORTH, K. T., *September 21, 1857.*

SIR: Insurrectionary movements, accompanied by a seizure of the polls, being threatened at the general election which will take place in this Territory on the first Monday of October next, it becomes my duty, under my instructions from the President of the United States, to request you to direct Lieutenant Colonel Johnston and Major Sedgwick, respectively, in command of the troops now on their way from the west, to make the following disposition of them:

- 1st. Lieutenant Colonel Johnston to retain two companies of infantry at Council Grove, in Wise county.
- 2d. Lieutenant Colonel Johnston to send, immediately, one company of cavalry to each of the following places in this Territory, viz: Emporia, in Breckenridge county; Burlington, in Coffey county; Hyattville, in Anderson county; and to Brownsville, in Shawnee county.
- 3d. Major Sedgwick to retain two companies of infantry at Marysville, in Marshall county.
- 4th. Major Sedgwick to send, immediately, one company of cavalry to each of the following points in Kansas, namely: to Richmond, in Nemaha county; to Claytonville, or Hiawatha, in Brown county; to Palermo, in Doniphan county; and to Atchison, in Atchison county.
- 5th. In case the places named as above should, in any instance, prove to be those in which elections are not holden, then, in lieu thereof, said companies to proceed to the principal points, respectively, in said counties which are election precincts.
- 6th. Each of these twelve companies to be retained at the places respectively named as above until the day succeeding the election, unless the proper authorities, hereafter referred to, in the execution of their duties, should deem it necessary longer to retain them.
- 7th. The troops are requested to receive from you directions to act as a *posse comitatus*, in aid of the civil authorities in the due execution of the laws, and for the preservation of the public peace. The United States marshal, or sheriffs, it is presumed, will be at or near the

several county seats, to whom the officer in command will immediately report himself and his force for the objects above specified.

Very respectfully, your obedient servant,
 R. J. WALKER,
Governor of Kansas Territory.
 Brevet Brig. General WM. S. HARNEY,
Commanding Troops serving in Kansas.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:

A. PLEASANTON,
Capt. 2d Dragoons, A. Asst. Adj. Gen'l.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 22, 1857.

GOVERNOR: I have the honor to acknowledge the receipt of your communication of the 21st instant, and in reply I desire to inform you I have sent instructions to Lieutenant Colonel Johnston and Major Sedgwick, 1st cavalry, to dispose of their commands in accordance with the arrangements you proposed in your communication, at the same time directing that the forces should be reported, in each case, to the proper civil officer as a "posse comitatus" to aid in the execution of the laws and the preservation of the public peace.

I am, governor, very respectfully, your obedient servant,
 WILLIAM S. HARNEY,
Colonel 2d Dragoons and Bvt. Brig. Gen. Commanding.
 His Excellency R. J. WALKER,
Governor of Kansas Territory, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:

A. PLEASANTON,
Capt. 2d Dragoons, Acting Asst. Adj. Gen.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 22, 1857.

COLONEL: The general commanding instructs me to inform you the general election in this Territory will take place on the first Monday of October next, and that the governor of the Territory has deemed it proper and necessary to make requisition upon him for the force under your command, to act as a "posse comitatus," under the

authority of the United States marshals, sheriffs, or other proper civil officers, for the purpose of preserving the public peace, and to aid in the due execution of the laws.

You are accordingly directed to make the following disposition of your command, viz:

The two companies of the 6th infantry will be halted at Council Grove, in Wise county.

One company of 1st cavalry will be sent immediately to each of the following named places in the Territory, viz:

Emporia, in Breckenridge county; Burlington, in Coffey county; Hyattsville, in Anderson county; and Brownsville, in Shawnee county.

Should any of the places named above prove to be those in which no elections are to be held, then the said companies will proceed to the principal points, respectively, in said counties, which are election precincts.

Each officer in command of the above named detachments will be instructed by you to report his force as "*posse comitatus*" to the United States marshals, sheriffs, or other proper civil officers, upon his arrival at his place of destination, to execute such instructions as may be given him in that capacity; and he will remain in that position until the day succeeding the election, when he will return to this post, unless the above mentioned civil authorities, in the execution of their duties, should deem it necessary to detain the command for a longer period.

In case any of these commands have not sufficient subsistence to supply them, send your train, or a portion of it, to this post for that purpose.

I am, colonel, very respectfully, your obedient servant,
A. PLEASONTON,
Capt. 2d Dragoons, Acting Asst. Adj. Gen.

Lieutenant Colonel J. E. JOHNSTON,
1st Cavalry, Commanding Troops en route to Fort Leavenworth.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, Acting Asst. Adj. Gen.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 22, 1857.

MAJOR: The general commanding instructs me to inform you the general election in this Territory will take place on the first Monday of October next, and that the governor of the Territory has deemed it proper and necessary to make requisition upon him for the force

under your command, to act as a "*posse comitatus*," under the authority of the United States marshals, sheriffs, or other proper civil officers, for the purpose of preserving the public peace, and to aid in the due execution of the laws.

You are, accordingly, directed to make the following disposition of the force under your command, viz:

The two companies of the 6th infantry will be halted at Marysville, in Marshall county.

One company of 1st cavalry will be sent immediately to each of the following named places in the Territory, viz:

To Richmond, in Nemaha county; to Claytonville, or Hiawatha, in Brown county; and to Palermo, in Doniphan county; and to Atchison, in Atchison county.

Should any of the places named above prove to be those in which no elections are to be held, then the said companies will proceed to the principal points, respectively, in said counties, which are election precincts.

Each officer in command of the above named detachments will be instructed by you to report his force as "*posse comitatus*" to the United States marshal, sheriff, or other proper civil officer, upon his arrival at his place of destination, to execute such instructions as may be given him in that capacity; and he will remain in that position until the day succeeding the election, when he will return to this post, unless the above mentioned civil authorities, in the execution of their duties, should deem it necessary to detain the command for a longer period.

In case any of these commands have not sufficient subsistence to supply them, send your train, or a portion of it, to this post for that purpose.

I am, major, very respectfully, your obedient servant,
A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.
Major J. SEDGWICK, 1st Cavalry.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 24, 1857.

MAJOR: Captain Sturgis, 1st cavalry, will deliver to you a package containing a number of copies of a proclamation from the governor of this Territory, which you are instructed by the general commanding to distribute to the officers of your command, giving directions, at the same time, to the captains of the different companies to present a copy

to each of the judges of election and sheriffs at the respective precincts to which they have been assigned in a former communication.

I am, major, very respectfully, your obedient servant,
 A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.
 Major J. SEDGWICK, *1st Cavalry,*
Commanding Troops, Marysville, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:
 A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

COLONEL: A number of copies of a proclamation from the governor of this Territory are enclosed to you with this communication, which you are instructed by the general commanding to distribute to the officers of your command, giving directions, at the same time, to the captains of the different companies to present a copy to each of the judges of election and sheriffs at the respective precincts to which they have been assigned in the letter of instructions addressed to you of the 22d instant from these headquarters.

I am, colonel, very respectfully, your obedient servant,
 A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.
 Lieut. Col. J. E. JOHNSTON, *1st Cavalry,*
Commanding Troops, &c., Council Grove, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 25, 1857.

Official:
 A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adj. General.

TO THE PEOPLE OF KANSAS.

LECOMPTON, K. T., *September 10, 1857.*

The first Monday in October, 1857, is the day assigned by law for the election, by the people of this Territory, of a delegate to the Congress of the United States, both branches of the territorial legislature, and various county officers. As the governor of Kansas, numerous and urgent calls have been made upon me by various public meetings and committees, by some of the judges of elections, and also by many

citizens, to communicate my views in relation to the qualifications of voters at that election, as also in regard to the legislative apportionment and the establishment of voting precincts.

As to the apportionment, the territorial election law of the 20th of February, 1857, requires it to be made upon the census provided to be taken under the territorial convention act of the 19th of February, 1857. The returns were made under that census, and the apportionment for that convention fixed by the acting governor long before my arrival in this Territory; and, of course, over that matter I have no control whatever. Whilst it was a cause of deep regret to him, as well as to myself, that the census and registry were so incomplete in many counties, and that in fifteen counties, organized as election districts under that law and entitled to vote for delegates to the convention, there was neither census nor registry, and, therefore, that they could not participate in any manner in the choice of delegates on that most important occasion; yet no power to remedy the evil was vested by law either in him or me. The only remedy rests with the convention itself, by submitting, if they deem best, the constitution for ratification or rejection to the vote of the people, under such just and reasonable qualifications as they may prescribe. That they would pursue this course I have never doubted; and although I have no right whatever to interfere in that question, yet, when my individual opinion was asked on this subject by members of the convention and others, I have always indicated a previous residence of three or six months prior to the vote upon the adoption of the constitution as most just and reasonable—a period of three months being prescribed by the convention law itself as the prior residence required in voting for delegates to the convention, and six months being designated by the territorial election law as the previous residence required in voting for members of the territorial legislature. Either of these qualifications, in my opinion, would have embraced the great body of the *bona fide* settlers who might be here *this fall*, inasmuch as the convention would probably not terminate their labors and submit the constitution until some time in November, and inasmuch as three or six months would probably be granted by them as an interval between the date of submission by the convention and the vote upon the constitution. I repeat, however, the opinion always heretofore expressed by me, that this is a matter which belongs exclusively to the convention, over which I have no power, except, in the language of the Kansas-Nebraska act, to "take care that the laws be faithfully executed," including that organic act itself, and left at liberty, as a citizen, to take such a course as, in my judgment, would be most consonant with the principles of justice, of the Kansas and Nebraska bill, and of the Constitution of the United States in any contingency.

The apportionment of members of both branches of the legislature is based, as I have stated, on the census taken under the convention act of the 19th of February, 1857. My power to make the apportionment expired on the 31st of May last, leaving me but three days exclusive of Sunday, to perform that act after my arrival in this Territory. The territorial laws of 1857 had never been printed. They were then in the course of publication at St. Louis, Missouri

and no copy reached here until the middle of June, long after my power over the subject had expired. The existence of this apportionment law was wholly unknown to the secretary of state, to the probate judge of this county, or to any other person within my knowledge, and the printed copies, as I have stated, did not reach here until the middle of June. Of course it was impossible for me to perform the duty prescribed in that act, and to guard against the contingency of those laws not reaching here before the first of June, the duty, from and after that date, was devolved by law upon the speaker of the house and president of the council.

That duty was performed by the officers designated by the law, and, I have no doubt, in good faith, although I was never consulted by them on that subject. The law prohibited them from apportioning members to counties not embraced in the census under the convention law, and I know it to be a matter of complaint, by both parties, that the districts are arranged so as to defeat their respective candidates. That the districts were arranged by these gentlemen, as charged by their opponents, with a view to bring voters from the State of Missouri into the adjacent counties of Kansas to control the election, I have the most solemn assurance from the most authentic sources of intelligence in that State, is wholly unfounded in fact. That the census or registry was not made in fifteen counties of Kansas, is owing to the neglect of the local officers of those counties to perform their duties, many of whom have excused themselves on the allegation that no means were provided, and no public money applicable to the expenses of taking the census and making the registry, and that they were unable or unwilling to make the necessary advances themselves. However this may be, I have ever regarded it as a deplorable circumstance that these counties could not participate in the election of delegates to the convention; but I feel confident that no such result was anticipated by the territorial legislature.

Although none of those fifteen counties could vote for delegates to the convention, (the remedy for which lies with the convention itself,) and although no members have been or could be apportioned them for the territorial legislature, yet the speaker of the house and the president of the council, in conformity with the duty prescribed by law, have attached them to other legislative districts, so that they can vote for members of the territorial legislature.

It is certainly a great calamity that these counties are thus deprived of their due weight in the apportionment of members for the territorial legislature, yet they vote for the members in the districts to which they are attached, and the only result is to give too many members of that body to some counties, in the apportionment, according to population, and not an absolute denial of the right of suffrage. This result was not intended by the territorial legislature, and could not be prevented by the officers by whom the apportionment was made. There was no intention on the part of the territorial authorities to disfranchise these counties. But this has arisen from accidental causes, over which I have no authority to exercise any control whatever, and I could give no legal efficacy to any vote that was not legal in itself.

It is hoped that the good citizens of these counties will vote to the extent permitted them by law, looking to an early period for the remedies for all these grievances, and that we shall have no revolutionary outbreak or violence at the election, which would be fraught with incalculable evil, and attended with no possible good.

It will be observed that the apportionment has no effect whatever upon the vote for delegate for Congress or for county officers; in regard to both of which, the counties excluded from the apportionment for the territorial legislature have the same rights and influence, in proportion to their votes, as the people of any of the other counties of Kansas.

In relation to precincts, which I am asked to establish, the act of the territorial legislature of 1855 regulates that subject in the fourth and fifth sections. The power is there given to the county officers to establish the precincts and select the judges of election, but there is a liberal provision in the law to meet any contingency. The fourth and fifth sections of the act are in the following words:

"SEC. 4. Every county that now is, or that may hereafter be established, shall compose an election district, and all elections shall be held at the court-house of such county, where one has been erected. If there be no court-house, then it shall be the duty of the county commissioners to name a house in such county where the election shall be held; and if such commissioners fail to name such house twenty days before the election, it shall be the duty of the sheriff to name such house. In either of the last two cases, the sheriff shall give notice of the place of holding the election by written advertisements, set up in at least six public places in such county, or by advertisement in some newspaper published in such county, at least ten days before the day of the election: *Provided*, That the county commissioners may, from time to time, establish such additional election precincts as may seem to them necessary or proper: *Provided*, further, however, that in no case shall more than one precinct be established in any one municipal township.

"SEC. 5. The county commissioners shall appoint the judges of election, in each county or voting precinct, at least ten days before the election at which they are to act; and if, at the hour for the opening of the polls, such judges are not present, then the voters assembled shall have power to elect others to fill the vacancy or vacancies thus occasioned. Said judges shall, before they enter on the discharge of their duties, take the following oath or affirmation, to be administered by one of their own body, by the sheriff, or by any officer authorized to administer oaths:

"I do swear (or affirm) that I will impartially discharge the duties of judge of the present election according to law and to the best of my ability."

As to the judges of election, then, there can be no difficulty under this law, the power being vested in the people at the several precincts, in case the county officers fail to perform their duty; and if there be no precincts, then the election can only be held at the seat of justice provided by law for each county. It has been suggested that this power is given to me under the convention law of the 19th of Feb-

ruary, 1857, to establish precincts. It is true that very large and comprehensive powers are given to the governor of the Territory by that law, to which I shall have occasion hereafter to refer, and which seem to have escaped public attention; but those powers are especially confined to my action under that law, and confer no authority in that respect in regard to the October election. With me this is a matter of most sincere regret, inasmuch as it is now, and always has been, my most anxious desire to see a full and fair election held in October next, and to contribute to this result to the extent of all the authority devolved upon me by law. By the act of Congress, however, of the 30th of May, 1854, organizing this Territory, and which is still in full force, in that respect, on this subject, it is declared in the 33d section, that "the person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly." As regards the territorial legislature, the certificate is to be given by the secretary of state, who is to count the votes in the presence of the governor; and in relation to the local officers, this duty, in case of contest, is devolved upon the courts.

In view of my duties in connexion with this law, my attention has been called to the qualification of voters under the law. But even here, the prior duty is devolved upon the judges of election; and I might not have felt called upon to give any opinion upon the subject, but for circumstances of a most grave and serious character, to which I shall now refer.

The Territory is threatened with a violent seizure of the polls at the October election, leading, necessarily, to a collision and civil war. This would be a most disastrous circumstance, requiring imperatively the employment of the troops under my control to avert scenes disgraceful alike to this Territory and to our country, and which every good citizen could not but deplore. If, then, under these circumstances, the expression of my opinions could prevent, as in May and June last, the occurrence of such a catastrophe, I regard it as a solemn duty to make that expression, rather than resort to the employment of force, to be followed by scenes of anarchy and bloodshed.

The two questions presented for my consideration are—

First. Can those who were qualified under the organic act to vote at the first election in this Territory vote also in October next, independent of any restrictions imposed by any act of the territorial legislature?

The 22d and 23d sections of the organic law relating to this subject are in the following words:

"SEC. 22. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the governor and legislative assembly. The legislative assembly shall consist of the council and house of representatives. The council shall consist of thirteen members, having the qualification of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly,

from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the council and house of representatives shall reside in and be inhabitants of the district or county or counties for which they may be elected, respectively. Previous to the election the governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts in the Territory, to be taken, by such persons, and in such mode, as the governor shall designate and appoint; and the person so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election, and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declare the numbers of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts, for members of the council, shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter, the time, place, and manner, of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts, to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

"SEC. 23. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter described, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualification of voters, and of holding office at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, that the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, and those who have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act: *And provided, further*, That no officer, soldier, seaman, or

marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory, by reason of being on service therein."

It will be perceived that the act of Congress is clear and explicit on this subject. It prescribes the qualifications only of those who "shall be entitled to vote at the *first election*, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office *at all subsequent elections* shall be such as *shall be prescribed by the legislative assembly*." The provisos have no application whatever to the subject, inasmuch as they only prohibit the legislature from permitting persons to vote who are neither native nor naturalized citizens, nor have declared on oath their intention to become citizens, and certain officers, soldiers of the army, &c.

Now, then, it is clear, *first*, that as regards all elections but the first, the qualifications are not prescribed by the act of Congress; and, *second*, the qualifications with the restrictions before mentioned, for all subsequent elections, are to be designated exclusively by the territorial legislature.

It is certain, then, that the question now raised as regards the pretended right of persons to vote who possess the requisite qualifications under the act of Congress for voting at the first election, but are excluded by subsequent territorial legislature now in force, has no foundation whatever in law, and such votes would be wholly illegal. Under these circumstances, I trust that no one will attempt to vote who is excluded by the territorial law; and that if such illegal attempt is made, such a clear violation of the act of Congress, and of the laws of this Territory, will be arrested and prevented by the judges of election.

The second question is:

Will voters at the elections in October, who possess all the qualifications provided by the territorial act of the 20th of February, 1857, which is the last act on this subject, be also required to possess other and different qualifications contained in preceding territorial enactments, or is the last law the sole rule of action on this subject? This last act is the general election law, providing for a new and entirely distinct apportionment of members for both branches of the territorial legislature, as also the qualifications of voters at that and all succeeding elections, and is entitled "An act to define and establish the council and representative districts for the second legislative assembly, and for other purposes." The first section designates, by name, the several counties of Kansas which are to constitute the several council districts; the second section designates, by name, the several counties of Kansas which are to constitute the respective representative districts; the third section apportions members among the several representative districts according to the census provided for in the convention law; the fourth section apportions, in the same manner, the members among the several council districts; the fifth and last section is in these words:

"SEC. 5. Every *bona fide* inhabitant of the Territory of Kansas, being a citizen of the United States, over the age of twenty-one years, who shall have resided six months in said Territory before the next general election for members of the council and house of representatives, and no other person whatever, shall be entitled to vote at any general election hereafter to be held in this Territory: *Provided, however*, That nothing in this act contained shall be considered to apply to, or affect in any manner the provisions of an act entitled 'An act to provide for taking the census, and election for delegates to a convention.'

"This act to take effect and be in force from and after its passage."

The language of this section is clear and explicit. It is an act prescribing the qualifications, and all the qualifications, of voters at all future elections. The law is perfect and complete in itself, without any reference whatever to preceding enactments. The language is free from controversy. "*Every bona fide* inhabitant," &c., "shall be entitled to vote," &c. The words are imperative. It is the language of command from the proper authority, and no one has any right to interpolate restrictions contained in preceding enactments. It is a well settled principle of law, as well as of common sense, that when any subsequent statute proceeds to regulate an entire subject in general and comprehensive language, it is of full force and effect in and of itself, and no restriction or addition can be made to its provisions by reference to any preceding enactments. In such a case there can neither be addition nor subtraction, and the number of qualified voters can neither be augmented by adding to them those who were permitted to vote by preceding laws, nor be lessened by subtracting those who were restricted from the right of suffrage by previous enactments. The words "every citizen," &c., and "no other" shall vote, include all who are described in the act, and exclude all others. Besides, the right of suffrage is the most sacred known to the American people. It is the basis upon which repose all their institutions.

It is a right highly favored in our law; and in all such cases to deprive any one of this right the words must be clear and unambiguous. But in this case there is no ambiguity; and independent of the fact that this act, as regards elections and the qualifications of voters, is an act complete in itself, and prescribing all the provisions applicable to this subject, any interpretation by which a restriction as regards the right of voting, contained in a preceding law, should be superadded to those required in this act, would create a direct and positive repugnance to its clear and explicit language, and therefore would be most clearly repealed by virtue of that universal principle of jurisprudence, that when two statutes contain provisions which are repugnant, repellant, or contradictory, either by way of addition or subtraction, the last statute must prevail.

Now, let us see if there would not be direct repugnancy in this case under the construction contended for by those who assert that although the qualification of a territorial tax is not among the qualification of voters under the act of 1857, yet that it is a qualification under the

act of 1855, and therefore still in force. Let us place them in opposite columns.

Act of 1857 provides:

"Every *bona fide* inhabitant of the Territory of Kansas, being a citizen of the United States, over the age of twenty-one years, and who shall have resided six months in said Territory before the next general election for members of the council and house of representatives, and no other person whatsoever, shall be entitled to vote at any general election hereafter to be held in this Territory."

The act of 1857, as now construed, would read as follows: "Every *bona fide* inhabitant of the Territory of Kansas, being a citizen of the United States, over the age of twenty-one years, and who shall have resided six months in said Territory before the next general election for members of the council and house of representatives, and no other person whatsoever, shall be entitled to vote at any general election hereafter to be held in this Territory;" but no such citizen shall be permitted to vote unless he has first paid a territorial tax.

Is it not clear that the two provisions would be directly repugnant by the addition to the act of 1857 of a proviso and restriction not contained in that act, but in a previous law. The words of the act of 1857 are general. "Every citizen," &c., shall be entitled to vote on a residence of six months. This language gives the right to vote, in clear and positive terms, to every citizen, &c., who has been a resident for the term prescribed by law. "Every citizen" are general and comprehensive terms, and they cannot be restricted by other words not contained in this law. By the 11th section of the act of 1855 no previous residence is required as a qualification for a voter, but the payment of a territorial tax is made a prerequisite. Now, it is clear, that if, when prescribing a previous residence of six months, in using the general and comprehensive language "every citizen," &c., the legislature of 1857, besides that residence for the first time prescribed by law, had intended, in addition, to require the previous payment of a territorial tax, they would have said so; and not having said so, such words can be interpolated neither by judicial nor executive construction. In fact, it is not a case of construction at all, but of using words which the legislature have not used, and of making provisos and restrictions for them which they have not made, and of excluding voters from the polls whom they have not excluded. Besides, this is no new question. It has occurred repeatedly in the several States and Territories of this Union, and, as a principle of universal adoption under such laws, it is well settled, without a single exception to the rule, that where one State constitution, regulating the right of suffrage, prescribes certain qualifications of voters, it is complete in and of itself, and is universally regarded as repugnant to so much of any previous constitution which either adds to, or subtracts from, such qualification. And the same rule prevails in relation to State and territorial laws. This is the great American rule of interpretation on this subject, amounting from long established and universal usage, to the force of law.

If there could have been any possible doubt on this subject, it is removed by the provisions of the territorial convention law, passed on the day preceding that on which was enacted the election law, and referred to and made the basis of many of the provisions of the latter. That convention law prescribes a previous residence of three months, and a registry, as qualification for voters; but is just as silent as the

territorial election law on the subject of a payment of a tax, and yet no one has ever pretended that the pre-payment of any tax constitutes a necessary qualification for a voter for delegate to that convention.

No such payment of a tax was ever exacted, and was rarely, if ever, made. And such a construction as is now contended for, that because there was no direct repeal of the tax qualification, therefore it still existed, would render illegal the election of nearly every member of the constitutional convention, and impair the validity of all their acts. The election law of 1855, imposing the tax qualification, was general.

It applied to *all* subsequent elections, to "every inhabitant" of this Territory, and of the county or district in which he offers to vote, and to all "elective officers." It was as general and comprehensive in its application to *every election* which could take place under any Territorial law as the legislature could make it, and would apply the restriction of the pre-payment of a territorial tax in voting for delegates to the convention, just as much as in voting for members of the territorial legislature in October; upon this alleged principle, that restrictions or qualifications in preceding laws are not repealed by general provisions in a subsequent statute prescribing for subsequent elections the qualifications of voters. The convention law required a three months' previous residence and registry as a qualification of voters, but was silent, like the election law of 1857, as regards the pre-payment of any tax; and if such a pre-payment, by force of preceding enactments, applies as a qualification for a voter for the Territorial legislature in October, then it would just as clearly follow, that inasmuch as the convention act was equally silent as to the payment of a tax, the voters for delegates to that convention, besides the three months' residence and registry, must have paid a tax also. But the truth is, whilst the tax remains, the qualification applies no more to the election in October than it does to the election of the delegates to the convention, because it was dropped in both acts, and because we have no right to insert a most important provision that is thus omitted by the legislature, and because it is a settled rule in interpreting statutes, that if the legislature had intended, in either case, in prescribing the qualifications, and all the qualifications of voters, to superadd one that was inserted in a preceding law, they would have repeated the restriction in the subsequent statute. How easy was it for the legislature, in prescribing the qualification of voters under the convention or election law, if they intended, in addition to the qualifications named in these laws, to require the payment of a tax, to have said so, and not left it to others to interpolate words which they had excluded. They have not said so, and that is enough. On this subject I have never entertained any doubt, and never supposed there could be any question. And I might have declined the expression of any opinion on either of these points, but for the certain knowledge of the fact communicated to me from almost every quarter of the Territory, and from all parties, that these conflicting constructions of the law, if not settled, will certainly produce collision at the polls, and, most probably, a disastrous civil war and revolution. I claim no authority to instruct the judges of election, by virtue of my official power, how they shall decide; but I give my opinion as others have given

theirs, and with the same sincerity, in the hope that it may tend somewhat to prevent the disasters with which we are threatened, growing out of these conflicting opinions, and that it may render unnecessary a resort to the military force, subject to my orders, to preserve the peace of the Territory. That military force, which is now already here, or daily arriving, is amply sufficient to preserve the peace of Kansas; but it is my sincere hope that the mere presence of this force, competent as it is to suppress insurrection or rebellion, and maintain the authority of the law, will render any collision unnecessary.

On the 19th of August last I communicated to the President, through the Secretary of State, my views on this subject, together with copies of the several territorial laws, and asked the aid of the President and his cabinet to sustain me, by the moral force of their opinion, in preventing a collision and civil war in this Territory, by stating, if such should be the fact, their concurrence with me in these views. In reply to this communication, in a despatch from the Secretary of State to me, under date of the 2d of September, 1857, after remarking, most justly, as I always contended, that I could issue no authoritative mandate to the judges of election on this subject, or control their decision, he says:

"The Territory of Kansas is in a peculiar condition. By your statement, and possessing, as you do, the best means of information, your views, in the opinion of the President, are entitled to great weight. It is in a state of incipient rebellion, with an organized military force prepared to resist the authority of the United States.

"It may therefore become necessary to use the troops placed at your disposal, not only to aid as a *posse comitatus* in executing the laws, but also to suppress an insurrection. Surely, under these circumstances, if the expression of an opinion in advance of his action, and, it may be, instead of it, which the President honestly entertains, will have a direct effort in preventing a civil war in Kansas, he cannot be justly censured for attempting, by such an expression of opinion, to avert the calamitous result.

"The danger you anticipate arises, as you observe, from the apprehension of a portion of the citizens of Kansas that they will be excluded from the privilege of voting because they have not paid a territorial tax. Now, the President, as well as every member of his cabinet, concurs in opinion with you, that the payment of such tax is not required as a qualification to vote. He and they entertain not a doubt that the 5th section of the act of February 20, 1857, is complete in itself, and prescribes all the qualifications required of a voter, and among these the payment of a territorial tax is not included. They are also firmly convinced that no person whatever, not possessing these qualifications, notwithstanding they may possess the qualifications prescribed for voters by the organic act of Congress of May 30, 1854, has any just claim to the elective franchise."

It will be observed, then, that in view of the deplorable condition of Kansas for the last three years, and the civil war which has so long raged in this Territory, and the imminent danger of a renewal of that conflict, growing out of conflicting views as to the qualification of voters at the ensuing election, the President and his cabinet

have deemed the occasion sufficiently solemn and important to express their full, unanimous, and entire concurrence in the views as to the qualifications of electors at the October election on those points set forth by me in this address, and previously communicated by me to the Secretary of State.

It is obvious that the territorial government of Kansas must be maintained either by a superior physical force, or, as in all other States and Territories, by the majority of qualified voters at the election.

I never contemplated the use of the military force but in aid of the execution of the laws, to protect the citizens in the exercise of their legal rights, as a *posse comitatus* to arrest offenders, where the civil authority might prove incompetent without such aid, and where the law authorized military power to suppress insurrection or rebellion. Physical force and the bayonet constitute the real power in nearly all monarchies and despotic governments, but here it is the will of the majority of the people, qualified to vote under the Constitution or under the laws, which is to govern; and the sooner all such questions are decided by a full and fair vote of the qualified electors at the polls, the better; and then, and not till then, shall we have peace and repose in Kansas. Unless force is to be substituted for the elective franchise, unless despotic and monarchical principles are making here insensible progress, sooner or later the question must thus be decided; and the sooner the better, not only for the true interests of this Territory, but for the security of the Union and the cause of self-government here and throughout the world.

The eyes of our country and the world are now directed with intense interest to the coming election in Kansas in October next. Whether the people of this Territory are, indeed, capable of self-government; whether the scenes which have disgraced Kansas and our country for the last three years are to be renewed indefinitely; whether violence, injustice, or insurrection, on one or both sides for the moment, and for the moment only, are to decide the question, or whether our political differences are to be settled here, as in all other States and Territories, (under the provisions of our organic law,) by the full, free, and fair exercise of the elective franchise, are the momentous questions to which you must all now soon answer. The test oath is expressly repealed as a qualification for voters by an act of the territorial legislature of the 17th of February, 1857.

The people of Kansas have now, therefore, an opportunity, in conformity with the Constitution of the United States, the organic act of Congress, and the laws of this Territory, to decide, by the elective franchise, the choice of their delegate to Congress, their territorial legislature, and all their county officers.

The troops at my disposal, which are fully competent to the task, will, at the request of citizens of both parties, be stationed at the points where violence has been threatened or anticipated; not for the purpose of overawing the people, or of interfering in any way with the elections, or of influencing them in any respect whatever, but, by their mere presence, guarding the polls against any attempt at insurrection or violence, from the mere knowledge of the fact that it can

and will be suppressed; but, if necessary, also to protect and secure, by lawful means, all the just rights of the citizen in exercising the elective franchise under the decision of the proper authorities, and to act as a *posse comitatus* for the arrest of offenders. I should have greatly preferred, as expressed in my letter of acceptance of the office of governor of this Territory, never to have been required to call out the troops, even as a precautionary measure. As it is, not a drop of blood has been shed, and insurrection has been suppressed, until it recently reappeared, in a compulsory tax law, by the insurgent government at Lawrence, and in conflagration of dwellings and expulsion of peaceable citizens in its vicinage, after it was known the troops were ordered to Utah, and when it was falsely supposed that they would not be replaced by others. Indeed, if the revolutionary government of Lawrence had not been encountered by the immediate movement of troops there, it is now clear that similar insurrectionary local governments, based on my presumed acquiescence, would have been organized throughout Kansas, in open defiance of the laws of Congress and of this Territory, and rendered a peaceful settlement impossible. It will be remembered that, in open defiance of the laws of Congress and of this Territory, and after the refusal of the so-called Topeka State legislature to grant them a charter, they, nevertheless, organized a city government, clothed with all the usual powers—legislative, executive, and judicial. It will be recollected, also, that after my proclamation of the 15th of July last, and the simultaneous movement of the troops there, as a precautionary measure, to maintain the authority of the government and arrest the spread of this insurrection throughout the Territory, they then professed, through their organs, that what they had called a *government*, and to which they had given all the powers of a government, was a mere *voluntary association* for the removal of nuisances from the streets, &c. But now, when it was erroneously believed by them that the troops would all be removed to Utah and not replaced by others, they have thrown off the mask, and carried out their original insurrectionary purpose, by passing a compulsory tax law, both a poll and property tax, requiring its assessment and collection by the seizure and sale of property, and exacting, by their charter, from executive officers, who are to carry out these acts, *an oath* to perform all these duties, the violation of which oath, if these duties are not performed, would be perjury. At the same time, they seemed to have believed that this precautionary movement of mine, and proclamation, were disapproved by the President of the United States; whereas, they were both most cordially sustained by him, in the despatch to me from the Secretary of State, of the 25th of July last, as also in the published letter of President Buchanan to Professor Silliman and others, of the 15th of August last. An overwhelming majority of the press and people of the United States have condemned this insurgent movement; the example has not been adopted by any other locality in Kansas, contrary to the expectation of its authors; it failed to receive any sanction from the general territorial convention of their own party, of the 26th ult., and now stands without a precedent in our

country, a solitary monument of revolutionary violence and incipient treason.

So soon as the *overt act* now threatened is consummated, this rebellion will be suppressed by the lawful use, if necessary, of all the troops under my control, acting in aid of the civil authorities designated by Congress. It is hoped, however, especially as, I trust, we shall have a fair and peaceful election, when, whichever party shall prevail, all semblance of excuse for this insurgent movement will have ceased, that the majority of the people of Lawrence will abandon their reckless leaders, suppress this insurrection themselves, and relieve our Territory and country from the disgrace of an insurrectionary government, based now only on undisguised revolution, and an open overthrow not merely of the territorial laws, but of the laws, also, of the United States. The honor and character of the country, and my sworn duty as chief magistrate of Kansas, require that this first actual example of organized rebellion, as a government, against the authority of Congress, should be suppressed, as it must be, and the sooner it is done by the people of Lawrence themselves the better, for the sake of their own true interests and reputation. Dangerous and unjustifiable as was the Topeka State movement, it differed widely from the Lawrence insurrection—in this, that the latter not only passed laws, but required, by seizure and sale of property, their compulsory execution, under the requisition of an oath; whereas, the so-called Topeka State government proposed, on the face of their late proceedings, to wait until they received, as they profess to hope, the recognition of Congress. As the troops of the United States now subject to my orders are sufficient to protect the polls and preserve the peace of Kansas, it is hoped that the forces raised professedly for that purpose, without authority of law, will be at once disbanded.

From authentic information communicated to me from many quarters of this Territory, and from many citizens of both parties, that the presence of the troops is essential to preserve the peace of the Territory, to prevent the forcible seizure of the polls, and to suppress insurrection, I feel constrained, although most reluctantly, by a solemn sense of duty, and by a most serious apprehension of the consequences which otherwise would follow, to place the troops at proper points, not for war, but for peace, in accordance with the views and purposes before stated.

In conclusion, permit me to say, with all the seriousness and sincerity demanded by the solemnity of the occasion, that it now is, and always has been, my most ardent desire, as the chief magistrate of this Territory, by all lawful and constitutional means, to secure and protect the just rights of every citizen, and especially in performing my sworn duty of supporting the Constitution of the United States, and taking care that the laws be faithfully executed, to see that the great fundamental principle which lies at the basis of our American institutions, secured by the federal compact, and guaranteed by our organic act of Congress, should be maintained, viz: that the *people of Kansas, in the true meaning of that act, free from all violence, injustice, or foreign interference, should make their own laws, and control their own government.* This has been the great principle, the just and

faithful execution of our organic law, which has controlled all my acts in Kansas, and to which I shall adhere, regardless of menace, calumny, or assaillment, either from within or beyond our limits. I am made by law the chief executive officer in Kansas, for the protection, to the extent of my legal authority, of the whole people of Kansas, and not of a part—of every county and district, and not of a portion of them only. And, however solicitous I may be about the result of the present most important election—however most anxious that those views of public policy which I have entertained and expressed at all times from my youth upwards to the present period, and especially as regards the *equilibrium* of our government and the constitutional rights and equality of the States, should now triumph here in October—yet I cannot and will not do any act, or countenance or sustain any act, the effect of which would be to deprive the people of Kansas of any rights secured to them by the federal compact, by our organic act, or by the laws of this Territory. A victory thus secured by violence or injustice would be worse than a defeat, and could only in the end destroy all hope of the ultimate success of conservative principles and constitutional liberty in Kansas.

Inasmuch as our ensuing election on the first Monday in October next is of momentous consequence to this Territory and to our whole country; as the two parties of Kansas, it is hoped, will first measure their strength now, not as in former elections at different times and places, or upon the field of battle, but at the same times and places, in giving in their votes, as in other States and Territories; and as it is of the utmost importance that this election should be free from everything which would lead to excitement or commotion, I most earnestly request the chief officers of our different towns, cities, and municipalities to resort to those means which have so often, in similar cases, proved efficacious, by removing for that day all causes which would interfere with a calm and dispassionate election.

And now, may that overruling Providence who has crowned our beloved country with so many blessings and benefits, including the inestimable privilege of self-government, and without whose aid we cannot look for success in any enterprise, enable us so to conduct this contest as to insure his sanction and the approval of our own conscience, is the fervent hope of your fellow-citizen,

R. J. WALKER,
Governor of Kansas Territory.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

SIR: I have the honor to enclose for your information copies of certain requisitions from his excellency the governor of this Territory for troops to aid the civil authorities in the preservation of the public peace at the different election precincts where violence was to be ap-

prehended. Also, copies of my replies, with the instructions to the officers in command of the various detachments.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,

Col. 2d Dragoons, Brevet Brig. General Commanding.

Hon. JOHN B. FLOYD,

Secretary of War, Washington city.

LEAVENWORTH, K. T., *September 26, 1857.*

SIR: Authentic intelligence has been communicated to me that the insurgent government of Lawrence, under the erroneous opinion that the regular troops had all been ordered to Utah, and would not be replaced by others, have passed a compulsory tax law, authorizing the seizure and sale of property, and exacting from their executive officers the enforcement of this ordinance under the solemnity of an oath.

It was sincerely hoped that my proclamation on this subject of the 15th of July last, which has received the cordial approbation of the President of the United States, together with the movement at that date of the troops to Lawrence as a precautionary measure, would have induced the people of that city to abandon their revolutionary proceedings. They have, however, chosen otherwise, under the erroneous conviction before stated, and it becomes necessary, therefore, to station troops again at Lawrence, to meet any emergency which may occur.

Under these circumstances, it becomes my duty, under my instructions from the President of the United States, to request you to direct Major Sherman's battery, supported by one company of artillery, to proceed at once to the immediate vicinity of Lawrence, to act as a *posse comitatus* in aid of the civil authorities in the due execution of the laws and for the preservation of the public peace.

The service of the troops for this purpose will be discontinued so soon as the public exigency will permit.

Respectfully, yours,

R. J. WALKER,
Governor of Kansas Territory.

Brevet Brigadier General WILLIAM S. HARNEY,
Commanding Troops serving in Kansas.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASANTON,
Captain 2d Dragoons, Acting Assistant Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 27, 1857.

GOVERNOR: I have the honor to acknowledge the receipt of your communication of yesterday's date, and, in compliance with your requisition, I enclose for your information a copy of special orders No. 77 from these headquarters, directing the movement of Sherman's battery and company "F," 2d artillery, to the vicinity of the city of Lawrence.

Major Sherman has been instructed to report his force to yourself, upon his arrival, to act as a *posse comitatus* to execute such orders as you may deem proper to give him in that capacity.

I am, governor, very respectfully, your obedient servant,

WM. S. HARNEY,

Colonel 2d Dragoons, Brigadier General Commanding.

His Excellency R. J. WALKER,

Governor of Kansas Territory, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,

Captain 2d Dragoons, Acting Assistant Adjutant General.

SPECIAL ORDERS No. 77.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 26, 1857.

I. Company "F," 2d artillery, and light company "E," 3d artillery, under the command of Major T. W. Sherman, 3d artillery, will proceed without delay to the vicinity of the city of Lawrence, in this Territory, in fulfilment of the requisition of the governor of Kansas Territory for their services, as a *posse comitatus*, to aid the civil authorities in the due execution of the law and for the preservation of the public peace.

Special instructions for his guidance will be given Major Sherman.

II. The quartermaster, subsistence, and ordinance departments at this post will furnish this command with the necessary transportation and supplies. Subsistence and forage for two weeks will be required.

By order of General Harney:

A. PLEASONTON,

Captain 2d Dragoons, Acting Assistant Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 26, 1857.

MAJOR: The general commanding instructs you, upon arriving in the vicinity of the city of Lawrence, in obedience to special orders

No. 77 from these headquarters, to report your force to the governor of this Territory, as a "*posse comitatus*," to execute such orders as he may deem proper to give you in that capacity.

I am, major, very respectfully, your obedient servant,

A. PLEASONTON,

Capt. 2d Dragoons, Acting Assist. Adjt. General.

Brevet Major T. W. SHERMAN, Capt. 3d Artillery,

Commanding Troops, &c., Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,

Capt. 2d Dragoons, Acting Assist. Adjt. General.

LEAVENWORTH, K. T.,

September 28, 1857.

SIR: In pursuance of authority vested in me by the President of the United States, you are requested to direct Colonel Brooks' battery, supported by two foot companies of the 2d artillery, to proceed to Shawnee Mission, commonly called Gum Springs, in Johnson county, in Kansas, to act as a *posse comitatus* in aid of the civil authorities in the due execution of the laws, and for the preservation of the public peace.

You are requested to direct the troops to be present at the place above designated throughout the day of election in this Territory, which is the first Monday of October next. It is desired that the troops should remain at the place above stated only until the day succeeding the election, unless the proper authorities hereafter referred to, in the execution of their duties, should deem it necessary longer to detain them. The United States marshal or sheriff, it is presumed, will be at or near this point, to whom the officer in command should report himself and his force for the objects above specified.

Very respectfully, your obedient servant,

R. J. WALKER,

Governor of Kansas Territory.

Brevet Brig. Gen. WILLIAM S. HARNEY,

Commanding Troops serving in Kansas.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,

Capt. 2d Dragoons, Acting Assist. Adjt. General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 28, 1857.

GOVERNOR: I have the honor to acknowledge the receipt of your communication of this date, requesting a battery and two companies of the 2d artillery to be sent to Shawnee Mission as a *posse comitatus* to aid the civil authorities at the approaching election to preserve the public peace and to execute the laws.

A copy of special orders No. 78, from these headquarters, is enclosed for your information; and I have further to state that special instructions, agreeably to your desires, have been given Lieutenant Colonel Brooks, commanding, for his guidance.

I am, governor, very respectfully, your obedient servant,
WM. S. HARNEY,
Col. 2d Dragoons, Brig. Gen. Com'g.

His Excellency R. J. WALKER,
Governor of Kansas Territory, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adjt. General.

SPECIAL ORDERS NO. 78.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 28, 1857.

I. Light company A, with companies E and H, 2d artillery, under the command of Brevet Lieutenant Colonel Horace Brooks, captain 2d artillery, will proceed without delay to Shawnee Mission, commonly called Gum Springs, in Johnson county, Kansas Territory, in compliance with the requisition of the governor of the Territory for their services as a *posse comitatus* in aid of the civil authorities to preserve the public peace and in the due execution of the laws.

Special instructions for his guidance will be given to Colonel Brooks.

II. The quartermaster, subsistence, and ordnance departments at this post will furnish the necessary transportation and supplies for the proper execution of this order. Forage and subsistence for fourteen days will be required.

III. There being no medical officer at this post assignable for service with the detachment of dragoons under orders for New Mexico, the senior medical officer present will employ a suitable person to accompany this command in that capacity.

By order of General Harney:

A. PLEASONTON,
Capt. 2d Dragoons, Acting Assist. Adjt. General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, September 28, 1857.

COLONEL: By special orders No. 78, from these headquarters, a copy of which is enclosed, you are directed to repair without delay, in command of light company "A," and companies "E" and "H," 2d artillery, to Shawnee Mission, commonly called Gum Springs, in Johnson county, in this Territory, to aid the civil authorities with your force as a *posse comitatus* at the approaching election, to take place on the first Monday of October next, in preserving the peace and in the due execution of the laws.

You are further instructed by the general commanding to report your force, upon your arrival at the Shawnee Mission, to the United States marshal or sheriff as a *posse comitatus* for the purposes above indicated; and you will remain at that position until after the election, when you will return with your command to this post, unless the civil authorities should deem it proper and necessary still longer to detain you.

You will proceed direct to Shawnee Mission, without passing through Kansas, or any other town *en route*.

Copies of a proclamation by the governor of this Territory will be furnished to you, which will be distributed to the officers of your command; and you will also present a copy to each of the judges of election, and the sheriff or marshal at Shawnee Mission.

I am, colonel, very respectfully, your obedient servant,
A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjt. Gen'l.

Brevet Lieut. Colonel HORACE BROOKS,
Capt. 2d Artillery, Commanding Troops, &c.,
Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjt. Gen'l.

LEAVENWORTH, K. T., October 3, 1857.

SIR: Under the authority vested in me by the President of the United States, you are requested to place the troops at the following points in this county, to act as a *posse comitatus* in aid of the civil authorities in the due execution of the laws, for the protection of the polls at the ensuing election, and for the preservation of the public peace:

- 1st. Two companies of 1st cavalry at the city of Leavenworth.
 - 2d. Two companies of 6th infantry at Kickapoo.
 - 3d. One company of 2d artillery at Easton.
- I desire these companies to remain at the points indicated until the

election is over, and that the officer in command at the city of Leavenworth report to me there, and the other officers apply to me for instructions before leaving.

So soon as the election is over, I desire the troops to return to this post.

Respectfully, yours,

R. J. WALKER,

Governor of Kansas Territory.

Brevet Brig. General WILLIAM S. HARNEY,
Commanding Troops serving in Kansas.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjt. Gen'l.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 3, 1857.

GOVERNOR: I have the honor to acknowledge the receipt of your communication of this date, making requisition upon me for troops to be stationed at different points in this county during the ensuing election, on the 5th instant, as a *posse comitatus* to aid the civil authorities in the due execution of the laws, for the protection of the polls, and for the preservation of the public peace.

I have accordingly issued the necessary orders, in fulfilment of your requisition, and I have given the officers commanding such instructions as will insure a compliance with your desires.

I am, governor, very respectfully, your obedient servant,

WM. S. HARNEY,

Col. 2d Dragoons, Brig. General Commanding.

His Excellency R. J. WALKER,
Governor of Kansas Territory, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjutant General.

SPECIAL ORDERS No. 85.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 3, 1857.

I. Upon the requisition of his excellency the governor of this Territory, the following named troops will proceed to the respective places

in this county designated in this order, by the time of the opening of the polls at the ensuing election, on the 5th instant, to act as a *posse comitatus*, in aid of the civil authorities in the due execution of the laws and for the preservation of the public peace:

1st. Two companies (D and H) of the 1st cavalry, (dismounted,) under the command of Captain Edward W. B. Newby, 1st cavalry, to the city of Leavenworth.

2d. Two companies (A and H) of the 6th infantry, under the command of Captain Thomas Hendrickson, 6th infantry, to Kickapoo.

3d. One company (M) of the 2d artillery, under the command of Brevet Major H. J. Hunt, 2d artillery, to Easton.

Special instructions for their guidance will be given the commanding officers in each case.

II. The quartermaster, subsistence, and ordnance departments at this post will furnish the necessary transportation and supplies for the proper execution of this order. Subsistence for three days will be required.

By order of General Harney:

A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 3, 1857.

MAJOR: You are instructed by special orders No. 85, of this date, from these headquarters, to proceed with your company to the town of Easton, some eleven miles from this, on the road to Fort Riley, to be in time for the opening of the polls at the ensuing election in that place, on the 5th instant.

You are further instructed by the general commanding to report your force, upon your arrival at Easton, to the proper civil authorities, to act as a *posse comitatus* in execution of such orders as may be deemed proper to give you in that capacity.

Before leaving this post you will report to his excellency the governor, for certain instructions he is desirous of giving to you concerning the above civil duties. After the election is over, you will return with your command to this post, unless detained by the proper civil authorities for a longer period.

I am, major, very respectfully, your obedient servant,

A. PLEASONTON,

Capt. 2d Dragoons, A. Asst. Adjutant General.

Brevet Major HENRY J. HUNT,

*Capt. 2d Artillery, Commanding Company "M,"
Fort Leavenworth, K. T.*

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,
Capt. 2d Dragoons, A. Asst. Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 3, 1857.

CAPTAIN: By special orders No. 85, from these headquarters, of this date, you are instructed to proceed, in command of companies A and H, 6th infantry, to the town of Kickapoo, to be in time for the opening of the polls at the ensuing election in that place, on the 5th instant.

You are further instructed by the general commanding to report your force, upon your arrival at Kickapoo, to the proper civil authorities, to act as a *posse comitatus* in the execution of such orders as may be deemed proper to give you in that capacity.

Before leaving this post you will report to his excellency the governor for certain instructions he is desirous of giving to you concerning the above civil duties. After the election is over, you will return with your command to this post, unless detained by the proper civil authorities for a longer period.

I am, captain, very respectfully, your obedient servant,

A. PLEASONTON,

Capt. 2d Dragoons, A. Asst. Adjutant General.

Captain THOMAS HENDRICKSON,
6th Infantry, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,

Capt. 2d Dragoons, A. Asst. Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 3, 1857.

CAPTAIN: By special orders No. 85, from these headquarters, of this date, you are instructed to proceed, in command of companies D and H, 1st cavalry, to the city of Leavenworth, to be in time for the opening of the polls at the ensuing election in that place, on the 5th instant.

You are further instructed by the general commanding to report your force, upon your arrival at the city of Leavenworth, to his excellency the governor as a *posse comitatus* to execute such orders as he may deem proper to give to you in that capacity. After the election is over, you will return with your command to this post, unless detained by the proper civil authorities for a longer period.

I am, captain, very respectfully, your obedient servant,

A. PLEASONTON,

Capt. 2d Dragoons, A. Asst. Adjutant General.

Captain E. W. B. NEWBY,
1st Cavalry, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 5, 1857.

Official:

A. PLEASONTON,

Capt. 2d Dragoons, A. Asst. Adjutant General.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 11, 1857.

SIR: I have the honor to report, for the information of the department, that the general election in this Territory, which took place on the 5th and 6th instants, has passed off very quietly, no disturbance or tumult having occurred at any of the polls which have been heard from to mar the peace of the Territory.

The troops have returned from the different election precincts, with the exception of Sherman's battery of artillery and one company of foot artillery, and these companies have been retained in the vicinity of Lawrence, at the request of his excellency the governor of the Territory.

In view of these facts, I addressed a communication to his excellency the governor, desiring to be informed as to the length of time the present force under my command would, in his opinion, be required; to which he replied, that it would be unsafe to diminish the force now here before the spring. I enclose copies of both these communications.

The important bearing of the governor's answer upon the interest of the military service of this command is so great that I deem it most essential to inform the department of it at the earliest moment. I have therefore instructed Captain Pleasonton, acting assistant adjutant general on my staff, to deliver this despatch, that his thorough knowledge of the service, as connected with the troops serving in Kansas, may be at the disposal of the department, and that my views, of which he is fully possessed, may be the more distinctly and clearly submitted.

Should it be deemed advisable to retain the troops now here until spring, I cannot urge too strongly the necessity of sending immediately an ample supply of lumber to this post from St. Louis, for the purpose of building temporary shelter for the additional nineteen companies that are at present here in camp for the want of quarters.

The increasing demand for the services of our troops on this frontier requires the adoption of every measure which will retain the men in the service when the season of their labors approaches; and I am confident that a timely provision of shelter, with a due regard to the comfort of my command this winter, will render it effective for any emergency that may arise in the spring.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,

Colonel 2d Dragoons, Brevet Brig. Gen. Commanding.

Hon. JOHN B. FLOYD,

Secretary of War.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, October 9, 1857.

GOVERNOR: The War Department having assembled a large number of troops at this place under my command, with instructions to

fill your requisitions at any time for their services as a *posse comitatus*, it is necessary I should know the probable length of time the presence of this force will be required, that arrangements may be made for their accommodation.

The limited allowance of quarters at this post, and the approach of winter, urge upon me to request of you such information relating to this subject as will enable me to suggest advisedly to the department the proper measures to secure the comfort and efficiency of the troops of this command.

I am, governor, very respectfully, your obedient servant,
 WM. S. HARNEY,
Colonel 2d Dragoons, Brevet Brig. Gen. Commanding.
 His Excellency R. J. WALKER,
Governor of Kansas Territory, Fort Leavenworth, K. T.

HEADQUARTERS TROOPS SERVING IN KANSAS,
 Fort Leavenworth, October 10, 1857.

Official.

A. PLEASANTON,
Captain 2d Dragoons, Assistant Adjutant General.

FORT LEAVENWORTH, KANSAS TERRITORY,
 October 10, 1857.

SIR: In reply to your communication of this date, requesting my views as to the disposition of the large force now here or daily expected, I have the honor to make the following suggestions:

So far as we have heard, the late election in Kansas has led to no violence or tumult. For this result the country is mainly indebted to the just policy adopted here, to the moral influence of the presence of the troops at various points, and to the good judgment evinced by the officers in command.

The prospect of the permanent pacification of Kansas, has been greatly improved by the events to which I have referred. There are, however, important questions still pending here connected with the action of the constitutional convention and territorial legislature of Kansas, which would render it unsafe, before next spring, to diminish the military force now here. I would, therefore, suggest, that this force be retained here for the present, and that it be stationed partly at Fort Riley, and the remainder at Fort Leavenworth, or some point in the immediate vicinage.

If no untoward circumstances should occur this fall or winter in Kansas, it is my belief that thereafter no military force will be required in connexion with the administration of affairs in this Territory.

I am, general, most respectfully, your obedient servant,
 R. J. WALKER,
Governor of Kansas Territory.
 Brevet Brigadier General W. S. HARNEY,
Commanding Troops in Kansas, &c.

HEADQUARTERS TROOPS SERVING IN KANSAS,
 Fort Leavenworth, Kansas Territory, October 10, 1857.

Official.

A. PLEASANTON,
Captain 2d Dragoons, Acting Assistant Adjutant General.

FORT CLARK, TEXAS,
 July 28, 1857.

SIR: I have the honor herewith to transmit a duplicate report of a scouting party under my command, as to await until my arrival at Fort Mason would cause some two weeks delay.

I am, sir, very respectfully, your obedient servant,
 JOHN B. HOOD,
Lieutenant 2d Cavalry.

ASSISTANT ADJUTANT GENERAL,
 Headquarters Department of Texas, San Antonio, Texas.

FORT CLARK, TEXAS, July 27, 1857.

SIR: I have the honor to submit the following detailed report of a scouting party under my command, consisting of twenty-four men of company G, 2d cavalry.

On the 5th of July I left Fort Mason, to proceed to a point some fifteen miles west of Fort Terrett, and examined and explored a trail reported by Lieutenant Shaaff to be running north and south. I found no such trail. I then marched for the head of the south Concho. About half way between Fort Terrett and this point, I found a water hole, which is a general camp for Indians passing from Fort Terrett to the head of the Concho, avoiding the San Saba. I proceeded from the head to the mouth of the south Concho, up the main Concho, to Royal creek; thence to its source, and from there to the mouth of Kioway creek, where I struck an Indian trail, about three days old, leading south, with some fifteen animals in the party. I followed it south, then east, to a water hole two miles south of the head of Lipan creek. I then followed them due south, to water holes from thirty-five to fifty miles apart, (this line of water holes being their main route from the lower to the upper country,) and on the morning of the 20th instant, which was my fourth day in their pursuit, I came to a water hole some seven miles above the head of Devil's river, where a second party had joined them; their camp showed that some thirty or forty had camped there. I hurried on, although my horses were very much wearied, and trailed over the bluffs and mountains, down the river, but some three miles from it; late in the afternoon, from the extreme thirst of my men, I left the trail to go to the river and camp. About one mile from the trail I discovered, some two miles and a half from me, on a ridge, some horses and a large white flag waving. I then crossed over to the ridge, without water, supposing they were a party of Tonkaways, as instructions had been received at Fort Mason that a party of Tonka-

ways had gone for their families, and the troops, on their raising a white flag, were to allow them to pass. I cautioned my men not to fire until I ordered it; with my fighting force, consisting of seventeen men, I advanced upon them, about an hour by the sun, with every precaution, ready to fight or talk. They were on a very small mound, but only some ten Indians in sight. I advanced, and some five of them came forward with the flag, and when my party were within some thirty paces, they dropped the flag, set fire to a lot of rubbish they had collected, and about thirty rose up from among the Spanish bayonets, within ten paces of us, with about twelve rifles, and the rest with arrows, besides eight or ten attacked us mounted with lances and arrows. My men gave one yell, and went right in their midst, and fought hand to hand; the Indians, from their heavy fire, beating us back a little, until I rallied my men with their six shooters. Our being within four or five paces, our shots were so heavy we drove them back. One of my men hung his rifle on the cantle of his saddle, to use his six shooter, and an Indian took it off. I forced them back until all the shots of my rifles and six shooters were expended. I then found I could not reload, owing to their deadly fire. I fell back a short distance to do so; if I had had two six shooters to a man, I would have killed and wounded near all of them. The Indians were then busy gathering up their dead and wounded, and leaving, weeping and moaning their loss. In the engagement I killed nine, and wounded ten or twelve. I regret to be compelled to report my loss: one man killed; one man missing, supposed to be killed; one man dangerously wounded; myself and three men severely wounded; one horse killed, and three wounded. After the engagement I had but eleven men to protect my wounded men and horses. I then withdrew to water, which I found about ten o'clock at night. I immediately sent an express to Lieutenant Fink, 8th infantry, commanding Camp Hudson, for a wagon to transport my wounded to his camp. So soon as my wounded were cared for, Lieutenant Fink cheerfully joined me with fifteen men, and we proceeded to the place of action to bury the dead, and make search for the missing man, but no traces of him could be found. From this place the Indians had scattered in all directions. Owing to my small force and the broken down condition of my horses, I was unable to make any further pursuit. I then came to Camp Hudson, and from thence to this post, where I shall remain a day or two to recruit my men and horses, and then proceed to Fort Mason.

It is due my non-commissioned officers and men, one and all, to say, during the scout, in all their sufferings for water, they did their duty cheerfully, and that during the action they did all men could do, accomplishing more than could be expected from their number and the odds against which they had to contend.

From what my guide says, I suppose they were Camanches and Lipans. There were two chiefs; one was killed by my sergeant.

I am, sir, very respectfully, your obedient servant,

JOHN B. HOOD,
Lieutenant 2d cavalry.

Lieutenant CHAS. W. PHIFER,
Post Adjutant, Fort Mason, Texas.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, August 5, 1857.

SIR: Lieutenant Hood's report was transmitted last mail; from subsequent information, not official, I think Lieutenant Hood's estimate of the Indian party was much too small. The same party, it appears, attacked the California mail guard five days after, and near the place where Lieutenant Hood had the fight, and they estimated the Indians to be over one hundred. These affairs were in the vicinity of Camp Hudson, where Lieutenant Fink of the 8th infantry is stationed with a company of infantry. If this company had have been furnished with some fifteen or twenty horses, the second attack would not probably have been made. Lieutenant Hood's affair was a most gallant one, and much credit is due to both the officers and men.

I am, sir, very respectfully, your obedient servant,

D. E. TWIGGS,

Brevet Major General U. S. A., Commanding Dep't.

Lieutenant Colonel L. THOMAS,

Assistant Adjutant General,

Headquarters of the Army, West Point, N. Y.

AUGUST 19, 1857.

This combat was, as the commander of the department most justly remarks, "a most gallant one," and I shall take pleasure in taking some further notice of it.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, California, September 14, 1857.

SIR: I enclose a report, by Brevet Major Haller, of the murder of a citizen on Whidbey's Island, Puget's Sound, by northern Indians.

This circumstance induces me to bring to your attention the condition of things on the Sound, and renew an application made by my predecessor.

The defence of Puget Sound is to be made good against two enemies, the one, domestic; the other, foreign.

1st. Our own Indians, resident on the shores and along the tributaries of the Sound, estimated at 10,444.

2d. The northern Indians from the British and Russian possessions—annual visitors.

The former reside on the Sound and its tributaries in the winter, and ascend the salmon streams in the fishing season to lay in supplies of fish and berries for the winter.

The winter homes, the hunting and fishing—the only sources of food of this people—are all, more or less, at the mercy of the army.

To defend isolated farm houses against violence, or secure them against the sudden onslaught of an irritated tribe, is not possible, nor is perfect freedom from such dangers expected by our frontier popula-

tion; but to chastise those who perpetrate or encourage outrages is possible; and severe punishment gives future security. Such partial protection against these domestic Indians can be given by the army with the use of the usual means.

Against the northern Indians an army prepared in the usual manner is of no avail.

These Indians are bold and expert boatmen, and daring warriors. They leave their northern homes in large bodies, and enter the Sound in light, well-managed canoes, carrying from twenty to eighty warriors. They have long been the terror of the Sound Indians, and hence are insolent and defiant.

Even their excursions, not begun for mischievous ends, are likely so to terminate, if their violence be not submitted to by those whom they encounter.

Having paid their visit, exhibited their insolent bearing, and, perhaps, as in the case here reported, committed murder, they are speedily placed beyond the frontier and fear of pursuit.

Against an enemy possessing such means of rapid movement and a secure retreat, the army can neither give protection to the inhabitants, nor can it inflict punishment.

The canoe moves at the speed of one of our eastern race-boats propelled by skillful oarsmen. Such boats the army cannot command; nor would its rank and file be expert enough in their management if they could.

I then suggest that the defence of the Sound against the enemy belongs of propriety to the navy; their steamers and boats can close the Sound to the excursionists or punish them.

But if it is still thought proper to devolve the duty on the army, I ask that a small and fast steamer be at its disposal, with a small battery, and only artillerists enough to man it, the steamer can overhaul the enemy and destroy him, or, should he take shelter on shore, transport the nearest garrison speedily to the scene of action.

The steamer, when not so employed, can be usefully used as a transport on the Sound and coast.

The expense of such a vessel here will, I am aware, be heavy. But it is not a question of means of protection, better or worse, of economy, more or less, but this is simply the only means of attaining the end.

I further suggest that the English and Russian authorities be persuaded to restrain their own Indians within their own borders, or led to believe that the frontier will be no barrier.

I am, sir, very respectfully, your obedient servant,
N. S. CLARKE,
Col. 6th Infantry, Bvt. Brig. Gen. Com'g.

Lieut. Col. L. THOMAS,
*Assistant Adjutant General,
Headquarters of the Army, West Point, N. Y.*

BRIGGS' CLAIM, NEAR FORT TOWNSEND,
Washington Territory, August 17, 1857.

MAJOR: I have the honor to report that, on the night of the 12th instant, a party of northern Indians approached the residence of Colonel J. N. Ebey, on Whidbey's island, and decoyed him into his yard, when they fired upon him. The inmates, alarmed at the firing, escaped through a window on the opposite side of the house, and fled for safety. Daylight revealed the fact that the Indians had plundered the house, and, after severing Colonel Ebey's head from his body, carried off the former with them.

The news of Colonel Ebey's death created the greatest consternation throughout the neighborhood and country. The citizens held a public meeting in relation to their safety. The proceedings will soon be published, when I will forward a copy.

At the request of the Hon. F. A. Chenoweth, associate judge of the United States supreme court, I sent a guard (all I could possibly spare) to a station selected by Lieutenant Colonel Casey, 9th infantry, which commands a view of the straits as far as the islands of San Juan and Vancouver, and will enable a sentinel to perceive, in fair weather, the approach of hostile Indians, and apprise the post as well as the settlers of their advent.

I should be pleased, in case the general commanding approves of a guard being kept at that point, if he would designate some other company to relieve my men, as it is with difficulty I can raise, at this place, nine men for guard duty, having only forty-five men in my company, and part are at work upon the military reserve.

I am, major, very respectfully, your obedient servant,
G. O. HALLER,
Capt. 4th Infantry, Bvt. Maj., Com'g Post.

Major W. W. MACKALL,
*Assistant Adjutant General U. S. A.,
Headquarters Dept. of Pacific, San Francisco, Cal.*

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, June 30, 1857.

COLONEL: In reporting the current events of the department for the present month, I have the honor to state, for the information of the lieutenant general commanding the army, that Colonel Bonneville is still in the field, and operating, at this time, against the Coyaltero Apaches, west of the Mogollan mountains. A column of the troops, under direction of Colonel Loring of the rifles, overtook, on the 24th of last month, a party of Indians, and recovered about a thousand sheep. In the affair seven Indians, one of them a squaw, were killed; five women and four children made prisoners. From the reports before me, I feel authorized to say that the expedition is conducted with commendable zeal.

The country on the Gila is represented as being the most beautiful

and fertile of any portion of New Mexico. Sketches of the country visited by the different detachments have been sent to me, and will be forwarded as soon as they can be put in proper shape. A part of the garrison of Fort Defiance having been detached by Colonel Bonneville, the Navijos commenced to show bad faith. I have, in consequence, ordered a company of infantry ("G," 3d) to reinforce them. Colonel Loring's column has also been ordered to take post in that vicinity. The Merzealeros, Jicarrillas, and Utahs, are all reported to be quiet and well disposed.

Most respectfully, colonel, I am your obedient servant.

JNO. GARLAND.

Lieut. Col. L. THOMAS,
Assistant Adjutant General,
Headquarters of the Army, New York.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, August 1, 1857.

COLONEL: I have the satisfaction to report, for the information of the lieutenant general commanding the army, that a battle was fought, on the 27th of June, on the Gila river, by a part of the troops under Colonel Bonneville and the Coyotero Indians, in which a decisive victory was won with but little injury to our side; two officers and eight men wounded; none of them mortally. From the report of the prisoners captured, the Indians must have lost thirty-eight men and four women; the bodies of twenty warriors were counted on the battle field. The prisoners taken during the campaign amount to forty-five, principally women and children. This is the first time that our troops have come in contact with these Indians, and the chastisement they have received will be long remembered by them. The effect produced upon contiguous bands will doubtless prove most salutary. It will be gratifying to the general to know that the officers and men evinced the same zeal and gallantry as upon all former occasions in this department.

Special notice is taken of the conduct of Captain Ewell, whose gallantry and sound judgment I have had occasion to notice in former reports. For more particular information, I beg to call the attention of the general-in-chief to the detailed reports herewith enclosed, with my hearty concurrence in their several recommendations.

The campaign under Colonel Bonneville has been prosecuted with energy and perseverance, but I have ordered it to be brought to a close, the presence of the troops being required elsewhere. The captives are, for the present, ordered to Fort Fillmore.

I am, colonel, very respectfully, your obedient servant,

JNO. GARLAND,

Bvt. Brig. General, Commanding.

Lieut. Col. L. THOMAS,
Assistant Adjutant General,
Headquarters of the Army, New York.

HEADQUARTERS GILA EXPEDITION,
Depot on Gila, New Mexico, July 14, 1857.

MAJOR: Herewith I have the honor to transmit report of operations of southern column by Colonel Miles and Captain Ewell. The northern column having been detached on the 22d June, the southern with myself marched on the 23d. On the 24th captured nine Mogolen women. On the 25th attempted to surprise a ranchario; was discovered by the neighing of horses. On the 27th had a battle with Apaches on the Gila river, 35 miles north of Mount Graham or Floridian; killed twenty-four, four women having accidentally been killed in the *melee*, and including one afterwards; made twenty-seven prisoners; destroyed many fields of corn; and rescued from captivity a Mexican boy, who escaped to us. We had nine wounded; among those were Lieutenants Steen, 3d infantry, and Davis, 1st dragoons—both slightly, I am happy to say; all are rapidly recovering. Much praise is due to every officer and soldier, particularly to Captain Ewell, who was my active man on all important detached occasions. Colonel Miles was everything I could wish—the same gallant veteran. Lieutenant McCook deserves much credit for the admirable manner in which he managed with his Pueblo Indians, in surprises as well as in battle.

I am, major, very respectfully, your obedient servant,

B. L. E. BONNEVILLE,

Colonel 3d Infantry, Commanding Gila Expedition.

Major W. A. NICHOLS,

Assistant Adjutant General, Santa Fé, New Mexico.

HEADQUARTERS SOUTHERN COLUMN GILA EXPEDITION,
Camp Floyd, July 13, 1857.

SIR: In making out the report of the battle with the Coyotero Apaches on the 27th of June last, I request you will refer to my journal accompanying this, to see in what manner the wings of the southern column were placed, the difficulty of the march in single file down a tremendous rocky precipice, which extended the column to great length, and which prevented the whole line from coming into action together.

The column was divided on this occasion into two wings; although commanding the whole, I retained the command of the right, giving to Captain Ewell, 1st dragoons, that of the left; it was composed of B, G, and K companies of 1st dragoons, C and F companies of 3d infantry, the guides and spies under Lieutenant McCook, 5th infantry, (being the Pueblo Indians and Captain Blas Lucero's Mexicans,) in advance. Captain Ewell's report, enclosed, states in what manner the battle commenced; at that time you were riding beside me at the head of the right wing, and at least a mile and a half from the battle field, threading our way carefully down a rocky, bushy pathway, followed by a squadron of mounted rifles, under command of Captain Clairborne and Lieutenant Dubois, being in command of B and K

companies of that regiment, and Lieutenants Jackson and Cook commanding B and I companies, 8th infantry. So soon as musketry was heard by us, the order was given to gallop and the charge was made by all, you leading the van to the field of battle. When I arrived, which was not until after Lieutenant Dubois had passed with his company, my first object was to ascertain how the field laid, what the disposition of the troops, and how the enemy was placed. I soon found that Captain Ewell, under his heavy charge of dragoons, had broken the Apaches, they had taken cover in the thick underwood, and that it was the work of infantry to pick them out; that the dragoons were occupying the left bank of the Gila, cutting off the retreat of the enemy to Mount Turnbull, and that Captain Clairborne and Lieutenant Dubois had very properly charged on the right bank and prevented them from reaching the mountains on that side. My object, then, was to bring into action, as soon as possible, the 8th infantry, and re crossed the river from where Lieutenants Whipple and Steen, with the 3d infantry, were engaged, to give this order, but found, to my great surprise, that Lieutenants Jackson and Cook, with their companies, were already up and actively engaged in the place where they were most required. It was then a primary object to so regulate our firing that our troops should not injure each other, which could easily be done, where all were so anxious to destroy an enemy, in a narrow valley covered with a dense undergrowth of willow. When I re-crossed the river again, I found Lieutenant Steen had been driven out of the bushes by a volley from the dragoons, and Lieutenant Moore actively rallying his men to prevent them firing. When this was accomplished, the infantry dashed into the thicket and soon captured many prisoners. Their frequent volleys showed that many a warrior was sent to his final rest.

The battle field extended for a mile on both sides of the Gila, and, covered with a thick undergrowth, persons within could readily see those outside, but could not be seen within; this gave the enemy a very great advantage, and it is a miracle how so few of our officers and men, exposed as they were, escaped.

I suppose the battle commenced about half-past four p. m.; it lasted until near sunset, when we encamped on the field.

The officers engaged being few in number, I can readily say that all were most distinguished. My thanks are particularly due Captain Ewell for planning the battle and breaking the enemy. In his report he mentions the officers with him who were most distinguished. Of those in the right wing, I would most particularly call your attention to the merits of Captain Clairborne and Lieutenant Dubois, mounted rifles, Lieutenants Jackson and Cook, 8th infantry. The latter had a personal rencontre with an Apache and slayed him with his rifle.

To Assistant Surgeon Haden I am most particularly indebted for his uniform gentlemanly deportment, skillful and kind treatment of the sick during our long and weary march; his daring and bravery in seeking the wounded on the battle ground, and scientific treatment of them to a final cure, under the most unfavorable circumstances—travelling in a litter and on horseback for so many days, under so burning and scorching a sun.

On the 28th of June I ordered an officer, with a detachment of soldiers, to examine the battle field and count the dead. He found killed twenty warriors and four women; two of these women were killed by the Pueblo Indians, one was killed while fighting with a bow and arrows, and the other, I presume, was accidentally shot, for at a short distance only it is difficult to distinguish, by dress, the men from the women, so much are they alike. Twenty-six women and children were taken captive on the battle field; one woman was captured on the Francisco river, making twenty-seven in all. All the camp utensils, clothing, &c., &c., were taken or destroyed. A captive woman informed me that there were forty warriors there when the battle commenced, and she thought but three had escaped. On the 29th or 30th of June Colonel Loring, descending the Francisco, captured a wounded Apache, who informed him that he was in the battle of the 27th, that there were forty warriors and but two had escaped. This corroboration of the same fact would seem to require I should report thirty-seven or eight killed, but only twenty could be found.

I commend to your favorable notice the officers Captain Ewell recommends, viz: Lieutenants Moore, Chapman, and Davis, of the 1st dragoons; also, Lieutenants Whipple and Steen, 3d infantry, and Lieutenant McCook, 3d infantry, and Lieutenant Lazelle, 8th infantry.

My thanks are due to every soldier as well as officer engaged in this battle for their zeal and efficiency and daring bravery. Some of the officers request a particular mention made of the following as being most distinguished: 1st dragoons, Sergeant Perlon, company B; Corporal J. Anderson, Private Donnelly, Private Walsh, of company G; Lance Corporal Lambert, company D, and Private Barraer, of company D, 3d infantry; Sergeant J. Heron, and Private John S. Harper, of company K; Private Thomas McNamara, Thomas P. Morris, and John Brown, of company C; Sergeants Dooling and Morrison, Corporal Maloney, Privates Giles, Mooney, McCardle, Quinn, Woodsmanse, Wies, and Zinzenhaffer, of company F.

8th infantry.—Corporals John O'Donnel and W. Robinson, of B company, Sergeant C. Wolpert and Private McBay, of I company.

The wounded are as follows: Second Lieutenant Davis, 1st dragoons, in the knee; Second Lieutenant Steen, in the corner of the right eye. Both of these wounds were made by arrows.

Corporal Anderson, of G company, 1st dragoons, was wounded twice, by bullet and arrow; Private Donnelly, of the same company, was wounded; also, Private Barrer, of company D, 1st dragoons.

Sergeant Heron, of company K, 3d infantry, was wounded through the arm; also Privates Johnson and McNamara, of C company, 3d infantry, were wounded by arrows.

One Pueblo Indian was badly wounded by ball, and I expect from our own guns, through his own negligence, he having run into an Indian lodge, and coming out with a basket on his head, concealing his red badge, the distinguishing mark of the Pueblos.

Captain Blas Lucero was actively engaged on the field of battle with

his men, receiving and securing the prisoners when brought out of the thicket.

I cannot close this report without making mention that the only officer and company not engaged in battle was Second Lieutenant Edson, commanding G company, mounted riflemen; he was in charge of the rear guard with his company, and performed on that date as fatiguing and arduous a service as any officer or company of the column.

I am, colonel, very respectfully, your obedient servant,
D. S. MILES,

Lieut. Col. 3d Inf'y, Com'g Southern Column.

Colonel B. L. E. BONNEVILLE,
3d Infantry, Commanding Gila Expedition.

SAN LUCIA, July 13, 1857.

SIR: I have the honor to report my operations while separated from your immediate command. On the 24th of June I was sent to operate against Indians reported in advance.

My command consisted of Lieutenants J. N. Moore, A. B. Chapman, and B. F. Davis, with a detachment of 1st dragoons; Captain Claiborne and Lieutenant Du Bois, mounted rifles; Lieutenants W. D. Whipple and A. E. Steen, with battalion of the 3d infantry; Lieutenants Thomas K. Jackson, John R. Cooke, and Henry M. Lazelle, with battalion of the 8th infantry. Lieutenant Alexander McD. McCook went in charge of spies and guides, (Mexican and Pueblos.) The party of Indians were found by the spies to be only a few women cooking meyeal, and they were all taken prisoners during the night by Blas Lucero, with a party of spies and guides, (Mexican and Pueblos.)

My march was continued towards the Gila river, where Indians were reported in force, until the 27th, when I was joined by the main column. During this interval a party of Pueblos, with an American, were sent to communicate with Colonel Bonneville, but discovered a party of Apaches in ambush, and returned. Their vigilance saved their lives and that of the American. Lieutenant Chapman, with a platoon of dragoons, was then sent back, and afterwards, on the appearance of more Indians, was supported on the flank by Lieutenant Whipple with a detachment of the 3d infantry. The Apaches retiring, Lieutenant Whipple rejoined my column, and Lieutenant Chapman carried his communications to Colonel Bonneville, both executing their allotted duties in a satisfactory manner. A long march was thereby made several miles longer for Lieutenant Whipple's party, but the whole was cheerfully gone through with. Not prepared for so long a separation from the main column, the command was forced to butcher an Indian horse, which was eat by men and officers.

The march was resumed the evening of the 27th, my command consisting of the 1st dragoons, as above; the battalion of the 3d infantry, Lieutenants Whipple and Steen; Lieutenant Lazelle, of the 8th, as-

signed to a platoon of dragoons; Lieutenant McCook with the spies and guides.

The mountain was extremely rugged, and to prevent surprise the infantry and Pueblos were kept in advance. Approaching the Gila the country became level, and the Pueblos soon discovered Indian signs, and told me to "go on with my people." The dragoons were hurried on, and soon came on an Apache camp on the river bank, partly surrounded by thick brush. Lieutenant Moore led the head of the column through the village and across the river, taking up such a position as to cut off all retreat. This well-timed movement went far towards securing the decisive results.

Lieutenant McCook joined the head of the column on the charge, and rendered important personal services.

Lieutenants Whipple and Steen were deployed among the brush, fighting the Indians, and securing a number of prisoners.

Lieutenant Steen was struck by an arrow in the corner of the eye.

Lieutenant Davis, 1st dragoons, was shot in the knee in a personal encounter with an Apache.

Corporal Anderson, company G, 1st dragoons, was twice seriously wounded, (arrow and bullet.)

The wounded were promptly attended by Assistant Surgeon Haden before the action was over.

Captain Claiborne and Lieutenant Dubois, mounted rifles, were early on the ground, and in time to render important services with zeal and efficiency.

The dragoons went forward the same afternoon to another village, but the Apaches had left.

Colonel Bonneville and yourself having arrived before the fighting was over, I do not report the killed and prisoners, some twenty odd of each.

Lieutenant Lazelle, 8th infantry, in charging with the dragoons, shot one Indian and cut down another.

The officers in command of detachments present the following names of enlisted men as active and efficient during the action:

1st dragoons, Sergeant Peslon, company B; Corporal J. Anderson, fighting in the brush, twice wounded; Private Donnelly, wounded; Private Walsh, of company G; Lance Corporal Lambert, company D; Private Barrer, company D, wounded; 3d infantry, Sergeant J. Heron and Private John S. Hafer, company K; Private Thomas McNamara, Thomas P. Morris, and John Brown, company C, "were among the most active men," reported by Lieutenant Whipple.

Sergeants Dorling and Morrison, Corporal Maloney, Privates Giles, Mooney, McCordel, Quinn, Wordmann, Wies, and Zinzenhaffer, of company F, 3d infantry, were favorably mentioned by Lieutenant Steen.

Respectfully submitted.

RICHARD S. EWELL,
Captain 1st Dragoons.

Colonel D. S. MILES,
Com'g Southern Column, Apache Campaign.

HEADQUARTERS DEPARTMENT OF FLORIDA,
Fort Myers, March 8, 1857.

COLONEL: This morning a report of an engagement with the Seminoles in the Big Cypress Swamp, near Bowleg's Town, was received from Captain C. L. Stevenson, of the 5th infantry, commanding four companies of the 5th, and a mounted detachment of forty men. It appears that Lieutenant Freeman, of the 5th, in command of "G" company, was in advance, near Bowleg's Town, and was reconnoitering a spot called the "Garden Hammock," with a small party, when he was attacked by the Indians, and lost one man killed, besides being himself, with three men, severely wounded. He immediately sent an express to Captain Stevenson, who was with the main body at Fort Keais, some 20 miles off.

Captain Stevenson started at once, joined Lieutenant Freeman at sunrise the next morning, (the 6th instant,) made his dispositions to attack the enemy, and after a gallant skirmish of fifteen or twenty minutes, drove them from the "hammock," and put them to flight.

The loss of the Indians is not known; they were seen to take off some dead and wounded; but the density of the "hammock" rendered the exact number uncertain to ascertain.

The loss of the troops was as follows:

Three privates killed, one officer, one non-commissioned officer and four privates wounded.

Killed.—Privates, Chilton, of G, McKinn, of I; McClusky, of D, 5th infantry.

Wounded.—Second Lieutenant Edmund Freeman, 5th infantry, in the arm, severely; Sergeant Taylor, of H; privates, Bohmer, of G; (since dead,) Gallagher, of H; Donnelly, of K; and Mingle, of G, 5th infantry.

On the third instant, three days before the engagement near Bowleg's Town, four musicians absented themselves from the command at Fort Keais; these men have not since been heard from, and it is presumed by Captain Stevenson the Indians have taken them; their names are not given.

I am, colonel, very respectfully, your obedient servant,

WM. S. HARNEY,

Brevet Brigadier General, Commanding Department.

Col. L. THOMAS,

Assistant Adjutant General, Headquarters of the Army, New York.

HEADQUARTERS DEPARTMENT OF FLORIDA,
Fort Brooke, August 30, 1857.

SIR: I have the honor to transmit herewith a report of the operations of one of the boat parties on Lake Okeechobee, which under the skillful direction of Captain Jacob E. Mickler, has performed good service, and met with success beyond my expectation.

On the 24th of August Captain W. H. Kendrick's independent

company of volunteers, stationed in the vicinity of Istokpoga lake, came upon a party of about six Indians; the Indians attempted to escape, but on being pursued took trees; attempted to fire on the pursuing party. All the guns, however, missed fire; and Kendrick reports that he killed a warrior aged about twenty-five years, and captured a child four years old.

I am, sir, respectfully, your obedient servant,

S. LOOMIS,

Colonel 5th Infantry, Commanding Department.

ASSISTANT ADJUTANT GENERAL,

Headquarters of the Army, West Point, New York.

TAMPA, August 28, 1857.

COLONEL: I have the honor to report the result of a scout made by me in obedience to your special order No. 83, of July 2, 1857

I departed from this place on the 3d of July and arrived at Fort Kissimmee on the 9th. On the 10th and 11th I remained at the above named post, repairing the boats to descend and examine the Kissimmee river, and also the Okeechobee lake. On the 12th, 13th, 14th, and 15th I descended the river to its mouth, examining the country thoroughly on the east and west banks of the river, without meeting with any Indian or Indian sign whatever. On the 15th I established a depot on the northern shore of the Okeechobee lake. On the morning of the 16th I left camp very early to scout in the direction of Fort Lloyd. I returned to camp the evening of the same day without meeting with any success.

On the morning of 17th I left camp with thirty men to examine the saw grass, east of the Kissimmee river. I discovered a small stream running out of the saw grass. I continued up the stream about three-quarters of a mile, when I came suddenly upon two Indian canoes, hauled into the grass. I landed with twenty-five men, and followed a large trail, which led through an immense saw grass. The trail led towards a small island surrounded by saw grass. As I approached the island I could hear an Indian chopping upon it. I divided my men into two parts and surrounded it. I then ordered a charge, and captured fifteen Indians, six women and nine children. One warrior was seen, and he made his escape through the saw grass. He was fired upon by one or two of the party. Hearing a shot fired in the direction of the boats, I ordered the men to move forward, and I remained with five men to destroy their houses, and prevent the warriors from rescuing the prisoners. In destroying their houses I found four or five pounds of rifle powder and a quantity of lead. The Indian men were concealed in the saw grass, and to judge from their yelling, they were gathering fast, but did not deem it safe to attack my men, as they did not know the number of my men, and my men kept yelling as they advanced towards their boats. I had a great deal of trouble to get the women through the saw grass, and one had to be carried by four men. As we approached the boats I went for-

ward to learn the cause of the shot that was fired there. The men told me that when they heard the report of the shot or two that was fired on the island, one got on a tree, and discovered an Indian running towards them to get his canoe. Four of them ran down the trail to wait in ambush for him, when one of my men's gun went off accidentally, and shot one of the party, (Jesse Turnipseed,) through the thigh. The Indian heard the report of the gun, and changed his course. I then came to the depot, and got the balance of my men and boats, and arrived at Fort Myers on the 23d, and delivered the fifteen Indians to the commanding officer of that place.

Your obedient servant,

JACOB E. MICKLER,
Commanding Q. M. men.

FORT JOSEPHINE, August 26, 1857.

SIR: I started from this place on the morning of the 23d instant with twenty-five of my command, with the intention of exploring the country between this place and the head of Fish Eating creek. Had not marched more than four or five miles before we discovered Indian signs that had not been made more than three or four days. We took the trail, which led for the south of *Istokpoya*. Notwithstanding there had been several hard rains on the tracks we managed to trail them about twelve miles the first day, and encamped on the trail.

Morning of the 24th took the trail but found it impossible to keep it in the flat woods nearing the lake. Near night I took a few men with the intention of examining the southern bank of the lake. Thinking, perhaps, the Indians might have embarked in canoes, if so, we might know the fact, had kept up the side of the lake, through a very dense swamp, without discovering any sign *at all*, when, to our gratification we discovered a small party of Indians running through the swamp, it being so very thick that we only got one sight of them. At that time I ordered a charge. The Indians then stopped and made fight. At least three of them took trees and snapped at us, but they found that we were still making for them, took to their heels again. We fired at them as they ran through the thickest swamp I ever saw; killed one, a young warrior about twenty-five years old, and captured one child between three and four years old. We got all their plunder, which consisted in cooking utensils, axes, hoes, bear skins, buck skins, knives, clothing, &c., &c., &c. It being nearly night I left the swamp and encamped. Was on the trail next morning at sunrise; found that the Indians had not returned to the battle ground during the night, and had so scattered, there being but very few of them, perhaps not more than six. We found it very hard to ascertain the route they had taken, but, perhaps, should have succeeded had it not have been on account of the tremendous rain that commenced falling about ten o'clock and continued during the whole day, which so obliterated the sign that I could follow it no further. I then returned to where we had met those the evening before, and took their back trail, and followed it about eight miles, through

swamp, in mud and water waist deep. When we came to the town that they had left we found it entirely abandoned, and the houses all torn down. It was on one of the islands in the marsh, south of the lake about six miles. They were evidently moving to higher grounds. The Indian child I have here, and will send her in when I get more to send with her, which I hope will be in a few days. The Indian we killed, I think, was the chief of this party, from his superior dress.

I am, sir, very respectfully, your obedient servant,

WM. H. KENDRICK,

Captain Commanding company F. M. V.

G. W. HAGGARD,

A. A. A. G., Fort Brooke, Fla.

FORT RIDGELY, MINNESOTA, April 9, 1857.

SIR: On the morning of the 19th of March last I received from the headquarters of this post an order to proceed with the effective force of my company to Spirit lake, on the southern border of Minnesota, where, it was reported, certain houses had been plundered and citizens killed by a band or bands of Sioux Indians. The call for assistance came from Des Moines City, on the Des Moines river, some fifteen miles north of Spirit lake. At 12½ p. m. my company, numbering forty-eight, rank and file, was en route to its destination, taking, by advice of experienced guides, a long and circuitous route down the valley of the Minnesota as far as South Bend for the purpose of following as long as possible a beaten track. The season was unpropitious for military operations; the snow lay in heavy masses on the track which I was following, but those masses were thawing and could not bear the weight of the men much less that of the heavy sleds with which I was compelled to travel. The narrative of a single day's march is the history of the whole—wading through deep drifts, cutting through them with the spade and shovel, extricating mules and sleighs from sloughs, or dragging the latter up steep hills or over bare spaces of prairie, the men wet from morning till night and sleeping on the snow; such were the obstacles I encountered while still on the beaten track, the terminus of which was at a farm belonging to a man by the name of Slocum. From this point to the Des Moines was an unbroken waste of snow. An attempt had been made to carry provisions through but had failed.

Mr. Flandreau, the agent for the Sioux, and Mr. Prescott, an experienced guide and interpreter, started with me from the fort and pushed on as far as Slocum's to try and discover the truth or falsity of the report upon which my march was ordered. On their return they stated that nothing definite could be learned, that the roads were almost if not quite impassable, and that as I must necessarily be absent several weeks it behooved them to return. I proceeded to South Bend, on the Minnesota river, where I purchased additional rations, and moved on to Slocum's. On arriving there I learned that the

sleighs which had attempted to cross over to the Des Moines were still on the prairie, at an immense drift some seven miles off. I therefore sent my guide, Joseph La Framboise, to examine this drift and report as to the practicability of my turning or crossing it. He returned and reported that it could not be passed without work. This determined me to remain at Slocum's the next day while a working party should clear the road; by so doing I obtained time to send for a couple of beeves in the vicinity. On the morning of the 26th of March I left Slocum's and commenced the most arduous part of my journey, but before my camp was struck two settlers from the Des Moines came in, ostensibly after provisions, and reported that the Indians (some thirty lodges) were encamped at a grove some eight miles above the settlement, where a half-breed by the name of Coursoll, or "Caboo," as he is known among the Sioux, had located a claim. This report determined me at once to strike for this grove, and I so directed my guide. I scoured the whole grove without success, but finally met Caboo, who informed me that Inkpadutah's band had "wiped out" the settlement and gone to Heron lake, some twenty-five miles off, in the direction of the Yankton country; that he was confident the Indians were there, although their determination was to join the Yanktons who were fighting the troops on the Missouri. Weary from my long march I made my camp, and after reflection concluded that I would still leave the settlement unvisited until I made an endeavor to overtake this band of Sioux. The approach to the lake was somewhat concealed; everything was still and quiet; the guide went ahead, a shot was fired and he turned back; in an instant my men were deployed as skirmishers, and advancing a little quicker on the flanks encircled the grove, but again were we doomed to disappointment. The camp was there, with all its traces of plunder and rapine; books, scissors, articles of female apparel, furs, and traps, were scattered on the ground; the marks of some six or seven tipis (lodges) were there, but they had been struck Friday night or Saturday morning. This was Sunday afternoon—there remained a single chance; some four miles distant was another lake and grove, towards which led the trail of the Indians. I directed Lieut. Murray to mount at once and dash for this grove, but if the signs which he might find there were as old as those before me to lose no time in unavailing pursuit, but to return. This last he soon did with the report that a stop had been made there, but that the guide reported the signs two days' old.

I now present the following as the facts. Some six weeks or two months since Inkpadutah's band, mustering some twelve or thirteen warriors, were hunting in Iowa, on the Inyan Yankey, or Little Sioux river. A dog belonging to one of the settlers attacked an Indian and was killed by him. The owner punished the Indian, and other citizens probably fearing the consequences took the guns away from the whole band, leaving them no means of providing their daily subsistence. These Indians bore no great love to the whites at best; two of the chief's daughters had married Sioux of the Yankton nation, both of whom were with the party. They, determined on revenge, returned to the place where their guns had been stored, found it unguarded, got possession of their arms, and swept the valley of the

Little Sioux up to Spirit lake. On this lake were several houses scattered at wide intervals through the grove; all of these they plundered, killing the inhabitants and probably bearing off with them some women. A man by the name of Markham had been absent from Spirit lake; on his return he went to the house where he boarded, or was employed, and found its inhabitants lifeless on the floor; he ran to another house and found Indian lodges pitched before its door, he then made his way to the small settlement called Springfield, or Des Moines City, and gave the alarm; the inhabitants collected in two houses on the east bank of the river; on the west was a single house belonging to a man by the name of Wood, who carried on a large traffic with the Indians, many of whom resort to the Des Moines during the winter and spring for the purpose of hunting. While the settlers on the east bank sent to Fort Ridgely for assistance this man Wood, with his brother, remained on the west bank, ridiculed their fears, and when Inkpadutah's band came in from Spirit lake, traded with the members until a few days before the troops arrived, and then told them they had better keep out of the way for soldiers were coming. This brought affairs to a crisis; the Indians crossed the river, plundered the vacant houses; found one house unfortunately occupied, its owner, Josiah Stewart, having left the house where the settlers had congregated, and returned to his own homestead with his wife and three children. Here the savages revelled in blood. When I visited the spot the father lay dead on his threshold, the mother with one arm encircling her murdered infant lay outside the door, and by her side was stretched the lifeless body of a little girl of three summers; the eldest, a boy of ten, escaped. Attacks were then made on the two houses of which I have spoken. In one, no damage was done; in the other, a man by the name of Thomas had his arm broken, his son, some ten years of age was killed, and a young woman was slightly wounded. The Indians then crossed the river, killed probably both of the Woods, although I only succeeded in finding the body of one of them, plundered the trading house, and hurried off with an abundance of guns, powder, lead, and provisions, to ascend the Des Moines and join the Yanktons.

While expressing my regret and disappointment that the object of my expedition was not attained, viz: the punishment of the Indians, I would be doing injustice to the officers and men of my company were I not to bring to the notice of the commanding officer the cheerfulness and patience with which they encountered the fatigues of no ordinary march; and perhaps I would be doing injustice to myself did I not assert that I used the best energies of my nature to carry out the instructions which I received.

And am, very respectfully, your obedient servant,

BARNARD E. BEE,

Captain Commanding Company "D," 10th Infantry.

First Lieut. H. E. MAYNADIER,

Adjutant, 10th Infantry.

HEADQUARTERS, FORT RIDGELY, April 14, 1857.

A true copy.

HENRY E. MAYNADIER, *Adjutant.*

FORT SNELLING, *August 3, 1857.*

GENERAL: Major Sherman, 3d artillery, came in yesterday evening in advance of his company, coming to this post by easy marches from the upper agency, at the mouth of the Yellow Medicine river, about forty miles above Fort Ridgely.

This company is under orders for Fort Leavenworth, and will embark for St. Louis in a few days after its arrival here. The company is expected to arrive the 5th instant.

I have had much conversation with Major Sherman, and also Captain Bee, in relation to Indian affairs.

The Indians, after much difficulty, have agreed to the terms of the superintendent, Mr. Cullen; and Little Crow, a friendly chief of the lower bands, is now out with 130 warriors to capture Inkpadutah and his band. All the Indians have left the agency and gone to their respective homes. The number collected amounted to 5,000, and Major Sherman estimates the warriors, all fully armed, at 2,000. Others carry this number up to 2,500, and even 3,000. The lowest estimate is no doubt the most correct.

About fifty lodges were Yanctons, who do not receive annuities, but were present to demand part of the annuity to be paid the Sissetons, on the alleged ground that the latter, in their treaty, sold some of the lands belonging to the former. A similar demand was made the year previous, and the Sissetons gave the Yanctons part of the goods, but no money.

In order, general, to give you a correct idea of the temper of the Indians, I must be somewhat minute in my detail. After the massacre at Spirit lake the son of Inkpadutah took possession of Miss Gardner; whereupon his wife, belonging to Sleepy Eye's band, left him and returned to her people. When Miss Gardner was delivered up, Inkpadutah's son visited Sleepy Eye's camp to seek and obtain, as some suppose, his wife. Others take the ground that this band sympathized with the murderers and harbored this Indian, who was afterwards killed.

With this latter view of the case, under the instructions from Washington, payment of the annuities was withheld.

This measure exasperated the Indians, especially the Sissetons, who say they should not be held responsible for the acts of Inkpadutah and his followers, for they are not allied to them by blood, or in any manner whatever.

Judge Flandreau, then the agent, learning that Inkpadutah's son was in Sleepy Eye's camp, requested of Captain Bee, commanding at Fort Ridgely, some troops to take the Indian captive. Lieutenant Murray, 10th infantry, with a small detachment, was sent with instructions to make the capture, but not to molest any women and children. A charge having been made upon the camp by the troops, the Indian ran, but was subsequently found and killed.

The agent then desired to capture the wife, which the lieutenant objected to, but she was taken; and this greatly exasperated the Indians, a number of whom armed themselves, proceeded to the agency, and demanded the return of the woman, which was done by

the agent; and then the Indians demanded two beeves as a recompense, which also was granted. Before this time a call was made on Major Sherman to send troops to the agency about the 5th of July, the time for the payment of the annuities. He proceeded from this post with his battery, and was joined by a detachment of Captain Bee's company. His presence was of the first importance, for when the Indians were informed they must deliver up Inkpadutah and his band before they would be paid their excitement was great. You may judge of the effect upon the whites when informed that many of the employés of the Indian department went off entirely without receiving their pay. But for the presence of the troops it is thought the agency would have been attacked and pillaged. Colonel Abercrombie's arrival at Fort Ridgely with four companies 2d infantry was most opportune; and the Indians, being entirely ignorant of this movement, were greatly surprised. Major Patten's company was detached to the agency to relieve the detachment of the 10th infantry, and Major Sherman was further reinforced by a second company (Sully's.) The Indians were called to council on several different days, but they presented themselves armed, and they were accordingly dismissed. In the evening of one of the days a soldier of Major Patten's company, going a short distance from the camp, was stabbed in the back by a Sisseton. About this time Little Crow came up with some of his friendly Indians, and going to Major Sherman offered his assistance in case of an attack, which, it was reported, would be made that night. Major Sherman put no faith in the report. After examination showed that the Sisseton who stabbed the soldier acted without the knowledge of his people. He, though a Sisseton, was, on the side of one of his parents, a Yancton. On the day referred to the superintendent gave the Sissetons some provisions, and this Indian wished his people to share with the Yanctons, which was not done. High words passed between the chief and this man, and the former called him a coward, when the latter said he would show him before night whether he was a coward. The Indian was disarmed, but it seems his knife was overlooked. He lurked about the camp of the troops, and seeing a single soldier stabbed him. This act caused considerable excitement amongst the troops, and Lieutenant Spencer, 2d infantry, with a small command, was sent to demand the Indian. He was received by an armed party of Indians, who cocked their guns as he approached. He dismounted from his horse, halted his men, gave his pistol to a soldier, and advanced alone. A peremptory refusal was given to his demand. Next day the chiefs, after much delay, agreed to deliver up the man, and he was brought; but when Major Sherman went to receive him, the young men took possession of the Indian and carried him off. This was a critical moment for the major, for had he then opened a fire, which he might have done, war was inevitable. To further demands the Indian was given up and placed in charge of the guard. The night previous to this Little Crow passed in the Sisseton camp, and by his entreaties induced these Indians to agree to the terms of the superintendent, by sending two warriors from each band (all to be under Little Crow) after the murderers.

In the council which followed the arrangements were made; but

near its close the Indian in confinement, sitting in front of the guard tent, sprang to his feet and ran in the direction of the council, supposing, no doubt, that the guard would be afraid to fire lest the balls would take effect upon the officers and others in council. The guard saw the danger, but fired low, and six balls pierced the legs of the Indian. Major Sherman afterwards told the Indians that he cared nothing further about the man. After the council was over the Indians broke up their camp and moved off. Major Sherman remained at the agency three days thereafter, and on the 27th instant commenced his return march.

Inkpadutah's people, few in number, are very much scattered, and Little Crow may have difficulty in capturing any of them. Even if he should fail, I would think it good policy to pay the annuities; for the annuity bands, as they are called, have nothing to do with the murderers.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS, *Assistant Adjutant General.*

Lieutenant General WINFIELD SCOTT,
Commander-in-chief, West Point, New York.

FORT SNELLING, *August 10, 1857*

GENERAL: I have the honor to report my return to this place yesterday from Fort Ridgely, after an absence of seven days.

Whilst at the fort I had a full conversation with Lieutenant Colonel Abercrombie, the commanding officer, and also with Mr. Cullen, the superintendent of Indian affairs, who arrived from the agency about the same time I reached the post. According to all I could learn, I judge that the Indians are perfectly quiet, and will comply, as far as they can, with the demands of the superintendent in reference to Inkpadutah's band. Little Crow had just returned to the agency from his expedition against their people. Towards the evening of July 28, I think, he found a party of them on Skunk lake and attacked them, and after about twenty minutes drove them into the water. Three men were killed, (one of them another son of Inkpadutah,) one badly wounded and taken prisoner; he managed to escape during the night. Two women and one child were taken prisoners and brought in; one the discarded wife of a brother of Inkpadutah; the other now the widow of one of the men killed. All the property of the party was taken. Inkpadutah was not with this party, but the report is that he and his immediate family have gone to the vicinity of the Missouri river, in the country of the Yanktons, and perhaps has crossed that river. The band who committed the murders on Spirit lake consisted of twelve men and two boys; four men have been killed and one badly wounded. The wounded man was shot in both arms (breaking the bone of one,) and in the side.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS, *Assistant Adjutant General.*

Lieutenant General WINFIELD SCOTT,
Commander-in-chief, West Point.

P. S.—The Indian who stabbed the soldier at the agency has since died of his wounds.

HEADQUARTERS, FORT RIPLEY, M. T.

October 7, 1857.

SIR: The report of the intended abandonment of Fort Ripley in June last spread like wildfire among the Indians, producing a marked change in their conduct. They became insolent and reckless in their bearing towards the whites. No sooner had the troops left the garrison in July last than their outbreaks commenced. They attacked the mission buildings of the Rev. Mr. Breck at Leech lake; broke in his windows and demanded whatever they wanted.

After the lapse of a day or two the same thing was repeated, and bent on violence, they seized a calf and killed it. Two others (nude with the exception of the breach apron) and flourishing their knives, demanded Mr. Breck, and when he would not come out (as he thought they intended murdering him) they attempted to get in at the window and were only prevented from accomplishing their purpose by some squaws, who, as often as they attempted to get in, pulled them back.

As the mission under these circumstances could only sustain itself by meeting violence by violence, and this probably only for a short time, and the occupants thinking themselves in imminent danger of their lives, Mr. Breck, the mission family, and most of the government employes left and arrived at Fort Ripley on the 12th of July. This was followed by several instances of plunder. One Mr. Miracle, at Otter Tail lake, was robbed of all his provisions and groceries by a band of the "Pillagers." A party of about fifteen men, getting out lumber in the employ of a citizen of St. Anthony, were attacked, robbed of all their provisions, and forced to return to Crow Wing. On the 11th of August, a party of Indians killed a cow, stated by the Rev. Mr. Peake as belonging to the Gull lake mission. A portion of the cow, the Rev. Mr. Maney was credibly informed, (as he states,) was sent by the Indians as a present to Hole-in-the-Day, the head chief.

On the 15th of the same month an inoffensive German was murdered within a few hundred yards of the mission buildings at Gull lake by two Indians and a half-breed. The three murderers were arrested by members of the mission and brought the next day (Sunday) to Fort Ripley, under the idea (as the Rev. Mr. Peake states) that troops had already arrived at the garrison. As such was not the case, the Rev. Mr. Maney, the chaplain, who was still residing at Fort Ripley, hired a team and gave instructions to the young men who had the murderers in charge, to take them to Belle Prairie before Justice Hamilton, the nearest committing magistrate, and have them duly committed; and as the sheriff resided at Little Falls, about five miles beyond, it would be best that they themselves should deliver the criminals into the hands of the sheriff. They accordingly did so. Sheriff Pugh left Little Falls with the murderers shortly before noon on Monday, having them well secured, for the purpose of safe confinement either at St. Paul or Fort Snelling. When about seventeen miles from Little Falls the sheriff was overtaken by a mob of armed men who rescued the prisoners, brought them back to Swan river, and hung them about nine o'clock in the evening. In the morning they cut

them down and buried them in one hole, chained together as they were hung. Immediately on these things being known there was intense excitement among all the Indians, accompanied by threats of revenge. Man for man could alone satisfy them. As the murderers were arrested by members of the mission at Gull lake, these Indians seemed to hold them responsible for the lynching and hanging of the prisoners, and consequently they were the first to feel the fury of the storm. Fearing that the lives of some of them would be sacrificed, Mr. Peake, with the other members of the mission, again left Gull lake on the morning of the 20th and arrived at Fort Ripley the same day.

On the 22d (Saturday) Mr. Maney and Mr. Peake rode to Crow Wing. About 3 p. m. Crow Feather, the principal brave of Hole-in-the-Day, a man whose bravery and truthfulness are proverbial among the whites and Indians, came into town slightly intoxicated. He communicated to Mr. Clement Beaulieu, his nephew, Hole-in-the-Day's plan, as made known to some six or eight of his braves on the night previous, viz: that he and one other should proceed to Crow Wing and kill the first white man they met, and that six others should proceed immediately to Gull lake and burn the mission buildings, church, and other property.

It is said of Crow Feather that he refused to enter into the plan of murdering the white men, saying that he had been among the whites a great deal, and had received nothing but kindness from them.

About this time another Indian was seen skulking through the bushes, naked all but his breech-apron, a convincing proof to the whites that his purpose was that of murder.

To prevent, if possible, the murder of any white man, and the destruction of the mission buildings, a note signed by the Rev. Mr. Maney, Beaulieu Fairbanks, and some half dozen others of the principal persons about Crow Wing was immediately addressed to Hole-in-the-Day, to the effect that they were aware of his intentions, and knew that he was inciting a number of Indians to deeds of violence and murder, and if he persisted in carrying out his intentions he would be brought to a speedy and summary punishment. This note was delivered and read to him that afternoon. A party of Indians, however, had gone to Gull lake for the purpose, it was suspected, of burning the mission, and were found secreted around the buildings by an Indian who had been left in charge of them. Through his persuasion they were induced to desist from their purpose, he remarking, that if Hole-in-the-Day wished the mission burned he had better come and do it himself.

Crow Feather further stated that Hole-in-the-Day had addressed his braves, or some of them, in this wise: "That they were fools, or they would first burn the agency, then Crow Wing, and then Little Falls and Swan river."

I am told by the Rev. Mr. Maney that the excitement, resulting from the lynching and hanging of the Indians who committed the murder, during its highest pitch, was greatly allayed by the report (premature) that troops were on their way to Fort Ripley, and that the prisoners had been *taken and hung by the troops, instead of by a mob of citizens.*

They are, at present, apparently quiet, although among them are many turbulent young men, whom their chiefs seem unable to restrain.

Major Heniman informs me that the reason assigned by the Indians for plundering is, that the property, &c., at the Mission *belongs to them*, it having been purchased by funds intended by the government for their use and benefit, and which has not been so appropriated.

However this may be, it can hardly be deemed an excuse for murdering in cold blood an inoffensive citizen in nowise connected with the Mission.

Very respectfully, I am, sir, your most obedient servant,
G. W. PATTEN,
Capt. 2d Artillery, Brevet Major, Com'g Post.

ASSISTANT ADJUTANT GENERAL,
Headquarters Department of the West, St. Louis, Missouri.

No. 6.

REPORT OF THE QUARTERMASTER GENERAL.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, November 21, 1857.

SIR: In obedience to your instructions, I have the honor to submit a report of the operations of the quartermaster's department during the fiscal year commencing on the 1st of July, 1856, and ending on the 30th of June last.

At the date of my last report, the balance in the hands of the officers and agents of the department to be accounted for was..... \$923,615 86

From which are to be deducted the following sums allowed by act of Congress to the officers named below, viz:

To Captain L. C. Easton.....	\$17,651 00	
To Captain F. Steele.....	2,000 00	
To Captain A. Montgomery.....	6,272 12	
To Major J. Belger.....	9,300 00	
		35,223 12

Leaving actually to be accounted for..... 888,392 74

To which is to be added: 1. Remittances, viz:

In the 1st quarter of the fiscal year....	1,834,866 11
In the 2d quarter of the fiscal year....	1,635,535 77
In the 3d quarter of the fiscal year....	1,392,236 22
In the 4th quarter of the fiscal year....	1,428,325 11
	6,290,963 21

Amount brought forward.....	\$6,290,963 21	
Add remittance from adjutant general on account of "Military Tactics" ...	500 00	
2. Proceeds of drafts drawn prior to 1st July, 1857, paid since that date	68,366 37	
3. Proceeds of sales of public property, rents of buildings, &c.....	94,594 84	
	<hr/>	\$6,454,424 42
Total to be accounted for		7,342,817 16
From which is to be deducted: 1. Expenditures, viz:		
Prior to the fiscal year, the accounts for which were not received in time for the last annual report.....	\$1,043,229 82	
In the 1st quarter of the fiscal year	922,326 95	
In the 2d quarter of the fiscal year.....	1,574,937 48	
In the 3d quarter of the fiscal year.....	1,515,586 95	
In the 4th quarter of the fiscal year....	1,695,593 54	
	<hr/>	
	6,751,674 74	
2. Deposits to the credit of the Treasurer	12,326 30	
	<hr/>	6,764,001 04
		578,816 12
From which should be deducted a small sum advanced to Captain Scammon, late of the army, for his own transportation, for which he has not accounted; but, as he is known to have performed the journey for which he received it, he no doubt expended it...		350 00
		<hr/>
		578,466 12
		<hr/> <hr/>

Late Lieutenant W. A. Slaughter, who was reported in my last annual report as having failed to account for \$8,055 99, was killed in battle with Indians in Washington Territory. It is believed that he expended the greater part, if not the whole of the amount for which he was accountable. No vouchers have been received since his death, and in the hazardous and difficult service on which he was engaged when he fell, his papers were probably all lost. I respectfully submit whether it would not be just to ask Congress for authority to close his accounts.

From thirty-three officers whose joint accountability amounted to \$65,106 98, accounts have not been received for the last quarter of the fiscal year. Many of them are at the extreme outposts and on the way to Utah, and will no doubt account for the small amounts in their hands, as four of them have already done in the first quarter of the present year. The joint accountability of those who have still to account is \$58,783 49.

Major Osborne Cross, late principal quartermaster on the Pacific, was accountable on the 30th of June for \$23,442 21, which should

REPORT OF THE Secy. War for 1857

1857

No. 4. Cheyenne - 53, 59.

REPORT FROM THE COMMANDING GENERAL.

HEADQUARTERS OF THE ARMY.

New York, November 20, 1857.

SIR: As the immediate commander of the army, under the President, I have the honor to submit the usual annual report on its general condition and wants.

Our regiments, horse and foot—including artillery (serving, mostly, as infantry)—are, as I have remarked in former reports, anything but a *peace* establishment. For years they have been almost constantly in pursuit of hostile Indians, through swamps and mountains, in heats and snows, and with no inconsiderable loss of life from frequent combats, and a still greater mortality from excessive labor, deprivation, and disease. In other wars those hardships are occasionally broken by rest and comfort, now long unknown to nine-tenths of our troops, and hence another great evil—the numerous desertions which daily thin their ranks.

As a partial illustration of the extraordinary activity and sufferings I have spoken of, I beg leave to annex copies of two of my orders, Nos. 4 and 14, of the present year.

To mitigate those evils, and to enable us to give a reasonable security to our people on Indian frontiers, measuring thousands of miles, I respectfully suggest an augmentation of at least one regiment of horse, (dragoons, cavalry, or riflemen,) and, at least, three regiments of foot (infantry or riflemen.) This augmentation would not more than furnish the reinforcements now greatly needed in Florida, Texas, New Mexico, California, Oregon, Washington, (T.) Kansas, Nebraska, and Minnesota, leaving not a company for Utah.

If the reinforcements should be authorized as early as January, it would be easy, in the present unfortunate want of profitable employment for the thousands of able-bodied men to be found idle in every populous district of the country, to make the number of recruits needed, and in time for them to reach the theatres of military operations in the summer and autumn of 1858. Of the relief which the measure would afford to our general population, I may not speak in a military paper; but to the army, and exposed frontiers under its protection, it would be immense.

It is eminently desirable, by all the reasonable means at the disposition of the government, to attempt the moral elevation of our enlisted men, that is, all below commissioned officers. In physical comforts, whether they are sick or in health, the justice of Congress, in respect to physicians, medicines, hospital stores, the pay, clothing, and subsistence of every body, has scarcely left anything to be asked for. (The subject of quarters will be noticed in the sequel.) So, too, in respect to religious instruction, through some twenty odd military chaplains, considering the great number of sects and the habitual dispersion of the troops, I have nothing practical to suggest. But to render the service honorable, so that citizens may freely enlist without the fear

The floors generally throughout the new portion of this building are of brick, resting upon rolled-iron beams, weighing about thirty pounds to the lineal foot.

These floors occupy less room than groined brick arches, and allow the exterior walls to be made lighter, as they do not require the weight necessary to act as piers or abutments for heavy arches. They are perfectly fire-proof.

The doors and the window frames and sash are of wood, for the reason that any other material is so harsh and heavy as to be unpleasant to handle.

The door-frames and window-casings are of cast-iron, which is cheaper and less liable to injury than stone, and equally durable and fire-proof.

The floors will generally be laid with slabs of slate.

Most of the marble of this building has been delivered.

That for the north front comes from Lee, Berkshire county, Massachusetts; that for the east and west fronts from Baltimore county, Maryland. The granite is from the Patapsco quarries in Maryland.

Of the Maryland marble, we had received on the 30th of September, 1856, 15,485 cubic feet; of the Lee, or Massachusetts marble, 5,418 cubic feet; of the Patapsco granite, 14,164 cubic feet; of an inferior granite from Maine, used in the cellars, there had been received 4,346 cubic feet. There had been received, also, 885,527 bricks.

During the past year there have been delivered: Of Maryland marble, 9,249 cubic feet; costing \$12,915. Of Lee marble, 13,468 $\frac{1}{2}$ cubic feet; costing \$25,590 62. Of Italian marble, 1,663 $\frac{1}{2}$ cubic feet; costing \$6,903 87. Of Italian marble columns, with shafts, in single pieces, 27 columns; costing \$40,500. Of granite, 13,078 $\frac{1}{2}$ cubic feet; costing \$7,833 20. Of bricks, 789,266. And 754,900 bricks have been laid in the work.

A supply of marble is now on the ground which will afford employment to a large force of stonecutters during the winter.

They are now engaged in carving the capitals of columns, pilasters of exterior, the cornice, and the entablature, much of which will be ready to be set early in the spring.

Cash Account.

Amount available 30th September, 1856.....	\$379,825 17
Appropriation of 1857.....	200,000 00
	<hr/>
Expended in the year ending 30th September, 1857	579,825 17
	221,536 09
	<hr/>
Amount available 30th September, 1857.....	358,289 08
Appropriation necessary for the service of the fiscal year ending 30th June, 1859.....	100,000 00
	<hr/> <hr/>

Very respectfully, your obedient servant,

M. C. MEIGS,
Captain of Engineers, in charge.

Hon. J. B. FLOYD,
Secretary of War.

of harsh, arbitrary, or capricious treatment at the hands of any superior, some additional legislation seems indispensable. I allude to a revision of the "rules and articles for the government of the armies of the United States," and particularly the 45th, 65th, 66th, 67th, and 99th of those articles, all respecting the administration of justice, in order, among other things, to provide for the *legal* punishment of petty offences (substituting, when necessary, courts consisting entirely of sergeants,) so as to deprive commanders of small detachments and isolated companies of all pretext (the want of officers to compose courts, &c.) for taking the law into their own hands. Accordingly, I recommend that the subject be, in the first instance, referred to a board consisting of intelligent officers of great experience with troops, and, if their report be approved, that it next be submitted to Congress. (The same board might, with great benefit, revise the General Regulations for the Army, and the conflicting systems of infantry tactics now in force.)

In connexion with penal justice, it is due to all good men in the ranks to say that they are directly interested in the suppression of crimes, "disorders and neglects," "prejudicial to good order and military discipline," inasmuch as offences hurt the just pride of the corps, and every offender put under guard or in arrest increases the duties and fatigues of his meritorious companions of the same class or rank.

I have a word to say in respect to quarters for troops. On the sea-boards, in our regular fortifications, we have but little shelter other than casemates for fighting siege guns, and these arches are too damp, and otherwise uncomfortable, for the lodgings of the troops. In respect to the Indian frontiers—except at one or two interior points for reserves—the troops are, when they chance to be allowed short rests, either in tents (winter as well as summer) or such miserable bush and mud huts as they have hastily constructed for the moment. Hence another cause of desertion, disease, and mortality. It is true that the frontiers are constantly shifting by the extension of settlements, and hence a great difficulty in providing permanent quarters, except for reserves, and we are far from having a regiment, or even a company, to be so posted.

The instruction of our artillery regiments in their appropriate duties, with light and heavy batteries, has been much neglected of late years. 1. By capriciously dismounting several of the light companies, and sending others to the most unsuitable posts in respect to supplies of health; and, 2. By the necessary employment (from deficiency in other troops) of the greater part of each regiment, as infantry, on the Indian frontiers.

A *school of practice*, however, for garrison, sea-coast, and siege artillery, is now being organized on a small scale, at Fortress Monroe, to be enlarged as the regiments may be withdrawn from the Indian frontiers, when, also, on re-garrisoning our principal fortifications, each may be made a subordinate school. In the meantime, I respectfully ask that the light companies remaining on foot be remounted, as authorized by law.

Of recommendations in former reports, I beg leave specially to recall two:

1. A system of recruiting by, and for the respective regiments, which, it is conceived, would create and nurture the *esprit de corps*—a family feeling in each—always highly conducive to moral elevation of military efficiency.

2. A revision of the *pension laws*, so as to place the army on a like footing with the navy, volunteers, and militia, in this respect, as there can be no conceivable reason of any sort for a discrimination to our prejudice. (Please see vol. 2, p. 229, of the President's Message, &c., December, 1856.)

I have the honor to be, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. B. FLOYD,
Secretary of War.

General Orders, No. 4.

HEADQUARTERS OF THE ARMY,
New York, March 30, 1857.

The general-in-chief takes pleasure in announcing the satisfaction felt by the head of the War Department, as well as by himself, in learning, from official reports, the creditable conduct and energy displayed by the troops in various small conflicts with the Indians, as follows, in the order of time:

1. Lieutenant Robert C. Wood, jr., and his scouting detachment, of the 2d cavalry, pursued an Indian trail for three days, overtook the party near the north fork of the Concho, Texas, February 13, killed three, and captured two survivors, with all the animals and property—a complete success, without loss or serious hurt to the victors.

2. Sergeant Walter McDonald, with a small detachment of company D, 2d cavalry, from camp Verde, Texas, vigorously pursued, and, February 13, successfully attacked a party of hostile Indians—killing four, and capturing all their animals. Private Martin, of company D, 2d cavalry, died of the wounds then received.

3. Lieutenant Edmund Freeman, 5th infantry, reconnoitering with a small party in the Big Cypress Swamp, near Bowleg's town, Florida, was attacked by the Seminoles, March 5, himself and three of his men severely wounded and one man killed.

Captain Carter L. Stevenson, 5th infantry, with his command, called, by express, from Fort Keats, twenty miles distant, came rapidly to the relief of Lieutenant Freeman's party, attacked the enemy, and, after a gallant skirmish, put them to flight—with an evident loss to the Indians, the extent of which could not be ascertained, owing to the density of the hammock.

The loss of the troops was as follows:

Killed.—Privates Chilton, company G; McKinn, company I; and, McClusky, company D, 5th infantry.—3.

Died of Wounds.—Private Bohmer, company G, 5th infantry.—1.
Wounded.—Second Lieutenant Edmund Freeman, (in the arm, severely;) Sergeant Taylor, company H; privates Gallagher, company H; Donnelly, company K; and Mingle, company G, 5th infantry.—5.

By command of Brevet Lieutenant General Scott.

L. THOMAS,
Assistant Adjutant General.

General Orders, No. 14.

HEADQUARTERS OF THE ARMY,
New York, November 13, 1857.

1. In announcing to the army the more recent combats with hostile Indians, in which the gallant conduct of the troops, under, in most cases, circumstances of great hardship and privation, is entitled to high approbation, and the general-in-chief takes occasion to notice all those of a similar character, not mentioned in his general order No. 4 of the current series, which have occurred since the beginning of last year, and to which, since the publication of that order, his attention has been directed. They are too interesting to be omitted.

In the order of time, the cases are as follows:

I. On the 17th of February, 1856, Captain James Oakes, with a part of his company C, 2d cavalry, from Fort Mason, Texas, after a pursuit of six days, and on the ninth day from his post, overtook a party of seven or more Indians; killed one and wounded several others; capturing all their animals and other property; Sergeant Reis and Private Kuhn severely wounded. The troops were exposed to very cold and wet weather, and for more than seven days subsisted on two days' allowance of bread and coffee, such game as they could kill, and the flesh of horses they were obliged to abandon.

II. March, April, May, and June, 1856. The general commanding the department of the Pacific, at the time of the occurrences below mentioned, presents, as entitled to commendation and especial notice, the following cases:

First, that of Brevet Lieutenant Colonel Robert C. Buchanan, 4th infantry, having under him companies C, 1st dragoons, B and H, 3d artillery, B, E, F, and G, 4th infantry, who, in less than three months, after traversing the mountains and valleys of the Rogue river, during which the troops had a number of severe conflicts, and in which they conducted themselves to the entire satisfaction of their commander, compelled the Indians to surrender at discretion, thus terminating the war in southern Oregon.

Brevet Lieutenant Colonel Buchanan's conduct is spoken of as gallant, energetic, and judicious; and, whilst all of his command are considered entitled to commendation, the following are specially noticed: Captain A. J. Smith's company, C, 1st dragoons; Captain E. O. C. Ord's company, B, 3d artillery; Brevet Major J. F. Reynold's com-

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pany, H, 3d artillery; and Captain C. C. Augur's company, G, 4th infantry. Company C, 1st dragoons, lost eleven men killed, and eighteen wounded. Companies H, 3d artillery, and G, 4th infantry, killed twenty of the enemy, and took several prisoners, with four canoes, rifles, and ammunition. Company B, 3d artillery, killed five warriors, and captured five horses, a quantity of supplies, and some ammunition.

And, second, the operations on Puget's Sound of the troops commanded by Lieutenant Colonel Silas Casey and Major Robert S. Garnett, 9th infantry, and Captain E. D. Keyes, 3d artillery.

The conduct of these officers is highly commended for skill, perseverance, and judgment. The forces under their commands were companies M, 3d artillery, A and D, 4th infantry, and B, D, H, and K, 9th infantry. Their conduct is represented as worthy of high praise.

Lieutenant Augustus V. Kautz, 4th infantry, (wounded,) and Lieutenants Robert H. Davis and David B. McKibbin, 9th infantry, are commended for their gallantry in the engagement with the Indians on White river. The loss in these operations not stated.

III. On the 21st of March, 1856, Corporal William Fletcher and six privates of company F, 1st artillery, from Fort McIntosh, Texas, overtook and attacked a party of Indians on the Rio Grande, wounded two of them, and captured three horses.

IV. In March, 1856, Sergeant M. Kelley, company H, 4th infantry, with eight men, gallantly defended a small block-house, and protected all the public property at the Cascades, Washington Territory, for two days, against a body of fifty Indians. He had one man, Private L. Rooney, killed, and two, Privates F. Bernaud and O. McManus, wounded—the latter since dead of his wounds.

V. April, 1856. A detachment of thirty dragoons, commanded by First Lieutenant Isaiah N. Moore, 1st dragoons, with Second Lieutenant Horace Randal, sent out by Brevet Lieutenant Colonel D. T. Chandler, 3d infantry, from the force under his command, near the Almaigre mountains, New Mexico, came upon and charged a band of Gila Apaches in a *cañon*; killed one, wounded several others, of whom three subsequently died, and captured their prisoners, baggage, sheep, horses, and mules.

Private Allen, of Company I, severely and dangerously, and Private Fox, of company D, 1st dragoons, severely wounded.

VI. 7th of April, 1856. A detachment of one hundred and eight men from the 1st and 2d artillery, commanded by Brevet Major Lewis G. Arnold, 2d artillery, with Captain Samuel K. Dawson and Second Lieutenant George G. Garner, 2d artillery, were attacked by a large assembled force of Seminoles, in the Big Cypress swamp, Florida. The Indians were repeatedly charged and driven from the strong positions they successively occupied to the swamps and *hammocks*, but with what loss is not known.

Private John Simons, company L, 2d artillery, was killed; Corporal Joseph Carson, and Privates George Muller, John Strobell, company C, 2d artillery, and Private Thomas Newton, company L,

1st artillery, severely, and Privates Silas M. Watkins and William Abbott, company C, 2d artillery, slightly wounded.

VII. On the 13th of April, 1856, a party of fifty-five Indians were overtaken on the head waters of the Nueces by detachments from companies B and D, mounted riflemen, and F, 1st artillery, from Forts McIntosh and Duncan, Texas, under the command, respectively, of Captain Thomas Claiborne, jr., and Brevet Captain Gordon Granger, mounted riflemen, and Second Lieutenant George H. Elliott, 1st artillery. One Indian killed, and four made prisoners; their camp and all their animals captured.

The vigilance of the Indians and the character of the country, which enabled them to discover pursuit at a great distance, prevented a more complete success. In this case, from the time of leaving their posts until the termination of the pursuit, the troops marched three hundred and fifty miles in eight days. They suffered from want of water, and for four days, two in the pursuit and two after its termination, had no provisions but a small allowance of rice and coffee, accidentally obtained in crossing the El Paso road.

The mayor of Laredo, Sr. Don Santos Benevidas, Mr. Edward Jordan, and some twenty-five other citizens of that place, participated in this pursuit, and are represented as having rendered valuable service.

VIII. April 28, 1856. Brevet Lieut. Colonel Edward J. Steptoe, 9th infantry, commanding companies A, E, F, and I, same regiment, and detachments of company E, 1st dragoons, and company L, 3d artillery, (in all two hundred men,) at the Cascades, Washington Territory, repulsed the Indians in their attack of that place. The troops landed under fire, routing and dispersing the enemy at every point, capturing a large number of their mules, and destroying all their property. Second Lieutenant Philip H. Sheridan, 4th infantry, is specially mentioned for his gallantry.

IX. On the 25th of May, 1856, Captain James Oakes, 2d cavalry, with a detachment of that regiment from Fort Mason, Texas, came upon a party of Indians upon the Concho, and killed one.

X. On the 1st of July, 1856, Brevet Major Earl Van Dorn, 2d cavalry, with his company, under the orders of Brevet Colonel Robert E. Lee, same regiment, during an expedition from the northern posts of Texas to the sources of the Colorado and Brazos rivers, after a long pursuit, surprised a party of Comanches, killed two, took one prisoner, and captured twelve animals and other property.

XI. August 26, 1856, Captain George H. Stewart, with his own company, K, 1st cavalry, and detachments from companies E and G, under First Lieutenant Frank Wheaton, of the same regiment, (forty-one men in all,) from Fort Kearny, pursued and came upon a body of from seventy to eighty Cheyenne Indians, who had attacked the mail party. The enemy, after an attack, characterized by the department commander as spirited and skilful, were completely routed, with a loss of ten dead on the field, and as many more wounded, and their horses, mules, saddles, arms, &c., captured.

The conduct of the officers, Captain G. H. Stewart, First Lieutenant F. Wheaton, and Second Lieutenant James B. McIntyre, 1st cavalry, and of all the non-commissioned officers and men engaged, is

characterized as highly meritorious and honorable to themselves and the service. The gallant captain expresses his obligations to Mr. Edward Dillor, of Fort Kearny, also to Mr. Alexander Steward, and to the Sioux, Red Leaf, and Standing Elk.

XII. September, 1856, a detachment of troops from Fort Clark, Texas, commanded by Captain James Oakes, 2d cavalry, and composed of Captain Charles C. Gilbert and eighteen men of company B, 1st infantry; Second Lieutenant Henry W. Closson and twelve men of company I, 1st artillery, and Second Lieutenant James B. Witherell and thirty men of company C, 2d cavalry, penetrated the country between Fort Clark and the mouth of the Pecos, western Texas, hitherto not visited by troops, and considered very difficult of access. The expedition was conducted with so much judgment and energy, that in the operations of the day three parties of Indians were surprised between the Rio Grande and the Pecos, near their junction. Four of the Indians killed, and four wounded. Their animals and other property taken or destroyed.

XIII. November 25, 1856, Captain William R. Bradfute, with a detachment of nineteen men of his company, G, 2d cavalry, from Fort Mason, Texas, after a march of eight days, came upon and surprised a party of Comanche Indians near the head of the main Concho, killing four, wounding several, taking one prisoner, and capturing six of their animals. In the conflict Private John Curtis was severely wounded.

XIV. November 30, 1856, a detachment composed of men of company G, 1st dragoons, and company C, mounted riflemen, (in all twenty,) commanded by Second Lieutenant Horace Randal, 1st dragoons, followed a party of fifty warriors of the Gila Apaches, and after a chase of three hundred, and, in one day, of eighty miles—going over mountains and plains of snow, the trail frequently obliterated, without water for three days and nights—overtook the enemy, and attacked and drove them from the position of their own selection, recovering all the captured animals. Loss not stated.

XV. December 21, 1856, a detachment of seventeen men of company C, 2d cavalry, from Fort Clark, Texas, commanded by Second Lieutenant James B. Witherell, 2d cavalry, and accompanied by Second Lieutenant W. Owens, 2d cavalry, and Second Lieutenant E. W. H. Read, 8th infantry, both of whom had volunteered for the occasion, after a march of three days in diligent search of the enemy, came upon a party of Indians posted in a dense *chaparral*, on the bank of the Rio Grande, charged upon and drove them into and across the river into Mexico, killing two, wounding several, and capturing most of their horses, arms, and other property.

XVI. December 22, 1856, Captain R. W. Johnson, with twenty-five men of company F, accompanied by Second Lieutenant A. P. Porter, all of the 2d cavalry, after a march of seven days from Camp Colorado, Texas, came upon a part of Saneco's band of Comanche Indians near the head of the main Concho, charged upon and drove them into the *chaparral*; dismounted and followed them in, killing three, wounding three, and capturing thirty-four horses and all their camp equipage. In this sharp conflict Bugler Campion and Private

Lamb were killed by arrow shots through the heart, and Sergeant Gardnier and Private McKim slightly wounded.

XVII. March 9, 1857, Brevet Captain Alfred Gibbs, mounted riflemen, commanding a detachment of sixteen men of company G, same regiment, from Fort Fillmore, New Mexico, pursued a party of Mimbres Apache Indians, and on the second day out overtook and attacked them with such vigor as to kill six dead upon the field, and mortally wounding the seventh. The animals stolen by the Indians were all recovered. In this sharp and entirely successful conflict Brevet Captain Gibbs received a severe wound in the body from a lance. His gallantry in this affair is, most justly, highly praised by his department commander.

XVIII. March 11, 1857, Second Lieutenant Lawrence S. Baker, mounted riflemen, with a small detachment from company B, same regiment, from Fort Thorn, New Mexico, after a hot pursuit continued through the night, came, at a place known as *Ojo del Muerto*, upon a party of Indians, supposed to be Mescalero Apaches, or Kioways, who had run off the animals of the United States surveying party, and succeeded in routing them, recapturing the stolen animals, as well as those belonging to the Indians, together with their other property. The exact loss of the Indians not known.

Lieutenant Baker's conduct in this affair has been commended by the department commander. His loss was, Private Patrick Sullivan, killed, and Private Bernard Dougherty, mortally wounded, (since dead,) Sergeant P. Duggan, Corporal John Brady, and Musician Thomas Reed, wounded.

XIX. April 4, 1857, First Lieutenant Walter H. Jenifer, 2d cavalry, with thirteen men of company B of that regiment, after a search of thirteen days, and a march of nearly three hundred miles, came upon a fresh trail of Indians near the head of the north fork of the Nueces river, Texas; and, as the trail lead into a rocky country, almost impracticable for cavalry, he dismounted, left his horses with a guard, and continued the pursuit with only seven men. After a tedious march of four miles, he suddenly came upon a camp occupied by from eighty to one hundred Indians. Approaching it, under cover, to within two hundred and fifty yards, and he and his little party being discovered, they were attacked by all the warriors in the camp, and threatened at the same time by a party returning to it with horses. He repulsed the Indians, with a loss to them of two killed and one wounded. It being then night, he withdrew his men, rejoined his horses, and returned to the attack the next day, but in the meanwhile the Indians dispersed.

For the last three days this detachment had no rations, having been out seventeen days.

XX. June 27, 1857. The southern column—commanded by Lieutenant Colonel Dixon S. Miles—of the Gila expedition under Colonel B. L. E. Bonneville, 3d infantry, composed of detachments from companies B, D, G, and K, 1st dragoons, B, G, and K, mounted riflemen, C, F, and K, 3d infantry, and B and I, 8th infantry, with a company of guides and spies, composed of Puebla Indians, and Captain Blas Lucero's Mexicans—in all some four hundred men—

after a march of twelve days from the dépôt on the Gila river, New Mexico, came upon a band of Coyotero and Mogollon Apaches, killed twenty-four; took twenty-seven prisoners; captured or destroyed all their property; and "rescued a Mexican boy from captivity." The following named officers and men were wounded, most of them slightly:

1st Dragoons.—Second Lieutenant Benjamin F. Davis; Corporal Anderson, (twice, once with an arrow and once with a bullet;) and Private Donnelly, company G.

3d Infantry.—Second Lieutenant Alexander E. Steen, Sergeant James Heron, company K, and Privates Johnson and McNamara, company C.

Very special mention is made, by all the superior commanders, of Captain Richard S. Ewell, 1st dragoons, to whom the credit is given of planning the action and breaking the enemy.

Colonel Bonneville gives "much credit" to Second Lieutenant A. McD. McCook, 2d infantry, for "the admirable manner in which he managed his Puebla Indians."

Great credit is also given by their commanders to the following named officers and men:

Medical Staff.—Assistant Surgeon John M. Haden.

1st Dragoons.—First Lieutenant I. N. Moore; Second Lieutenants Alfred B. Chapman and Benjamin F. Davis; Sergeant N. Pishon, company B; Corporal J. Anderson and Privates Donnelly and R. Walsh, company G; Lance Corporal W. Lambert and Private N. Brewer, of company D.

Mounted Riflemen.—Captain Thomas Claiborne, jr., and Second Lieutenant J. V. D. Dubois.

3d Infantry.—First Lieutenant William D. Whipple and Second Lieutenant A. E. Steen; Sergeant J. Heron and Private John S. Harper, company K; Privates Thomas McNamara, Thomas P. Morris, and John Brown, company C; Sergeants Dooling and Morrison, Corporal Maloney, Privates Giles, Moore, McCardle, Quinn, Woodsman, Weis, and Zinzinhoffer, company F.

8th Infantry.—Second Lieutenant Henry M. Lazelle; Corporals John O'Donnel and W. Robinson, company B; Sergeant C. Wolpent and Private McKay, company I.

XXI. July 20, 1857. A detachment of twenty-four men, of company G, 2d cavalry, commanded by Second Lieutenant John B. Hood, from Fort Mason, Texas, towards the close of the fourth day of a fatiguing march, came upon a body of fifty Comanche and Lipan Indians, near the head of Devil's river, (San Pedro,) and after a severe hand to hand conflict, forced them to retire with a loss of nine of their number (one a chief) killed and ten to twelve wounded.

Private Thomas Ryan, killed; Second Lieutenant John B. Hood, Privates John Davit, William W. Williams, Thomas E. Tirrel, and John J. Kane, wounded; Private William Barry, missing, supposed to have been mortally wounded.

XXII. July 24, 1857. The mail escort of one sergeant and six privates of the 8th infantry, commanded by Sergeant Schroeder, and a wood party of one sergeant and six privates of the 1st infantry,

commanded by Sergeant Libbey, having been attacked at a place known as the Ripples, about twenty-five miles from Fort Lancaster, on the road from that post to Fort Davis, Texas, by a body of from eighty to one hundred Indians, and Sergeant Schroeder killed; a detachment of forty men from the 1st infantry at Fort Lancaster, under Second Lieutenants A. M. Haskell and John P. Sherburne, joined to a detachment of forty men of the 8th infantry from Fort Davis, the whole under Second Lieutenant Edward L. Hartz, 8th infantry, was sent out against them. The commander placed his men in wagons, with the covers closely drawn, and marched under the guise of a provision train. The ruse was successful, and the party was attacked, about forty-five miles from Fort Lancaster, by a body of mounted Indians, supposed to be Muscalero Apaches, who were driven back with a loss of three of their number killed and wounded. The troops were unhurt. The conduct of the sergeants commanding the mail escort and the wood party is represented as perfectly correct, and it seems to have been gallant and judicious.

XXIII. July 29, 1857. Colonel E. V. Sumner, 1st cavalry, commanding expedition against the Cheyennes, with companies A, B, D, E, G, and H, of his regiment, and companies C, D, and G, 6th infantry, after a march with the former of more than a thousand miles, came upon a body of some three hundred Cheyenne warriors on Solomon's fork of the Kansas, in Kansas Territory, drawn up in battle array to oppose his march.

The Indians were all well mounted and well armed, many of them with rifles and revolvers. The troops advanced steadily upon them, they standing their ground till charged by the cavalry, when they broke in all directions. They were pursued seven miles with a loss of nine killed. Number wounded not known.

Colonel Sumner's loss was: Private Martin Lynch, of company A, and George Cade, company G, 1st cavalry, killed; First Lieutenant James E. B. Stuart, 1st cavalry, severely, though not dangerously, wounded; First Sergeant George C. McEowen, company D, Private Franz Piot, company B, and James M. Cooke, company G, dangerously; First Sergeant Henry B. Robinson, company H, Privates Francis F. Freer, company B, Rollin Taylor, company E, and Thomas Wilson, company D, severely; and Private Alexander Wilkey, company B, slightly wounded.

The troops, on the 31st of July, took the principal town of the Cheyennes, which had been abandoned, containing one hundred and seventy lodges and a large amount of their property.

XXIV. August, 1857. A detachment of the 2d cavalry, from Fort Clarke, Texas, commanded by Captain Charles J. Whiting, with Second Lieutenant James P. Major, same regiment, and Mr. Dunlap, a citizen volunteer, after a fatiguing and exhausting pursuit of five days, during which time they were twice, for thirty-six hours, without water for their horses, overtook a party of thirty or more Indians, supposed to be of the same party who attacked Second Lieutenant Hood. They were charged by the cavalry, cut off from their horses, and driven to take refuge in a wooded ravine, with a loss of

two killed and three wounded. Their horses, thirty-three in number, were captured.

Second Lieutenant James P. Major and Mr. Dunlap are both warmly commended by Captain Whiting.

XXV. September 28, 1857. A detachment of twelve privates from company I, 2d cavalry, commanded by Sergeant Charles M. Patrick, sent out from Fort McIntosh, Texas, after a search and pursuit of seven days, came upon a party of Indians at a place known as Santa Catarina; one Indian killed and five wounded; eleven of their animals captured. Owing to continued rains, the march was a very severe one, yet the detachment, whilst in pursuit, succeeded in making one hundred and sixty miles in two and a half days.

2. The foregoing list comprises but a few of the expeditions undertaken by the army within the period mentioned. Many of them, too, highly creditable alike to commanders and men, and marked, as well by the vigor, resources, and tenacity of purpose, with which they were prosecuted, as by the toils and sufferings with which they were attended. Nevertheless, no special mention of them is made, it being the intention herein to notice only those where actual conflict took place.

This rule, however, must have a marked exception—that of Brevet Major T. W. Sherman, 3d artillery, who, in August, 1857, marched, at short notice, with his battery, from Fort Snelling to the Indian agency at Yellow Medicine, Minnesota Territory, and, by his promptitude, judgment, and firmness, preserved the country from a war with the Mississippi tribes of the Sioux nation. In this connexion, Second Lieutenant William C. Spencer, 2d infantry, is commended for his gallant bearing on the occasion of his demanding, alone, the Indian murderer from the armed warriors of the tribe.

By command of Brevet Lieutenant General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

No. 5.

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE,
Washington, November 27, 1857.

SIR: Agreeably to your instructions, I have the honor to submit the following report:

The authorized strength of the army, as now posted, is 17,984. The actual strength on the 1st of July last was 15,764. The number of enlistments made during the year ending June 30, 1857, was 5,509. The number of persons offering to enlist, but who were refused on account of minority and unfitness for service, was 12,275. The number of casualties in the army by deaths, discharges, and desertions during the year ending June 30, 1857, was 5,729, of which 2,954 were from the last named cause.

The accompanying tables exhibit the general distribution of the army in the several military departments. The 10th infantry has been replaced in Minnesota by four companies of the 2d infantry from the upper Missouri, and two companies of artillery from the seaboard. Two companies of the 7th infantry have been transferred from Fort Smith, Arkansas, to Fort Laramie, on the Oregon route.

It was the intention of the department to relieve the 4th infantry on the Pacific coast by the 6th infantry, and orders were issued early in March last directing the 4th infantry to concentrate at Fort Walla-Walla, Washington Territory, and proceed from that point to Fort Benton, on the upper Missouri, and thence by water, to Fort Leavenworth, Arkansas, constructing the road upon its route provided for by the act of Congress of February 6, 1855. The companies of the 6th infantry then stationed at Forts Kearny and Laramie were ordered to proceed to the Pacific by the route through the South Pass, and the companies of that regiment serving in Kansas to follow the route indicated for the 4th infantry. But after a very careful examination of the subject, it was considered that before the troops would be ready for the march, and the necessary arrangements could be made for the construction of the road, the season would be too far advanced to execute successfully, during the present year, the movements contemplated, and it was with reluctance accordingly deferred.

The state of affairs in the Territory of Utah being such as in the opinion of the government to require the presence of a military force in that quarter, an expedition was organized in June last, consisting of the 2d dragoons, a battery of artillery, and the 5th and 10th regiments of infantry, and ordered to march to, and take up a position at or near Salt Lake City. Brevet Brigadier General W. S. Harney was originally named as the commander of this force, but it was subsequently deemed inadvisable to detach that officer from the special and highly important duties to which he had been assigned in Kansas, and the troops sent to Utah have been placed under the orders of Colonel A. S. Johnson, 2d cavalry. The instructions given the commanding officer of this expedition for his guidance accompany this report, and the statement of Captain S. Van Vliet, of the quartermaster's department, who was detached to Salt Lake City to obtain information as to the practicability of procuring military supplies at that point, is also annexed.

The Cheyenne Indians having committed numerous depredations upon the emigrants and other parties passing over the Oregon route, an expedition has been made into their country during the past summer by a body of troops under the command of Colonel E. V. Sumner, 1st cavalry, composed of a squadron of the 2d dragoons, three squadrons of the 1st cavalry, and three companies of the 6th infantry. On the 29th of July Colonel Sumner came suddenly upon a large body of the Cheyennes, drawn up in battle array; in the conflict which ensued nine Indians are reported killed, and many wounded. On our part two men were killed, and one officer and eight men wounded. Colonel Sumner's reports of this affair are herewith submitted.

A column, consisting of two squadrons of the 1st cavalry and two

companies of the 6th infantry, commanded by Lieutenant Colonel J. E. Johnson, 1st cavalry, has been employed under the act of Congress of July 8, 1856, in the survey and demarcation of the southern boundary of Kansas, and incidentally, in the preservation of the peace of the plains within the limits of its operations. This duty has been performed with great promptitude.

The unsettled state of affairs in Kansas during the past year has made it necessary to concentrate a large body of troops in that Territory for the preservation of the public peace. At the present time two companies of the 2d dragoons, the 1st cavalry, three batteries of light artillery, thirteen companies of foot artillery, and seven companies of the 6th infantry are serving in Kansas, under the immediate orders of Brevet Brigadier General W. S. Harney. Copies of the instructions issued to that officer, and of papers narrating the progress of events in the Territory, are appended.

The Indians in Texas have continued to commit depredations upon the exposed settlements, and upon the persons and property of travelers passing through that State. The scouting parties sent out from time to time from the military posts have, however, in several instances, inflicted summary punishment upon the offenders. Many Indians have been killed, and much stolen property has been recaptured.

In the department of the Pacific no hostilities of a serious nature have been reported. The troops are so posted as to afford adequate protection against our own Indians, but apprehensions are constantly felt by the inhabitants on Puget's Sound on account of the incursions of the British and Russian Indians. These Indians are very warlike in character, and move about the Sound with great rapidity in very large and well managed canoes, and can only be kept in subjection by the employment of an efficient war steamer upon the waters adjacent to their territory. This measure has been strongly recommended by the department commander and the general-in-chief.

Indian disturbances have been of occasional occurrence in the department of New Mexico, although in general of a less formidable aspect than heretofore. A campaign was made during the spring and summer against the Mogollon, Gila, and Coyotero Apaches, located west of the Rio Grande, in the progress of which an action took place on the 27th June, on the Gila river, between a part of the troops under the command of Colonel B. L. E. Bonneville, 3d infantry, and the Coyotero Indians, resulting in the complete discomfiture of the latter. Twenty warriors were left dead on the battle field. The details of this engagement will be found in the accompanying papers.

The exigencies of the service in Kansas and Utah compelled the department to withdraw the 4th artillery and the 5th infantry from Florida, at a time when the operations being prosecuted by these regiments appeared to give good promise of a speedy and successful termination of the campaign against the hostile Seminoles, in which they were engaged. The companies of the 1st artillery remaining in Florida, and the volunteers which, on the transfer of so large a portion of the regular force to other duties, it was found necessary to call into the service of the general government, have been actively em-

ployed during the past season. The hiding places resorted to by the Indians have been penetrated, and hostile parties have, in several instances, been so closely pressed by the troops as to barely escape capture.

Early in March last a small band of outlaws from the Yancton Sioux Indians, under a chief named Ink-pah-du-tah, attacked a settlement near Spirit Lake, Minnesota, destroying the houses and murdering several persons. The scene of these outrages is on the Iowa line, about one hundred miles west of south, direct from Fort Ridgely. Colonel Alexander, 10th infantry, the commanding officer of Fort Ridgely, on being informed of the outbreak, forthwith despatched a company of forty-eight men under Captain Bee, 10th infantry, to render assistance to the settlers, and, if possible, to overtake and chastise the Indians. The annexed extract from Captain Bee's report of April 9 gives a full account of the difficulties of his march through unbeaten snows, which prevented him from cutting off the hostile party, and also of the origin and extent of the depredations committed. It was feared that collisions would occur between parties of whites, who had armed themselves for defence against apprehended attacks, and the bands of friendly Indians who were pursuing their usual avocations of hunting and making sugar near the settlements. Orders were immediately issued from the department to the commanding officers of Forts Ridgely and Snelling to send out detachments to punish the murderers; and, in consequence of reports which were received that the large numbers of Indians assembled at the Sioux agencies for the payment of their annuities were in a state of excitement, threatening serious disturbances, four companies of artillery were hastened from the seaboard to Fort Snelling.

In compliance with instructions from the War Department, caused by apprehensions of Indian hostilities, Brevet Major G. W. Patten, with his company of the 2d infantry, on the 12th September, re-occupied Fort Ripley, on the Crow-Wing river, which post had been abandoned July 8. Major Patten's report, dated October 7, which is annexed, presents an account of the disturbances which led to the desertion of the missions at Leech and Gull lakes.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Hon. JOHN B. FLOYD,
Secretary of War.

A.—Organization of the regular army

	Major general.	Brigadier general.	Adjutant general.	Assistant adjutant general, (lieutenant colonel.)	Assistant adjutants general, (majors by brevet.)	Assistant adjutants general, (captains by brevet.)	Judge advocate.	Inspectors general.	Quartermaster general.	Assist. quartermasters general.	Dep. quartermasters general.	Quartermasters.	Assistant quartermasters.	Commissary general of subsistence.	Assistant commissary general of subsistence.	Commissaries of subsistence, (majors.)	Commissaries of subsistence, (captains.)	Surgeon general.	Surgeons.	Assistant surgeons.	Paymaster general.	Deputy paymasters general.	Paymasters.	
General officers.....	1	3																						
Aid-de-camp to general officers..						†8																		
Adjutant general's department...			1	1																				
Judge advocate's department....							†1																	
Inspector general's department..								2																
Quartermaster's department.....									1	2	2	4	†28											
Subsistence department.....														1	1	2	†8							
Medical department.....																		1	26	80				
Pay department.....																					1		2	25
Corps of engineers.....																								
Corps of topographical engineers.																								
Ordnance department.....																								
1st regiment of dragoons.....																								
2d regiment of dragoons.....																								
Aggregate of dragoons.....																								
1st regiment of cavalry.....																								
2d regiment of cavalry.....																								
Aggregate of cavalry.....																								
Regiment of mounted riflemen...																								
1st regiment of artillery.....																								
2d regiment of artillery.....																								
3d regiment of artillery.....																								
4th regiment of artillery.....																								
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7th regiment of infantry.....																								
8th regiment of infantry.....																								
9th regiment of infantry.....																								
10th regiment of infantry.....																								
Aggregate of infantry.....																								
Non-commissioned staff, unat- tached to regiments.....																								
Grand aggregate.....	1	3	1	1	4	†8	†1	2	1	2	2	4	†28	1	1	2	†8	1	26	80	1	2	25	

* The five aids-de-camp being taken from regiments, in the strength of which they are included, are, to avoid counting them *twice*, excluded from the columns "total commissioned" and "aggregate."

† One of the assistant adjutants general, (captains by brevet), *four* of the twenty-eight assistant quartermasters, and *one* of the eight commissaries of subsistence, (captains,) belonging also to regiments, and being included in their strength, are, to avoid counting them *twice*, excluded from the columns "total commissioned" and "aggregate" of their respective departments. As the regimental and staff commissions held by these officers are of *unequal* grade, they are not affected by the provisions of the 7th section of the act of June 18, 1846. The like remark is applicable to the *judge advocate* of the army, who is also a captain in the ordnance department.

‡ By the act of March 3, 1853, section 9, a lieutenant of engineers, topographical engineers and ordnance, having served "fourteen years continuous service as lieutenant," is entitled to promotion to the rank of captain; but such promotion is not to increase the whole number of officers in either of said corps beyond the number previously fixed by law.

§ Under the 4th section of the act of April 29, 1812, "making further provision for the corps of engineers," one brevet second lieutenant is allowed to every "company." The number authorized is consequently 199. The number attached to the army was 40, on the 1st of July, 1857, since when *nine* have become entitled to promotion.

|| The adjutants of artillery and infantry, (14,) and all the regimental quartermasters, (19,) being taken from the subalterns, and as such accounted for in their several regiments, are excluded, as regimental *staff* officers, from the columns "total commissioned" and "aggregate."

¶ By the act of June 17, 1850 "to increase the rank and file of the army," &c., the President is authorized, whenever the exigencies of the service require it, to increase to 74 the number of privates in any company 'serving at the several military posts on the western frontier, and at remote and distant stations.'" In the table

NORTHERN CHEYENNES, MONTANA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

WITH A REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS,
THE DRAFT OF A BILL RELATING TO NORTHERN CHEYENNES,
MONTANA.

FEBRUARY 4, 1902.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1902.

SIR: Referring to H. R. Doc. No. 153, Fifty-fifth Congress, third session, relative to the Northern Cheyennes, Tongue River Agency, Mont., I have the honor to transmit herewith a copy of a report of the 30th ultimo, from the Commissioner of Indian Affairs, and accompanying bill providing an appropriation for the purchase of heifers and bulls for these Indians, and for the construction of a wire fence around a portion of their reservation.

The necessity for this legislation is fully shown by the Commissioner's report, and I have the honor to request that the bill submitted be passed as a separate measure, or, if that is not practicable, that it be incorporated in one of the pending bills.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

JANUARY 30, 1902.

SIR: I have the honor to invite attention to H. R. Doc. No. 153, Fifty-fifth Congress, third session, containing the report of Inspector James McLaughlin, dated November 14, 1898, made in compliance with section 10 of the Indian appropriation act for the fiscal year 1899, which directed the Secretary of the Interior to send an inspector to the reservation of the Northern Cheyenne Indians in Montana to make a full, complete report upon the conditions existing upon said reservation. The section

prescribed that the inspector should effect, if feasible, the removal of the Northern Cheyennes; also report in detail upon the white settlers legally and illegally on the Northern Cheyenne Reservation, the value of the land occupied by them and the improvements thereon; also negotiate with those having valid titles for the sale of their holdings, and make recommendation as to the settlement of the claims of white settlers having equitable rights. The section further prescribes:

He shall investigate the subject of fencing in the said reservation, and shall indicate the lines such fence should follow and the estimated cost of same, and shall report upon the number of cattle and sheep which may safely be pastured within the limits recommended to be fenced. * * *

With regard to this particular part of his duties the inspector makes a very lucid report, from which the following quotations are taken as they appear in the document referred to:

Page 7.—With regard to agriculture and the cattle industry:

Agriculture that would be remunerative, with only a few narrow valleys within the entire tract of the proposed reservation, is out of the question in that broken and hilly country, and there is not the slightest possibility of the Northern Cheyenne Indians ever becoming self-supporting by following an agricultural life in that arid region; but as the country is so well adapted to stock raising the Indians, if given the required start by providing them with about 2,000 cows, can follow that pursuit with profit to themselves if properly directed, and would in a few years have marketable cattle to dispose of, which would be an incentive to all to increase their herds that they might profit by the sale of their matured animals, and they should in a few years, with proper direction and management, become successful stockgrowers, and have sufficient beef cattle to market annually to insure their self-support.

The Northern Cheyennes are of fine physique and willing to work when opportunity is afforded them, as instanced while I was at their agency. They delivered 250 tons of hay in three days and 250 cords of wood within a week. They are ready at all times to do work by which they can earn a little money, and numerous white settlers told me that they employed the Cheyenne Indians in their harvest fields in preference to white laborers, but apart from this work for the neighboring whites they have had very little opportunity in the past of procuring employment or providing for their wants in any way other than the cultivation of small garden patches, which, without irrigation in that arid region, seldom amount to anything, and having no cattle they are obliged to depend almost entirely upon the Government rations issued to them biweekly. They are very desirous to engage in stock raising, but do not own any stock other than ponies (of which they have about 4,000, which are almost valueless and of very little use to them), and having no means of purchasing cattle are therefore unable to do but little toward their own support. If 2,000 cows, or 2-year-old heifers, preferably native Western-range stock, were furnished them (heifers would be less expensive and equally good), 1,000 head to be furnished next spring and 1,000 the following year, with 40 graded bulls for each 1,000 cows, I am confident, from the past experience of these Indians and present desire to better their condition, they would make marked progress and within a few years prove themselves not to be so worthless and undeserving of assistance as they have been represented by persons unacquainted with their surroundings, who do not know how their progress has been retarded by conditions that have existed upon their reservation, and over which they had no control.

Page 13. With regard to the fence:

The northern and southern boundary lines should be surveyed and a substantial fence constructed along those boundaries as soon after the reservation is established as is possible. This, with the western boundary, which is the eastern line of the Crow Reservation, being already fenced, would leave only the eastern front along Tongue River open, and I do not deem it necessary to fence along Tongue River at present, but should it become necessary to have the eastern boundary inclosed a fence could be built there at some future time.

The northern boundary is about 35 miles in length in a direct course, but there being 3 miles of offsets in the line of the 40-mile limits of the Northern Pacific Railroad Company's grant, makes 38 miles of fence required for the northern boundary. The southern boundary is 24 miles in length, and it will require 3 miles additional to fence around Joseph T. Brown's and John T. Logan's claims, making 27 miles

required for the southern boundary, a total of 65 miles of fence required to inclose the northern and southern boundaries.

Good material for fence posts is plentiful on the reservation, and can be furnished by the Indians at 10 cents apiece, delivered. I estimate the cost of the fence as follows: 65 miles of 5-strand wire fence, with cedar or pitch-pine posts 8½ feet long, set 3 feet in the ground and 24 feet apart, with stays 5 feet long and averaging 2 inches wide, woven into wires 4 feet apart, alternating every second stay, at \$110 per mile.

Although not specifically directed to do so, the inspector also reports upon the agency buildings as follows:

The agency buildings are situated in a valley on the east of Lame Deer Creek, about 4 miles south of the northern boundary of the reservation, which is the southern 40-mile limit of the grant to the Northern Pacific Railroad Company, and the agency is as near central on an east and west line of the proposed reservation and with reference to the Indian settlements as from the nature of the country it could well be located, but I would recommend that a subissue station and a blacksmith shop be established on Tongue River about 20 miles southeast of the agency, for convenience of the Indians who reside in that district.

I would also recommend an appropriation of \$10,000 for buildings at the agency, to be expended in erection of new buildings and remodeling some of the old ones, the same being badly needed for properly conducting affairs at the agency.

Accompanying the inspector's report was a bill to carry out his recommendations, which will be found on page 146 of the document.

The bill established the boundaries of the Northern Cheyenne Indian Reservation in Montana, and provided—

For the payment of white settlers and to compensate Indians for vacating their locations on the east side of Tongue River.....	\$151,595.00
For the construction of 65 miles of wire fence.....	7,150.00
For purchase of 1,000 2-year-old native Western-range heifers, and 40 2-year-old Hereford or Durham bulls.....	28,200.00
For buildings at agency.....	10,000.00
For subissue station, farmer's residence, and blacksmith shop at Tongue River.....	3,055.00
Total.....	200,000.00

The inspector's report, with accompanying bill, was submitted to Congress by the Department on January 16, 1899, with recommendations for the ratification of the agreement in the report and passage of the bill.

In addition to his report contained in the document under consideration Inspector McLaughlin made two others with regard to the first item, February 3 and 16, 1900, which increased the amount necessary to pay the settlers to \$171,615.44. This amount was appropriated by the Indian appropriation act of May 31, 1900.

The remaining four items are so far unacted upon by Congress.

With regard to this I respectfully urge—

First. An appropriation of \$28,000 for the third item. In view of the report of Inspector McLaughlin and what has been said by others familiar with the situation, I am convinced that the only practical way of putting these Indians upon a self-supporting footing is to engage them in stock raising. At present they have no stock of their own. They are in a great degree supported from an appropriation which will be found annually in the Indian appropriation bill, which reads for the current year as it has for several years:

NORTHERN CHEYENNES AND ARAPAHOES.

For subsistence and civilization, as per agreement with the Sioux Indians, approved February 28, 1877, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana.....	\$90,000
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This appropriation is divided equitably for the support of the Northern Cheyennes at the Tongue River Agency, Mont., and the Shoshone Agency on the Wind River Reservation in Wyoming.

The expenditures for the Tongue River Indians out of this appropriation for the current year will be approximately \$62,000. Of this about \$56,000 is for subsistence.

It is with the idea of doing away with this annual appropriation in the near future that the purchase of stock cattle is urged. The Northern Cheyennes have no cattle other than about 4,000 ponies, which are valueless, nor have they any fund of their own.

Second. An appropriation of \$7,150 for the second item. While it would be possible for the Indians to care for their stock without this fence, yet it would be of very great advantage in that it would not only keep stock from straying, but, what is equally important, it would prevent neighboring stock from trespassing upon each other's reservation or depredating upon cultivated fields.

As to the agency buildings and the subissue station, I am not convinced that an appropriation therefor is necessary at the present time. The office has an appropriation for buildings and repair of buildings at agencies, and it is possible that it will be sufficient to do what is necessary in this direction at Tongue River.

Accompanying this is a draft of a bill to carry out the ideas here presented, which I earnestly recommend be presented to Congress and its passage urged as a separate measure. If that is not practicable, then it is suggested it be incorporated in the urgent deficiency bill, or failing that that it be included in the Indian appropriation act for 1903.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Be it enacted by the Senate and House of Representatives in Congress assembled: That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, viz.: For the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, twenty-eight thousand dollars; for the construction of wire fence around a portion of said reservation, seven thousand one hundred and fifty dollars; in all thirty-five thousand one hundred and fifty dollars: Provided, That the expenditure of this money shall be under the direction of the Secretary of the Interior, who shall purchase the cattle, regulate their distribution, and construct the fence, according to such rules and regulations as in his discretion he may deem best.